



لتظلّ الشعلة وهّاجةً - 保持火焰永不熄灭

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

Que no se apague la llama

17st plenary meeting, 23rd of June 1993

World Conference on Human Rights

Vienna, 14-25 June 1993

17th plenary meeting, 23rd June 1993

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

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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.

AL-SHARA, Farouk (President):

The 17th meeting of the plenary of the World Conference on Human Rights is called to order. The Conference will now resume its general debate.

I now give the floor to His Excellency Mr. Zonke Amos Khumalo, Minister for Justice of Swaziland. Excellency, you have now the floor.

KHUMALO, Zonke Amos (Swaziland):

Keywords: HUMAN RIGHTS PROTECTION - ADMINISTRATION OF JUSTICE - DEMOCRACY - DEVELOPMENT - DISCRIMINATION - WOMEN - HUMAN RIGHTS MONITORING

Thank you.

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

May I at the outset take this opportunity to congratulate you and your colleagues on your election to chair this important and historic Conference on so vital a subject concerning fundamental human rights, the dignity and worth of the human person, the equal rights of men and women and of nations big and small.

May I also thank and congratulate the Secretary-General of this Conference Ibrahima Fall for his tireless efforts in preparing such excellent documentation for the conference, especially the working paper that seems to so comprehensively cover the subject matter of the Conference and the issues raised at the regional preparatory meetings, which preceded this meeting.

Mr. President,

The Kingdom of Swaziland being a member of the United Nations subscribes to all the principles enunciated in the United Nations Charter including those relating to fundamental human rights.

We also believe that the principles enshrined in the Universal Declaration of Human Rights and the two international covenants on human rights, namely, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights now constitute the international standard on the subject of human rights for all peoples and nations and that, therefore, all states should as an obligation observe those principles.

Mr. President,

We also recognize that the promotion and protection of human rights are, indeed, vitally important to the maintenance of international peace and security and the fostering of friendly relations amongst nations premised on the principle of equal rights and the self-determination of peoples, the attainment of international cooperation in the solution of socio-economic, cultural and humanitarian problems and the harmonization and coordination of efforts by all countries in the attainment of these objectives.

We also support the idea that the United Nations system should whenever possible adopt a much more comprehensive strategy to include the human rights dimension in all its activities in order to enhance the promotion and protection of human rights. This, we believe, inevitably makes it imperative that the various organs and specialized agencies of the United Nations coordinate their activities in such a manner as to enable consistency and objective application of international human rights standards.

Mr. President,

We also recognize and believe that human rights are universal, indivisible and independent and that the validity and universality of civil, cultural, economic, political and social rights requires that all states recognize, protect, respect observe and promote such internationally recognized human rights standards notwithstanding their level of socio-economic and political development or their socio-political, economic or cultural systems. We believe too that the exercise of any human right should not be denied because the full enjoyment of other rights has not been achieved.

However, in this connection we believe that the proper administration of justice and the provision of an independent judiciary in full conformity with internationally accepted standards are crucial to the full realization of these rights and fundamentally important and, indeed, indispensable to the processes of democracy and development, which are themselves vital elements without which the concept of human rights as we understand it would have no meaning.

In order to enhance the proper administration of justice and the independence of the judiciary in an effort to promote, protect and ensure the observance of human rights, we would like to stress that it is vitally important that substantial investment in the establishment and strengthening of institutions and the training of officials concerned with the administration of justice is made by all governments and international organizations, and that those much more endowed should provide the necessary resources to those that are less endowed in order to enable the latter to achieve these noble objectives instead of always taking the position of armchair critics. The provision of technical assistance, training and advisory services to those less endowed could go a long way in helping in this regard.

Mr. President,

Because we believe that democracy is one of the essential ingredients or conditions for the full realization and enjoyment of all human rights and a principal condition for genuine and sustainable development, we are currently engaged in an election process in Swaziland that may eventually pave the way for a democracy based on the fully expressed will of the people and their full participation in the governance of their country.

Mr. President,

We also recognize and regard the right to development as inextricable to the whole concept of human rights and, indeed, as on its own an inalienable human right whose full enjoyment or realization should be fostered, protected and monitored at international, regional and national levels by the effective implementation of policies conducive to the achievement of equitable economic relations at national level and a favorable economic environment at the international level in order to ensure the rights of peoples to control their natural wealth and resources instead of fostering the present economic relations, which deny people this right and serve to unjustly enrich others at their expense.

We also believe, Mr. President, that the respect for human rights and fundamental freedoms for all human beings without distinction as to race, sex, language or religion is now a fundamental rule of international human rights law, and that, therefore, wherever these elements persist they should, indeed, be speedily totally eliminated including all elements of racism, racial discrimination, xenophobia and related intolerance wherever and whenever they appear or otherwise manifest themselves. We, henceforth, support the call for governments, individuals, groups, institutions, intergovernmental organizations and non-governmental organizations to intensify their efforts in ensuring the elimination of these evils against the human race. We, henceforth, reaffirm our support for the International Convention on the Elimination of All Forms of Racial Discrimination.

Mr. President,

We also believe that women have the same right as men in participating in the political, economic, social and cultural life at both national and international levels, and that they should not in any way either overtly or otherwise be discriminated against because of their sex. We, henceforth, reaffirm our support for the Convention on the Elimination of All Forms of Discrimination against Women.

Mr. President,

We also recognize that the implementation and promotion of human rights rests primarily with states, and we along with others urge that the monitoring by intergovernmental organizations and by non-governmental organizations and groups of compliance with international standards must be carried out in an objective, impartial and non-selective manner in order for such an exercise to have any credibility and ensure the desired objective. We do support the idea that the Commission on Human Rights, its subsidiary organs and the Treaty Bodies including specialized agencies such as ILO and UNESCO should strengthen the supervisory efforts in this regard. Other commissions like the one under the African Charter on Human and Peoples' Rights are also encouraged to augment the efforts of the United Nations in this regard by strengthening their own supervisory efforts under the Charter.

Mr. President,

We also support the call for the United Nations to develop much more preventive or corrective means to respond speedily or timeously to situations such as genocide, extrajudicial executions, indiscriminate killings, enforced or involuntary disappearances, torture, flagrant acts of racism and racial discrimination, slavery, armed attacks on civilians and blocking of humanitarian relief. The despicable situations in certain parts of Africa and a certain part of Europe with which the international community is grappling are typical examples of such situations though we are by no means ignoring the complexity of such situations.

We also recognize, Mr. President, that it is the duty of states in terms of the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights to ensure that education strengthens respect for human rights and fundamental freedoms as this, in the final analysis, will assure the furtherance of the activities of the United Nations in the maintenance of peace at both national and eventually at international levels.

In conclusion, Mr. President, we strongly support the principles enunciated in the working paper. We also in broad terms support the programme of action but we would like to see a much more specific or explicit reference to the following:

1. The provision of resources, technical assistance, advisory services or training to countries that need to promote and protect human rights in their territories by amongst other things enhancing their administration of justice systems, the independence of the judiciary and all the other institutions and agencies linked thereto.
2. The provision of much more practical means of ensuring equitable relations at national level and a favorable economic environment at the international level in order to enhance the right of people to control their natural wealth and resources if this is possible.

I thank you, Mr. President.

AL-SHARA, Farouk (President):

I thank His Excellency for his statement. I now give the floor to His Excellency Mr. Al-Habib Ben Yahia, Minister of Foreign Affairs of Tunisia. Excellency, you have the floor.

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

Keywords: HUMAN RIGHTS ADVANCEMENT - NON-GOVERNMENTAL ORGANIZATIONS - DEMOCRACY - DEVELOPMENT - TUNISIA - GOVERNMENT POLICY - HUMAN RIGHTS EDUCATION – DEVELOPING COUNTRIES - INTERNATIONAL COOPERATION

In the name of God, the Merciful, the Compassionate.

Mr. President,

I would like to bring our warmest congratulations to you on your election to the presidency of this Conference, and through you I would like to pay tribute to the people and government of Austria. We are linked to them by cordial relations.

Mr. President, ladies and gentlemen,

This Conference is being held at a time when we see considerable changes in the international relations. These began a few years ago and have given rise to new values based on peace, promotion of freedoms and human rights following the end of cold war and ideological conflict, which prevailed until recently and were the source of tensions throughout the world. Indeed, these developments have contributed on a large scale to the creation of a new situation consecrating the principles of the United Nations Charter and, thus, opening up new horizons of more hope for humanity in order to lay the basis for cordial relations amongst peoples.

In this framework, an international initiative has been taken to hold a world human rights conference preceded by preparatory meetings in the regions. Tunisia was the host of the first such meeting - the African preparatory meeting for human rights, where the African countries involved themselves in the human rights activities, informed each other of the progress and welcomed the promotion done in their countries. On this subject, Mr. President, I would like to say that Tunisia is ready to host conferences and institutions on human rights and to organize such events together with the United Nations Centre for Human Rights. In this way, we will be able to contribute to the United Nations activities in the field of human rights.

Mr. President,

The agenda of our Conference proves that the international community is firmly willing to promote human rights, to protect them in the various regions of the world as well as to study the manner in which they may be made effective and concrete. Thus, development is given to the dignity of a human beings and the contribution is made to the promotion of human rights in all nations. We must here affirm that the human rights, first and foremost, help to protect human dignity because the human being is the representative of God on earth. Here we see the developments of the civilization in the world and the heritage of the whole of humanity because human rights are cosmic values. There is no exception. Specificity, authenticity have found their consecration in reality.

To this end we must point out the progress made by the international community over half of our history, whether there has been the development of instruments, agreements and standards that are recognized at the world scale as well as the bodies that implement them. Here I would like to refer to the role played by the Human Rights Commission since its creation and the need to support this Commission in order to enhance its effectiveness. The regional organizations starting with the Organization of African Unity, the Arab League, the Islamic Conference continue to carry out work in this sphere, and we will call upon them to develop further instruments to supplement the work of the UN in these regions.

I should also like to refer to the role played by non-governmental organizations and their effective contribution in raising public awareness in the comprehension of human rights, freedom and tolerance and the support to those given by governments and international and regional institutions. This is a very noble task, which results in cooperation between these organizations and the states in the protection of human rights thanks to fruitful dialogue.

Mr. President,

Human rights form an indivisible whole whether with respect to the individual or the community, whether it be linked to the political, civil, economic or cultural level. That is why we consider that true democracy can only exist where there is development. Continuing sustainable development cannot be achieved without democracy; these are two supplementary missions.

Tunisia has tried to follow this trend by means of harmonizing the interests of the individual with those of the community because the individual has rights as the society. Otherwise, society is reduced to chaos by extremism and intolerance.

Tunisia wants to protect Islam against any attack aimed against this religion, and it has an international position in this respect.

Mr. President,

We are responsible for the success of the democracy as a developing country. Here, the responsibility is being held by the governments and peoples but the international community also has a historic role to play. Thus, we need to consolidate democracy by means of international cooperation, by making it possible for vulnerable groups to enjoy the economic, social and cultural rights and fundamental freedoms. This is why there is a joint responsibility for states, the community of nations, the international organizations, between the states and the individual and within society. We must support international agencies, enhance their credibility. These institutions should not make use of any other aims than those which are their own so that the international mechanisms should be utilized rightly and make it possible to successfully built the democracy in the developing countries.

The 7th of November 1987 is a historical date for Tunisia, on which began a new era for democracy, justice and human rights. Because the respect for human rights represents to us a true conviction and not merely empty slogans. We are proud of the present developments and progress in our legislation and the change in mentality and in day-to-day practices. This means that the individual in Tunisia has greater stability, justice and security.

Human rights do not stop with the mere promulgation of laws and legislation. We encourage a human rights culture in our schools and amongst employees and officials. We have begun an educational reform as we are aware that the human rights culture is the best way of changing the behavior. Since the changes which have taken place in Tunisia, we have tried to consolidate the national society and cultural values in order to have all individuals contributing into the public life so that humanitarian organizations, beginning with Amnesty International and the African conference on rights and development, can also contribute and play their role.

Bearing in mind the role of the family as well Tunisia provides to the families the necessary resources to enjoy their rights, play their role and fulfil their functions in an appropriate framework.

Since the independence in 1956, the women have obtained many rights in many areas. There is a new law relating to personal status so that women may play their own role in the development of society. We also try to ensure the equality of opportunity between men and women so that women should enjoy their rights, carry out their duties and carry out their role in the best possible manner in the society.

Mr. President,

The profound changes that have taken place in the world arena, which contribute to the promotion of human rights, peace and security, prove that the international community is firmly committed to playing an active role in the promotion of human rights in the member countries of the United Nations. But frankness and responsibility mean that we must draw the attention of the international community to the risk of resurgence, which may threaten human rights and freedoms particularly in the third world, because human rights remain a dead letter where peoples suffer from poverty and deprivation. For human rights have a political and civil aspect, on the one hand, and economic and social, on the other hand. Human rights values are deprived of sense where there is racial discrimination and all its forms, where there is a foreign occupation, violence and destruction and flagrant violations of human rights particularly in the occupied Arab territories.

Mr. President,

With respect for the point of view that says that human rights represent the essential rules for international relations, the very persons who refer to this view or theory must accelerate the advent of the new world order so as to assist the developing countries in enjoying the human rights. The advanced countries and international agencies have a very important role here so that countries of the third world should be able to overcome the economic and social problems particularly the problem of debt, which prevents these countries from developing and from building greater democracy and fundamental freedoms and human rights.

The whole world, Mr. President, is awaiting the results of our Conference, thus, it falls to us as the international community to face all the problems and difficulties that exist to reach unanimity in protecting the human rights and the dignity of human beings throughout the world. Thus, the Conference is called upon to invite the developed countries to work so as to bring about a new economic order, a new order in international trade, which should be characterized by justice so that developing countries may create a democratic society where law and human rights are truly protected.

Education and culture in human rights are safeguards for the future so that human rights should become an integral part of day-to-day behavior. This is why UNESCO and other international agencies must provide the material and human resources necessary for countries to be able to play that appropriate role in this sphere.

Mr. President,

This Conference began in an atmosphere of tension given the problems that we are facing particularly with respect to the drafting of the final document of the Conference. Today we see that the conference is

going along the right lines given the consensus that we have reached with respect to various problems. This success is the result of the goodwill and cooperation. Tunisia with other countries has contributed constructively to the drafting of the final document for we are aware that by means of dialogue we can attain the desired success.

Indeed, this Conference is a historical event. Individuals, peoples and societies are placing great hopes in our Conference. We have to reach the level of the hopes placed in us. We have to also make sure that the historical responsibility required from us meets the international hopes placed in us so that we may develop a plan that we may all put into practice together from the national and international points of view. In this way, we can establish international relations that are based on cooperation and solidarity for the benefit of individuals, their wellbeing and progress and humanity.

Thank you, Mr. President.

AL-SHARA, Farouk (President), spoke in Arabic:

I thank Mr. Ben Yahia for his statement.

[Spoke in English]

I now give the floor to His Excellency Mr. Prosper Mugiraneza, Minister for Civil Service of Rwanda. Excellency, you have the floor.

MUGIRANEZA, Prosper (Rwanda), spoke in French:

Keywords: RIGHT TO DEVELOPMENT- TECHNICAL ASSISTANCE - RWANDA -
GOVERNMENT POLICY - CIVIL WAR - FACT-FINDING

Mr. President,

It is a great pleasure for me and for the Rwandan delegation that I am heading to address this important World Conference to clearly express the position of the Rwandan government on respect for and promotion of human rights both nationally and internationally.

But allow me first to discharge a pleasant duty by joining the voice of the Rwandan delegation to the chorus of praise that welcomed your outstanding election to the presidency of this World Conference on Human Rights.

Our heartfelt congratulations also go to the other members who support you within the Bureau as well as to the United Nations Secretary-General Dr. Boutros Boutros-Ghali and to those who head the United Nations Centre for Human Rights and who have spared no effort to ensure that the present World Conference on Human Rights will produce satisfactory results for the whole international community.

Mr. President,

It is important first to stress the fact that like entire international community Rwanda welcomed with great joy the idea of convening the World Conference on Human Rights, which was expressed in General Assembly resolution 45/155 of the 18th of December 1990, which decided on the holding of this present World Conference and on its main objectives.

This World Conference is all the more needed as it is taking place twenty-five years after the International Conference on Human Rights held in Teheran, Iran, in 1968, assessed the progress made in the implementation of the Universal Declaration of Human Rights and laid the foundations for the implementation of future measures and mechanisms.

Like the whole international community, the Rwandan delegation expects from the present World Conference on Human Rights:

First, the assessment of the present human rights situation with a view of highlighting the achievements and failures recorded in the work of protecting and promoting human rights;

Secondly, the exhaustive identification of the obstacles that stand in the way of full respect for human rights so as to find the means of overcoming them;

Thirdly, the adoption of means to strengthen the effectiveness of implementation in particular by intervention in cases of serious situations;

Fourthly, the availability of the necessary resources to enable the United Nations to continue its activities in the human rights area.

It is in this context that the Rwandan delegation would particularly stress the fact that it is the duty of the World Conference on Human Rights once more to reaffirm the universality of human rights and the duty of all states to protect and promote them. It must also reaffirm the principle of the indivisibility of human rights because the Rwandan delegation is convinced that civil and political rights cannot be dissociated from economic, social and cultural rights. Human rights are equal, indivisible and interdependent.

Mr. President,

Rwandan delegation furthermore considers that the present World Conference will have to pay particular attention to the achievement of the right to development.

Allow me in this regard to quote the United Nations Secretary-General who, in his report on the work of the organization to the 46th and 47th sessions of the General Assembly stressed that “without development, long-term enjoyment of human rights and democracy will prove illusory,” and added:

We look to this Conference to reaffirm the need for the full implementation of economic, social and cultural rights, together with civil and political rights.¹

Thus, the international community has a duty to give effect to the commitment it undertook to eliminate poverty that is a major obstacle to any effort aimed at sustainable development and full achievement of human rights. To this end, the Rwandan delegation believes that all states must cooperate to create an international economic and political climate conducive to the realization of the right to development.

Mr. President,

Turning to the question of the United Nations plan of action for human rights that is to be adopted at the conclusion of our work, allow me to stress the fact that the Rwandan delegation expects it to include really specific actions instead of getting lost in theoretical considerations that would be difficult to translate into practice.

In this regard, we express the hope that special attention will be paid to the advisory services of the United Nations Centre for Human Rights because most developing countries, Rwanda among them, rely heavily on assistance as part of these services in order to be able to establish good administration of justice and to successfully complete the process of democratization they have embarked on.

Mr. President,

¹ Report of the Secretary-General on the work of the Organization, September 1992, A/47/1, para. 109.

I could not conclude my statement without saying a word on the situation prevailing in my country, Rwanda, in terms of respect for and promotion of human rights. It is first of all important to point out that Rwanda is a party to most international legal human rights instruments and that the Rwandan government has just embarked on a process of rapid ratification of the Convention against Torture and other international legal human rights instruments as well as to withdrawing its reservations to certain conventions in this field.

I should, however, draw attention to the fact that Rwanda, which has always made considerable efforts for respect and promotion of human rights, has for nearly three years now been suffering a distressing war situation. This tragic situation has led to human rights violations that the Rwandan government deplors and condemns.

Indeed, the condition of insecurity resulting from this war, the panic among our population and the divisions of all kinds that it has produced in the Rwandan society have led to human rights violations that even include a heavy loss of human life.

I must point out here that certain persons in our country have misunderstood the political pluralistic process confusing democracy with a rejection of authority and/or with political violence, which has also led to human rights violations.

With regard more specially to the war we are suffering, in addition to the fact that by itself it constitutes the most serious human rights violation, violation of the right to life, this war has created thousands of displaced persons who, with the violation of the ceasefire agreement of the 8th of February 1983 by the Rwandan Patriotic Front, have reached a million people. In other words, one Rwandan citizen out of seven is living in indescribable distress. We welcome, however, the latest agreements on the return of some of these displaced persons to their property. This agreement was concluded on 30 May 1993 between the Rwandan government and the Rwandan Patriotic Front with the assistance of Tanzania and the international community.

Among these war-displaced persons, women and children constitute the considerable and the most vulnerable group. I take this opportunity to express the most heartfelt thanks of the Rwanda government to all the countries and friendly organizations who have joined the efforts of the government and the people of Rwanda to bring aid to these people displaced by war, providing them with the elementary means of subsistence.

We also reiterate our thanks to the countries and friendly organizations that are assisting Rwanda in the peace talks with Rwandan Patriotic Front in Arusha because we are convinced that only the end to this war will really relieve the suffering of our people.

Mr. President,

It will be recalled that the Rwandan government had hoped that an international commission of inquiry would shed light on human rights violations committed to Rwanda during this devastating war. It is in that context that Rwandan government welcomed and facilitated the work of the International Commission of Inquiry that stayed in Rwanda from the 7th to the 21st January 1993. This was an independent team of international experts working in their personal capacity and which proposed to establish the facts and pinpoint responsibility with regard to human rights violations in Rwanda.

The Rwandan government has considered the report of this International Commission of Inquiry, which was made public in March 1993 and issued a statement on it signed on the 7th April 1993 jointly by the President of the Republic and the Prime Minister. In that statement the Rwandan government recognizes and regrets the human rights violations that had been committed in Rwanda including the massacres and various attacks on people and property. However, it stresses that it never commanded such human rights violations and commits itself to bringing all the persons concerned to justice including the

administrative authorities and the political authorities whose responsibility for these human rights violations had been established.

It is to be welcomed that the most of the measures announced in the statement by the Rwandan government aimed to improve the human rights situation in Rwanda have already been implemented. I take this opportunity to reaffirm that the Rwandan government will ensure respect for all its commitments as contained in this statement because Rwanda is determined to establish a real state of law.

We urge the Rwandan Patriotic Front and the international community to respond favorably and speedily to the recommendations addressed to them on this subject.

We make a particular appeal to the international community to provide increased assistance to the government of Rwanda to enable it to speedily establish a correct system of administration of justice guaranteeing the effective exercise of human rights.

The Rwanda government welcomes the results of the peace negotiations in Arusha, which will soon lead to a signing of the peace agreement so long awaited by the Rwandan people. We appeal to the international community to mobilize its assistance for the Rwandan government so that the said peace agreement can be implemented as quickly as possible.

The Rwandan government is convinced that the end of the war that was stirred up by the Patriotic Front of Rwanda will make it possible to improve the human rights situation in Rwanda in particular by implementing the provisions of the Protocol of Agreement on the State of Law signed on the 18th of August 1992 in Arusha in Tanzania and particularly by completing the process of democratization underway in Rwanda to a successful conclusion.

Looking forward to peace Rwanda relies heavily on the sustained support of the international community for the resettlement of those displaced by the war, to welcome refugees and to rebuild everything that has been destroyed by the war.

Mr. President,

It is on this note of hope that I conclude my statement wishing our work every success.

Thank you.

AL-SHARA, Farouk (President):

I thank His Excellency for his statement. I now give the floor to His Excellency Honorable Justice Damian Lubova, Attorney-General of the United Republic of Tanzania. Excellency, you have the floor.

LUBOVA, Damian (Tanzania):

Keywords: HUMAN RIGHTS VIOLATIONS - TREATIES - NON-GOVERNMENTAL ORGANIZATIONS -UN High Commissioner for Human Rights - CHILDREN -WOMEN - DEVELOPING COUNTRIES - RULE OF LAW

Mr. President, distinguished delegates, ladies and gentlemen,

At the outset, I would like to take this opportunity to congratulate you on your election as President of this august Conference on Human Rights. With your vast experience, ability and impeccable record there is no doubt that the Conference is poised for a great and successful ending. Secondly, on behalf of the Tanzania delegation, I would like to express our sincere and deep appreciation to the government and people of Austria; to you, Mr. President, and the members of the bureau for the excellent facilities

and arrangements made for the Conference. Our delegation Tanzania will for long cherish memories of the warm and unexcelled hospitality accorded to us since our arrival in this historic and beautiful city of Vienna.

Mr. President,

In the first place, Tanzania reaffirms the universality of human rights. Secondly, Tanzania resolutely believes in the indivisible nature of civil and political rights, which are indissolubly linked with economic, social and cultural rights. They dovetail and promote each other. In our view, full realization and enjoyment of human rights can only be meaningful when universal recognition, respect and promotion of human rights is attained.

Mr. President,

Civil and political rights cannot be exercised in a vacuum. They are intrinsically tied up with other rights. Economic, social and cultural rights exercised on a global basis do affect the quality of human rights in individual countries particularly the weaker ones. And so, to the millions of people in the world living under conditions of squalor, destitution, ignorance and abject poverty, the foremost freedom they require is the freedom from hunger, disease and ignorance.

Mr. President,

The gross inequities that characterize the present world economic and trade system favoring the rich at the expense of the poor have to be viewed as examples of violation of human rights. There cannot be meaningful progress towards achieving full human rights for all if within the international context the poor are subjected to the powerful economic and political constraint. In this light, my delegation holds the view that it would be illusory in the enforcement of human rights for all if the international action as regards human rights is invoked on the basis of standards that are selective. In this context, discussion on the new international economic order would bear no fruitful results in so far as the full realization of human rights is concerned.

Mr. President,

As abundantly pointed out by many of the distinguished delegates, it needs no further emphasis that the indissoluble links between respect for human rights, democracy and development is an indisputable fact. Economic and political power applied on a selective basis could, unfortunately, affect and perpetuate gross injustices in a number of countries particularly those in the third world most of which are not economically well off. In this context no wonder some practices of gross and open violations of human rights are condoned with impunity.

Mr. President,

To the children in Angola, the Gaza Strip and West Bank as it is to the millions suffering in various ways in Africa, Asia, The Middle East and Latin America their worst enemy is the use of double standards in international relations. What is happening in Bosnia, Somalia and Angola provides ample proof of the practice of double standards by those who wield power in the international community. While encouraging the warring parties to negotiate for a solution to the problem of Bosnia, these same powers have gone into Somalia and attacked one of the so-called warlords there, and have ordered that he should be captured. On the other hand, in Angola the Security Council remains silent, unable to do anything simply because Savimbi, the cause of violence, is the creation of the wielders of power.

Mr. President,

That this Conference in the course of its deliberations should reaffirm and underscore the importance of the right to development and the interdependence of the economic, social, cultural rights, civil and

political rights is obvious. In order for these rights to be pursued and realized it is important to have an atmosphere conducive to a social and humanitarian international order. This is because the enjoyment of human rights is inconceivable in circumstances where peace and security are non-existent or saddled with poverty.

Mr. President,

For that reason, no wonder that the founding fathers of the United Nations while primarily concerned with the challenge of saving the succeeding generations from the scourge of war felt it necessary to reaffirm in the second line of the preamble to the Charter faith in fundamental human rights, dignity and worth of the human person, equal rights of men and women and as well as of nations, large and small.

Mr. President,

The concern of the drafters of the Charter over respect for human rights was given further elaboration in 1948 in the Universal Declaration of Human Rights and in 1966 in the International Covenants on Civil and Political Rights and the one on Economic, Social and Cultural Rights.

These instruments demonstrate the strong commitment of the international community to the ideals of human rights and underline the recognition of the inherent dignity and worth of humanity together with the realization that the equal rights of the members of the human family are in the final analysis the foundation of international peace, justice and stability.

The instruments also represent a realization of the fact that the ideal of peace can only be achieved if conditions are created whereby everyone enjoys civil, economic, political, social and cultural rights.

Mr. President,

My delegation views the adoption by the General Assembly in 1975 of the Charter on the Economic Rights and Duties of States together with that of the United Nations Declaration on the Right to Development in 1986, both of which lay down principles under which all nations, large and small, may enjoy equal rights while at the same time respecting fundamental human rights as yet another expression of the desire of the international community to create a climate conducive to the full enjoyment of human rights.

Mr. President,

My delegation highly commends and pays tribute to the very valuable work and activities carried out by the various NGO groups in the field of human rights. In particular Tanzania wishes to put it on record with great appreciation the support received from the UNDP and UNICEF on various projects connected with human rights in Tanzania. It requires courage to work under some circumstances. We call upon all NGOs and civic groups to continue to put pressure upon their governments so that decency and principle replace might in the progress towards human rights for all.

Mr. President,

I now turn to the proposal contained in document A/CONF.157/PC/62 Add.1, a proposal that has been commented upon by the previous speakers who spoke before me, one speaker after the other, that is the creation of a new post of special or High Commissioner for Human Rights within the UN system. The proposal has generated a lot of interest in this Conference.

Mr. President,

According to this proposal, the responsibilities of this office would include the coordination and facilitation of activities related to the promotion and protection of human rights within the United Nations and in specialized agencies. It would also be the responsibility of this office to bring to the

attention of the Security Council serious violations of human rights when these threaten international peace and security; dispatching special envoys on fact-finding missions and undertaking other initiatives to promote human rights.

From the interventions of various delegations, it is clear that the proposal for the appointment of the Commissioner for Human Rights is supported by some delegations while other delegations have expressed reservation. My delegation falls under the latter category of delegations on this issue.

Mr. President,

Tanzania would like the proposal to be given more thought before its adoption in its present form. It is important that the proposal is closely scrutinized in order to ensure that the machinery to be established is not only workable but would also facilitate and further the promotion of the cause of human rights. It should not in itself be a hinderance to this noble cause. In this direction a number of issues need to be addressed. For instance, as highly pointed out by several speakers, part of the problem connected with human rights and their observance is the lack of education and awareness on the part of the victims of violation, on the one hand, and lack of credibility or political will on the part of those charged with their enforcement. It is not so much due to the lack of laws or covenants or even the standards, which can be invoked in observing human rights.

Mr. President,

The laws may well exist in abundance, but they are disregarded either willfully or through ignorance. In these circumstances, it is imperative that general education should be intensified from this perspective, then the function of coordinating and facilitating the activities related to the promotion and protection of human rights would be highly desirable.

However, the proposal transcends beyond the limits of coordination. According to the proposal it invokes the authority to bring to the attention of the Security Council serious violations of human rights. In this way, the office begins to assume the worrying character of a super policeman armed with punitive powers. We need to think very carefully about such a role. My delegation believes that the authority for the Special Commissioner to report situations threatening international peace and security is far reaching because in the final analysis its implementation would involve the amendment of the UN Charter particularly Article 99 which gives power to the Secretary-General to bring to the attention of the Security Council of any threats to the international peace and security.

Mr. President,

It is a well-known fact that the Security Council is the principal organ of the United Nations charged with the responsibility of maintaining international peace and security. As such it concerns itself with civil and political rights and not with economic, social and cultural rights, which fall under the purview of the ECOSOC as spelled out under the Charter. In this regard, it is an open secret that some members of the Security Council who command considerable influence have not ratified the Covenant on Economic, Social and Cultural Rights. For this reason, Mr. President, it is difficult to avoid the risk of placing ourselves in the unenviable position where, if we are to accept this proposal, we would be subjected to the practice of double standards for which those who dominate the Security Council are so well known for.

Mr. President,

Consequently, it is the view of my delegation Tanzania that on the proposal to establish the office of Special Commissioner has far reaching repercussions, therefore, more time is required for the matter to be studied carefully. In doing so we would be able to avoid duplication and overlapping in functions and powers between the Special Commissioner and existing United Nations authorities and agencies. For instance, we would be in a position to consider the relationship between this office and the General

Assembly and the Economic and Social Council, on one hand, and the United Nations Centre for Human Rights based in Geneva, on the other. Finally, the yardstick for investigation by the Special Commissioner would also be considered in depth. We need more time. The matter should not be rushed.

Mr. President,

Finally in regard to the rights of the children and women, I am happy to notify this august Conference that my country Tanzania has ratified the Convention on the Rights of the Child. As for women, the Constitution of Tanzania gives women equal rights as those enjoyed by men. With national legislations on women and children in place and even with relevant international covenants ratified there still remains the question of necessary financial resources for the successful implementation of the set goals. For this, it is important that both the international community and the respective nations of the world work together, assist each other for the fulfillment of the national objectives and plans. As we get set for the Fourth World Conference on Women in Beijing in 1995, it is the sincere hope of my delegation that a lot more effort would be made in this direction after the conclusion of this Conference in Vienna.

Finally but not least, Mr. President, I would like to make a brief mention about the rule of law in relation to human rights in developing countries. As reiterated in the Nairobi Declaration, a regional meeting that preceded the Tunis African Regional meeting, most African countries are faced with financial and other problems of capacity. Tanzania is not exception to this, Mr. President. Complaint of delayed cases are rampant; prisons are congested and facilities in the judicial machinery are poor. In this direction, Tanzania would highly commend the international community to continue rendering the necessary financial and material assistance to the poor developing countries in order for them to build the necessary capacity in expediting the administration of justice.

Mr. Presidents,

In that way, then the old adage of "justice delayed is justice denied" would be sustained in readiness for the 21th century for which the success of this Conference would lay the ground.

Mr. President, I thank you.

AL-SHARA, Farouk (President):

I thank His Excellency for his statement. I now give the floor to His Excellency Mr. Joseph Guhanika Ganywamulume, Minister of Justice of Zaire. Excellency, you have the floor.

GUHANIKA GANYWAMULUME, Joseph (Zaire), spoke in French:

Keywords: TREATIES - HUMAN RIGHTS ADVANCEMENT - DEMOCRACY - ZAIRE - GOVERNMENT POLICY - HUMAN RIGHTS ADVANCEMENT - UN High Commissioner for Human Rights - NORTH-SOUTH RELATIONS

Your Excellency Mr. President, Your Excellencies Ministers and Heads of Delegations, distinguished delegates, ladies and gentlemen,

It is for me a tremendous honor and great privilege to speak at this rostrum.

Mr. President,

First and foremost, I should like to carry out a pleasant duty, that of congratulating you on your brilliant elections to the presidency of this Conference.

Your intellectual and moral qualities combined with your long experience presents a major element in the success of our work.

Rest assured, Mr. President, of the full availability and frank collaboration of my delegation throughout your mandate, and I hope that this will be a fruitful one.

I should like to take this opportunity to thank His Excellency, the Secretary-General of the United Nations, for the courage and dynamism, which he has shown by means of the remarkable efforts that he continues to deploy in the promotion and protection of human rights throughout the world.

I should also like to thank the government and people of Austria for the warm and cordial reception extended to me and the delegation that accompanies me.

Mr. President,

The presence at this Conference of many delegations from all parts of the world testifies, if need be, of the international community's commitment to the universal values of human rights and fundamental freedoms.

But in the face of massive and repeated violations of these rights, the public opinion often and quite rightly asks what the international community has done in the sphere of human rights.

Of the most remarkable successes of the United Nations was the entry into force in 1976 of legally binding international agreements for the protection and promotion of human rights. These include in particular the Covenant on Economic, Social and Cultural Rights as well as the Covenant on Civil and Political Rights and the accompanying Optional Protocol thereto.

These two covenants are generally taken to be important elements of the efforts undertaken at the international level in the promotion of the universal respect and observation of human rights and fundamental freedoms.

The United Nations has also made it possible to incorporate the provisions of international treaties into national law, thus, providing millions of people with a legal basis on which to claim respect for their rights.

However, we are forced to note that all of the efforts accomplished by the international community in the sphere of human rights have proved to be insufficient. Almost everywhere in the world we see massive and repeated violations of human rights endangering the international peace and security.

Amongst the principal obstacles to the respect of human rights, which have to be removed, are the lack of democracy and freedom, the weight of external indebtedness, intolerance and all its forms, racism, apartheid, colonialism, widespread violence, non-ratification of international treaties on human rights as well as xenophobia and ethnic cleansing.

Mr. President,

In spite of the existence of an arsenal of international instruments on human rights, obstacles persist, and it is vital to take corrective measures in order to overcome them.

These are the main of such measures:

- create a state of law by establishing democracy, which is an essential condition for the enjoyment of all human rights and for the authentic and lasting development;
- ensure a proper administration of justice and the independence of the judiciary authority in order to ensure the effective exercise of human rights;
- rapidly and totally eliminate all forms of racism, racial discrimination, xenophobia and intolerance;

- promote equal rights between men and women by ensuring participation of women in the life of a nation on equal terms with the men and by bringing to an end all forms of discrimination based on gender;
- invite states to ratify all basic human rights instruments with a view to their incorporation into national legislation;
- guarantee the human rights and fundamental freedoms of vulnerable groups such as national minorities, migrant workers, people with disabilities, indigenous populations, refugees and displaced persons;
- promote education, teaching of human rights and their dissemination through the media;
- reaffirm that the right to development is a universal and inalienable right which is an integral part of the fundamental human rights.

These measures without being exhaustive contribute, however little, to the implementation of human rights, the principal obstacles to which we have just mentioned.

Mr. President,

The United Nations in selecting the topic of human rights, democracy and development have recognized the close relationship that exists amongst these three concepts, which remain indivisible and independent.

Indeed, the democracy is the vital precondition for the enjoyment of all human rights, on the one hand, and for development, on the other. There can be no development if the individual does not enjoy his rights and freedoms.

Human rights can only find their full expression in a democratic system and the ideal for this is the ensuring of freedom of expression, freedom of association, right to work, to peace, to security and to development.

Africa is engaged on the path to democracy. This makes it possible to envisage happy prospects for the respect of human rights and consequently for the development of the African continent..

In order to achieve the democratic ideal, the international community is invited to provide financial assistance to the developing countries in order to help them to consolidate their young democracies and to reduce the gap separating the North and the South in the field of human rights.

After this overview, my delegation would now like to come to the human rights situation in Zaire.

As soon as it gained independence on the 30th of June 1960, Zaire, formerly Congo, has become a full member of the United Nations, whose one of the main objectives is the protection of human rights.

Since 1967, all the constitutions in my country have proclaimed the adhesion of Zaire to the Universal Declaration of Human Rights and the African Charter of Human and Peoples' Rights. The current law number 93-001 of the 2nd April 1993 on the harmonized constitutional law relating to the transitional period enshrines in its article 33 the state's obligations to ensure the dissemination and teaching of the Universal Declaration of Human Rights and of the Charter of Human and Peoples' Rights as well as fully ratified the international human rights instruments. The same article calls for the state to integrate the human rights in all training programmes in schools, the armed forces and the security services.

In addition to the aforementioned constitutional law, there is also a large number of specific codes and legislation ensuring the protection of human rights in Zaire in all areas.

Mr. President,

Zaire has not merely contented to provide an abundant human rights legislation as a way of having a clear conscience. It has also set up Department of Citizens' Human Rights and Freedoms whose administration continues to this day to protect and promote the rights of the citizens throughout the national territory.

This is not all. On the 1st of November 1976, Zaire ratified the two International Covenants, one with respect to the economic, social and cultural rights and the other on civil and political rights as well as the Optional Protocol relating to the second Covenant, something that only a few states have accomplished so far.

In adhering to these international conventions, all Member States of the United Nations are obliged to present annually a comprehensive report on the status of human rights in their respective countries. Through the Department of Citizens' Human Rights and Freedoms, Zaire, on the 4th February 1987, presented to the United Nations a consolidated report that covered the period from 1978 to 1983, thus, catching up the delay we had had in submitting reports to the United Nations.

Such efforts in the field of human rights bear sufficient witness to the fact that Zaire erected on its territory, particularly since 24 April 1990, a state of law concerned with the protection of human rights thanks to the cooperation of free nations and put the human being in the focus of its concerns.

But, as it is the case everywhere else, if attacks are made against rights and freedoms, these are not part of the system of government but on the contrary, it is the government that is affected.

Notwithstanding these efforts and the arsenal of laws protecting human rights, today, as yesterday, the voices are still being heard questioning the effectiveness of the enjoyment of human rights in my country, Zaire. In this regard, no state can say that it is completely blameless because of the very complexity of human rights. However, the Republic of Zaire would like to inform distinguished delegates that in the prisons of Zaire there are no individuals detained because of the opinions they hold. Those who were being investigated and involved in pretrial proceedings are there because they have committed common law offences as foreseen under the penal code, and they are kept in the same prisons as other offenders. There is no specific procedure applied to them nor any special court to try them.

The presence of the delegation of Zaire here at this meeting, is it not the pledge, at least the demonstration, of the fact that Zaire is committed to international cooperation in the field of human rights and, thus, to the respect international instruments in this area.

It is from this point of view that the delegation of Zaire would like to express its opinion on certain topical matters of interest to the work of the World Conference on Human Rights.

With respect to the administration of justice.

In Zaire, it is the judicial authority whose mission is to give the law. In spite of the existence of certain obsolete and outdated texts dated from the colonial times and the Judicial Council, the law relating to the harmonized constitutional law related to the transitional period ensures the independence of the judiciary and declares that justice is rendered throughout the territory of the Republic in the name of the people and the High Council of the Magistrate has seen its powers extended.

On the status of women.

In Zaire, women are integrated into all sectors of national life. No discrimination is carried out from the point of view of salary. Having voting rights since 1967, women enjoy all civil and political rights laid down in the Covenant and if these rights are violated, they have the same recourse as men do.

On the rights of the child.

The Republic of Zaire, which has already ratified by the Convention on the Rights of the Child, since the 22nd of August 1990 is working to integrate the main provisions into its legislation in accordance with the relevant recommendations of the Sovereign National Conference.

On the subject of racism, apartheid, xenophobia and minorities.

Zaire, whose constitution proclaims the equality of all citizens without discrimination based on religion, race or ethnicity does not admit the existence of minorities. It condemns all forms of racism, racial discrimination, xenophobia and intolerance and launches an appeal to the international community to continue to exert pressure on countries where racism still exists until the system of apartheid accused of crimes against humanity is totally eliminated.

On the right to democracy.

With the wind of democracy which has swept the world, Zaire, once a one-party country, has entered since the historical date of 24 April 1990 the era of political multi-party system initiated by the President of the Republic. Today we have more than 300 approved political parties and no less than about ten trade unions, the number of newspapers has also increased. This is a clear sign that the right to freedom of expression and associations are guaranteed in Zaire, as evidenced by these political organizations and trade unions. In the near future, the government of the broad National Union and Public Welfare will organize in Zaire, in accordance with the electoral calendar, free and transparent elections in order to create truly democratic institutions for the advent of the 3rd republic.

In the economic sector.

It is important to mention the decree of the 27th February 1887 relating to commercial companies, which is still in force. This decree materializes the freedom of citizens in the field of trade and commerce industry and lays down the precise rules for association, responsibility and profit sharing.

On the subject of the creation of a High Commissioner with the task of ensuring the respect of human rights, Zaire does not see this as a major obstacle. However, the competence of this important United Nations organ will have to take into account the equality and the sovereignty of states and its relations with the Member States will have to be covered in the framework of United Nations Conventions, in particular that of the Vienna Convention that would prevent interference in internal affairs of the states.

In this area of protection, my country at the Sovereign National Conference decided to create an official structure with the task of ensuring and safeguarding fundamental human rights and this structure will be known as The Mediator. His task will be, *inter alia*, to act between the citizen and the administration or between the legal system and the accused person in the case of human rights violations, to intervene between the citizens in order to protect the weakest against the strong or the poor against the richer or stronger, to run a dissemination centre on human rights information. A similar structure, I was told, also exist in Austria, our host country, since 1977 and functions harmoniously in the framework of the state laws and regulations.

If every country was to make such an effort, the office of the High Commissioner for Human Rights should then be a body for cooperation and for the centralization of all data on human rights from the point of view of the law and protection of infant democracies.

Mr. President,

My country fully subscribes to the vision of human rights as imagined and drawn up by the Teheran Conference in that it highlights indivisibility and interdependence of human rights, it also believes that democracy development and the respect of human rights are interdependent and mutually complimentary. If the entire international community understood the scope to be given to human rights in this way, hegemony would give way to cooperation. But now what do we see in Zaire? Apart from

the attacks relating to human rights violations, which are often badly defined, the international community takes little or no interest in encouraging infant democracies, in promoting development activity in the parts of the world that today lag behind in technology and industry. And we raised the question, we would like to know when, at what time in history will the North and the South speak the same human rights language if one is going to carry on becoming ever richer, and the other, though the producer of wealth, will become increasingly poor. This imbalance, we think in Zaire, is a risk that the international community will run of seeing the former dictate their view of the world to the second and, thus, falling back into a bygone colonialism, because the poor will violate human rights which he will not perceive in the same way as the rich man does. As consequence, Zaire believes that the Conference will achieve the desired result if it directs the rich countries towards flexible assistance to the poor countries so as to accelerate their development; and that the same countries should support the emergence of democracies throughout the world while respecting the sovereignty and specificities of each peoples.

This is the contribution of my delegation to this meeting with respect to the progress accomplished in human rights in Zaire, a country that is freely adhered to international human rights instruments and still freely continues to proclaim and protect them in its constitution and its laws.

Mr. President,

In conclusion, we would like to recall that the question of human rights has ceased being a subsidiary topic in the international debate to become a dominant concern of the international community.

The human rights situation throughout the world is not brilliant in spite of the existence of numerous international instruments relating to the protection of fundamental human rights and individual freedoms.

This is why the international community as a whole should contribute to help the promotion of human rights as set out in the International Covenants on human rights.

Thank you, Sir.

AL-SHARA, Farouk (President):

I thank His Excellency for his statement. Now I give the floor to Her Excellency Mrs. Yvette Sam, Head of the Delegation of the Republic of Vanuatu to the World Conference on Human Rights. Excellency, you have the floor.

SAM, Yvette (Vanuatu), spoke in French:

Keywords: VANUATU - POPULATION DYNAMICS - DEVELOPMENT - REGIONAL COOPERATION - HUMAN RIGHTS MONITORING - UN High Commissioner for Human Rights

Mr. President, Mr. Secretary-General of the United Nations, distinguished Ministers and Heads of Delegations, distinguished delegates,

First of all, allow me on behalf of my delegation to congratulate His Excellency Mr. Alois Mock on his election to the presidency of the second World Conference on Human Rights. My delegation would like to join the speakers who preceded it in assuring you our support.

I would like to take this opportunity to express on behalf of my delegation and the government of Vanuatu sincere thanks for the warm reception and the special hospitality shown by the governments and people of Austria in this beautiful capital city of Vienna.

My delegation would also like to note the efforts that have been carried out by the United Nations Secretariat and its staff for the success of this Conference and, in this respect, we would like to thank the Secretary-General Mr. Boutros Boutros-Ghali for his particular contribution.

Mr. President,

Since the first Conference on Human Rights held in Teheran in 1968, some progress has been made with the unequivocal contribution of the United Nations. Indeed, Vanuatu attained its independence in 1979 to join the community of free nations of the world, and we are happy to participate for the first time in this human rights Conference.

The Republic of Vanuatu for its part is aware that only democracy – the guarantor of human rights - can ensure political, economic and social stability. During the first ten years of independence, the Republic of Vanuatu has endeavored to introduce basic provisions, which can guarantee or give sense to democracy, and this has been done with the technical support of the international community and most specifically that of France, the United Kingdom, Australia and New Zealand, to whom we pay tribute here.

My country has adopted the Declaration of Human Rights in its constitution as soon as it gained its independence. Elections are democratic and based on a multi-party system. Traditional and religious councils, women's and youth councils are given consultative powers on the adoption of all draft laws. The judiciary power is carried out independently of the executive power.

As far as women and children are concerned, our texts absolutely condemn all forms of violence perpetrated against women. They are endowed with same political and civil rights to hold the same place as men do in the world of labor. Moreover, my country is amongst those who have ratified the text of the Convention on the Rights of the Child. However, it has to be noted here that through legal ignorance, they do not always have recourse to the appropriate institutions to assert their rights.

Mr. President,

In thus describing the situation in my country, one might perhaps believe that everything is going very well. But we also have our problems. I would like to tell you of an essential concern of my government. Our population is growing at such a speech that we are already beginning to be short of places in our schools to provide education to all of our children. Our hospitals do not have enough beds to accommodate all of the patients. Our towns are filling up leading to new societal problems, and our country have to prepare to deal with them. The efforts of the authorities at the present might perhaps stabilize things for two or three years. But what are we going to do in ten years? What are we going to offer to our future graduates? What kind of jobs are we going to give them?

It is in these times of uncertain feelings that we recognize that democracy is a luxury that only those who can afford it can have it. Mr. President, the right to democracy is directly linked to the right to development and my country subscribes to the Bangkok Declaration on this precise point. My country joins those who have already spoken here in appealing to the international community to promote international cooperation so as to achieve the lasting progress and the implementation of the right to development. For Vanuatu, this implies development policies at the level of the Pacific region and at the international level, the economic relations that are equitable and not one-sided and an economically favorable environment. It is unfortunate for small countries like ours to watch large countries share and regulate world markets among themselves without considering our international trade needs.

Mr. President,

My country recognizes that human rights are universal, indivisible and interdependent and affirms that regional and national specificities should only contribute to the strengthening of the universality of these rights.

In this precise context, I would like to draw the attention of the international community to two precise matters.

Vanuatu is located in the South Pacific, and, therefore, is classified in the Asia-Pacific region. The work of the regional preparatory meetings is very important because they make it possible for the region to identify a consensus position amongst member countries on the basic documents resulting from the work of the Preparatory Committee of the World Human Rights Conference. It is not a national matter to call into question the actual regional classification or grouping, but for the sake of the better presentation and without condemning anything, my country would aspire to a reconsideration of this grouping so that suggestions, resolutions and recommendations of small countries or small islands like ours are should not be minimized, interpreted or forgotten. We already have a regional structure, which is the South Pacific Forum, perhaps also known to some as [SOPAC], which meets regularly. Establishment of mechanisms and national regional human rights bodies could be done without difficulties.

On the other hand, Mr. President, in the South Pacific region we are a minority of a few French-speaking countries and territories, which participate actively in all of the economic, social and cultural aspects of life for the progress and development in the region. My country would like to appeal to the international community and more specifically to the international and regional institutions, which govern this region, to recognize the linguistic rights of these nations.

In the context of the rights of the indigenous populations, my country would like to thank the United Nations for having declared 1993 as the Year for the Indigenous Peoples.

Mr. President,

Much work remains to be done as the world is increasingly confronted with dramatic and uncontrollable situations. I would like to recall that we are here also to represent all these children, all these women and men who are not here with us. I want to refer to the situation of those who are living in daily terror. Whether in Bosnia and Herzegovina, whether in Somalia or anywhere else in the world, in Asia, Africa, Europe or the Pacific, well hidden from the eyes of the world. Can this Conference meet their expectations? We all know what they expect from our meeting! A little love and compassion, a little human dignity, a little recognition or understanding, a little consolation. Would this Conference be in a position to give them a little hope and even before it may be too late for some of them? These, Mr. President, are the questions to which my delegation would like to receive answers from the Conference.

For Vanuatu, the United Nations must be more credible than ever. Actions have to be adapted to each situation and nobody should be forgotten in the process. These are long-term activities that remain to be planned but also there are numerous problems that deserve the attention and immediate action on the part of the international community. And here, Mr. President, I would like to add that justice is a debt that the international community, all of us, owes to these vulnerable groups, to these minority groups, victims of daily atrocities.

This is why, Mr. President, my country, would like to contribute to the resolutions of this Conference by making the following recommendations:

The Conference must recommend to the General Assembly the granting of additional funds as necessary to the Centre for Human Rights so that it may respond to the growing number of tasks entrusted to it;

The proposal for the creation of a post of High Commissioner for Human Rights is supported by my delegation. We must note here that the functions of this post should be subject of an in-depth study;

The international community must encourage and assist countries in adopting their texts at the national level and the states must launch and support universal and cultural education in relation to human rights with the technical assistance of the United Nations;

The international community should encourage the codification and establishments of mechanisms of regional and national human rights institutions with the technical assistance of the United Nations.

Also, my delegation would be happy to adopt by consensus all of the resolutions that will emerge from this Conference aimed at improving and promoting the application of human rights in the full sense of this term throughout the world.

Thank you, Mr. President.

[Change of President]

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank Her Excellency Mrs. Ivytte Sam of Vanuatu for her statement. Now I call on His Excellency Mr. José María Gamio, Secretary for Foreign Affairs of Uruguay. Excellency, you have the floor.

GAMIO, José María (Uruguay), spoke in Spanish:

Keywords: TREATIES - INTERNATIONAL OBLIGATIONS - HUMAN RIGHTS
ADVANCEMENT - HUMAN RIGHTS VIOLATIONS - TECHNICAL COOPERATION -
EQUALITY - HUMAN RIGHTS MONITORING -HUMAN RIGHTS EDUCATION -UN High
Commissioner for Human Rights

Mr. Secretary-General, distinguished delegates, ladies and gentlemen,

In the first place, we would like to extend to you, Mr. President, our congratulations on your election and to the Secretary-General – our gratitude for the successful efforts that have been made in organizing this Conference.

The choice of a venue for this event was a good one, Austria has always been a crossroads from north to south and east to west. We express our hope that this meeting point symbolizes the spirit of a quest for consensus that should preside over our deliberations.

Our country, Uruguay, started its independent life as a democratic republic because it felt that that was the best way to guarantee full enjoyment of human rights and fundamental freedoms. This same calling for freedom led our nation to take an active part in the process of internationalization of human rights, which has marked the evolution of our world in the second half of this century.

Mr. President,

Humanity in its recent history seems to be moving from a society of exclusive states towards another, where the responsibility in various areas is shared among states and the international community as a whole. In no area, perhaps, as in that of human rights, has this transition been accompanied by the emergence of so many hopes and so many fears.

Our delegation comes to this Conference to make its contribution to a common task and essentially to enrich itself by listening to the contributions of the other participating states. On this occasion of an assessment of the work done in the United Nations, what can we learn from the quarter of a century that has gone by since the first World Conference was held in Teheran?

In the first place, we would venture to highlight, Mr. President, the process of universalization of fundamental human rights. Starting with an essential nucleus that reflects the common nature of the human being, these rights manifest in their application different ways of recognition according to the place and historical time considered.

The Universal Declaration of Human Rights of the year 1948 was later refined and expanded in scope and content as well as in the guarantees for its implementation by many conventions both at the universal and regional levels.

The domestic jurisdiction of states may no longer be invoked to seek to evade the obligations under the international conventions. What is more, even in the absence of express accession by a state to the convention in force, it cannot disregard fundamental human rights since they constitute part of international customary law. It is also true that the aforementioned internationalization process has been completed not to replace but to compliment the regulations contained in national legislation. The principle of subsidiarity of international regulation governs the matter, according to which the primary responsibility for the protection of human rights is incumbent upon the state authorities.

Mr. President,

Civil and political rights, on the one hand, and economic, social and cultural rights, on the other, and the democratic system of government constitute an interdependent system. There is no full freedom without social justice, just as there is no lasting social justice exist unless in a context of freedom. The recognition of this interdependence does not mean that the absence of some of these categories of rights validates the non-observance of the rest. On the contrary, this interrelationship should be seen as the means of the strengthening the effectiveness of human rights as a whole.

In recent years, and over the large areas of the globe, it seems that progress has been made in recognition of civil and political rights and in the effectiveness of the democratic system. Nevertheless, in those same societies, one often observes stagnation, if not a setback, in the field of economic, social, and cultural rights. The interdependent nature of the system that we mentioned raises fears that if such shortcomings become permanent, they will jeopardize the hard-won civil and political rights and the democratic system.

Mr. President,

There is also a growing awareness of the expanding list of those who are responsible for the protection of human rights.

While in the past this was viewed as one area where a single entity had obligations, a state, against another exclusive beneficiary, an individual, today it is recognized that the individual as an active agent in the process also have responsibilities for the enjoyment of the same rights by their fellow members of the same society and even to other societies.

The list of those responsible for respect for human rights also tends to be growing by including peoples and states, even those with a different nationality from the individuals concerned, and finally, the international community as a whole.

Mr. President,

Alongside the progress already mentioned, in recent years some signs of disturbing setback have been observed. Thus, the renewed outbreaks in certain regions of the world of racism, racial discrimination, religious intolerance, anti-Semitism, xenophobia and ethnic cleansing. Likewise, we note with concern the spread of terrorist methods and practices, often associated with other scourge of today's world, drug trafficking. We cannot fail to mention the serious disregard for human rights that has manifested in the persistence of situations extreme poverty in peoples, states and even vast regions of the planet.

Mr. President,

What objectives should we set ourselves for the future in order to consolidate and develop human rights?

At the legal level, rather than preparing the new instruments we should, perhaps, persist in our efforts to achieve an increase the number of states acceding to the international conventions, whether they be universal or regional. At the same time, there should be supervision and technical assistance to bring the domestic legislation of states in line with the requirements of the international order.

It is a well-known fact, the differences that exist, in many cases, between what domestic and international norms, on the other hand, require and the real impact of these norms in terms of human rights, on the other. The organization and the specialized agencies can provide important information services about the discrepancies between the norms and reality as well as about the causes of these evils and remedies for them.

Particular attention should be paid to those areas of action that fundamentally put into play the principle of equality of human beings such as the rights of women, the rights of the child, the rights of indigenous populations as well as of other vulnerable groups.

Mr. President,

The Secretariat of the Human Rights Centre has affirmed, and we agree with the view, that the human rights should more play a role of strengthening international cooperation than the role of a confrontational factor.

In the cases involving verification and monitoring mechanisms with regards to the implementation of human rights, they must not be affected by the invested interests of states, whether those of the state being monitored or of the other states, only the interests of the human beings that are to be protected. Such practice must be demanded not only in the reciprocal relations between the states but – and above all – in the activities carried out by the states in the international organizations of which they are members.

The effectiveness of the work of international bodies will largely depend on such action being seen to have no other motivation than the protection of the human person.

The fact that that the confrontation that characterized the period of the cold war is over provides the opportunity to develop in the future an action in defense of the human beings with full respect for the principles of objectivity, impartiality and non-selectivity.

It is also true that the very important changes that have taken place in recent years in the world arena have led to the emergence of new tensions and even of serious conflicts. Without disregarding the very serious concern raised by such conflicts in the international community, we have to admit that many of them are no more than an expression of the quest for their own identity by peoples until recently deprived of freedom.

The lessons that these events teach us is that we cannot claim for a future international order that is deserving of that name if it is not founded on respect for the fundamental human rights of all peoples.

Mr. President,

The renewed efforts will be required both from the Organization and from its specialized agencies as well as from the Member States in the area of human rights education and dissemination of human rights. In this regard, a vast programme of action should be planned to increase the awareness and mutual respect among peoples of different races and cultures and to foster reciprocal tolerance among different religious beliefs.

On the domestic front of states, the action to be carried out will be the responsibility not only of executive and the judiciary but also of parliaments whose traditional role as guardians of human rights should be reaffirmed. Non-governmental organizations whose constructive work should be stressed will

have to be involved in this work of education as well as in that regarding verification and monitoring of the implementation of human rights.

It will also be appropriate to require a strengthening of the resources allocated to the defense and promotion of human rights from the regular budget of the United Nations. Special attention should be paid here to the activities carried out by Centre for Human Rights, my country has recently been a beneficiary of its work and hopes to continue doing so.

It is with pleasure Uruguay sees the resurgence of an initiative that we sponsored a few years ago, together with the Republic of Costa Rica. This is the idea of creating a High Commissioner's office for Human Rights, whose organization and mandate should be in our view interested to the General Assembly of the Organization.

Finally, Mr. President, it has been a great honor for our delegation to represent Uruguay at this important event which in the final analysis is a way of contributing to a cause, which is, ultimately, the way of contributing to the cause that is the cause of all.

Thank you, Sir.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank the Secretary for Foreign Affairs of Uruguay for his important statement. I now call on Mr. Michael Reisman, First Vice President of Inter-American Commission of Human Rights. Mr. Reisman, you have the floor.

REISMAN, Michael (Inter-American Commission of Human Rights):

Keywords: IACHR - Inter-American Court of Human Rights - AMERICAS - HUMAN RIGHTS MONITORING - INTERNATIONAL OBLIGATIONS - NON-GOVERNMENTAL ORGANIZATIONS

Mr. Chairman, distinguished delegates,

Instruments that set standards of achievement are important steps in the development of human rights regimes. At some point thereafter, however, treaties establishing intergovernmental supervisory mechanisms for enforcement are required, for ultimately "a right without a remedy is no right at all." Enforcement mechanisms must be designed for the specific context within which they will operate; the methods of selection of those charged with making decisions must be structured so that those chosen, be they judges, commissioners or experts, are independent, knowledgeable and responsible; there must be provision for a staff of high professional standing, independent of national and international political processes, and there must be an adequate budget. Those who have the opportunity to serve in these mechanisms, whether as titular members or staff, must balance strict fidelity to their constitutive instrument with the need for overseeing its evolution, for human rights law, like all law, is not static. Law constantly develops as new contexts and new demands require an ongoing refashioning of the policies in the instrument to ever changing situations.

The Organization of American States was among the pioneers of modern human rights law. The OAS Charter of 1948 incorporates the "fundamental rights of the individual" as one of the principles of the Organization. In 1947, the Inter-American Juridical Committee prepared the American Declaration of the Rights and Duties of Man; it was adopted by the American States in Bogota the year after to specify the general human rights undertakings in the Charter.

The mechanism for overseeing national implementation of the human rights commitments was created in 1959. The Inter-American Commission of Human Rights was to be composed of seven members, elected in their individual capacity. The Commission started operating in 1960 with a rather vague

mandate. In 1965, its competence was expanded to accept communications, request information from governments and make recommendations "with the objective of bringing about more effective observance of human rights."² In 1967, the Charter was amended and the Commission became a principal organ of the OAS. The American Convention of Human Rights, signed in 1969, incorporated the Commission and assigned it specified conventional competences. It also created an American Court of Human Rights. The Convention entered into force in 1978. Currently, there are twenty-four parties to the Convention.

The Commission has three forms of jurisdiction; its conventional jurisdiction applies to the twenty-four states that have, to date, become party to the Convention. Its judicial invocative jurisdiction, that is its competence to invoke the American Court, applies to States Parties to the American Convention that have declared that they accept the Court's jurisdiction. While these two forms of jurisdiction depend upon adherence to the American Convention, the Commission's Declaration jurisdiction applies to all parties to the OAS Charter, indeed, to all states in our continent. Hence, every independent state in our hemisphere, even those who have not yet become party to the Convention, is subject to some form of the Commission's jurisdiction.

The Commission's jurisdiction may be invoked by petitions brought by citizens and organizations within the hemisphere. On its own initiative, the Commission may also prepare country reports. For both of these activities the Commission may conduct on-site visits in the country concerned. The Commission also plays a role in regional codification and progressive development of law. It has drafted a number of important human rights instruments for the OAS, provides technical assistance to States Parties in matters concerning the Convention and litigates cases before the American Court.

With seven members, a staff of nine lawyers, a secretarial staff of seven and an annual budget of less than \$1.6 million dollars but a responsibility for 34 countries and more than 600 million human beings and approximately 200 petitions received each year, the Commission's tasks are daunting. They are rendered even more difficult by the social and economic heterogeneity of the Americas, intermittent civil strife, terrorism and narco-traffic that afflict a number of countries and present special human rights problems no less than by sporadic coups and other extra-constitutional actions. The suspension of constitutional order has never meant a suspension of the Commission's jurisdiction, for that constitutional order is an explicit requirement of the Convention in its own right and a precondition for the fulfilment of many other rights set out there. The Commission has sometimes played an important role in reestablishing constitutional order.

The Commission has not been consistently successful. It regularly examines its performance, carefully heeds the annual review of its activities by the OAS Assembly and studies responsible non-governmental appraisals. Moreover, the Commission follows closely jurisprudence and developments in international and other regional human rights institutional arrangements. To facilitate cross-fertilization some of the Commission's staff have been seconded to other mechanisms and the Commission hosts lawyers from elsewhere for short-term internships.

Mr. Chairman,

The universal principles and rules of human rights have been established for almost half a century. The most pressing current issue is enforcement. We believe that some of our experience in this regard could be of value to current or prospective enforcement arrangements in sister regions.

First, the Commission is both quasi-diplomatic and quasi-judicial. Because so much of human rights implementation involves negotiation at the diplomatic level and with political organs, an explicit diplomatic competence is critical. A competence for "quiet diplomacy" also permits the Commission not

² Final Act of the Second Conference, Official Documents. OEA/Ser. E/XIII.1 1965 at pps. 45-46.

only to be critical and censorial but also to work with governments to help fashion domestic arrangements that are consistent with the international human rights obligations they have undertaken.

Second, the technique of the on-site visit as it has evolved in the Inter-American Commission has proved itself to be an invaluable instrument in human rights protection and promotion.

Third, its Declaration jurisdiction has permitted the Commission to extend a form of human rights supervision to states that have not yet ratified the American Convention and, thus, to deal somewhat with the rather common problem of incomplete accession to a human rights instrument. Happily, governments in those states that have not yet ratified have generally accepted this jurisdiction. As a result, the Commission has effectively extended human rights oversight to the entire hemisphere. Nor has the Commission refrained from recording the fact of human rights violations by non-state entities.

Fourth, the Commission has routinely turned to other instruments to which States Parties to the American Convention were also party to deal with exceptional circumstances. In particular, the so-called humanitarian law instruments have provided the Commission with normative standards for dealing with human rights problems in armed conflict that plainly fall within the reach of the Convention but are not explicitly addressed there.

Fifth, the Commission has taken advantage of non-governmental organizations to assist in its gathering of information, diffusion of its message and generally in the amplification of its operations. NGOs are the electrical charge of the modern human rights system. The brave men and women in NGOs in our hemisphere, many of whom have died in the line of duty, are absolutely indispensable for an effective human rights system.

Sixth, the Commission has been able to deal with coups d'état, massive human rights violations by military dictatorships, situations of civil conflict and insurgency and desperate social and economic circumstances demonstrating that regions need not wait for a human rights millennium before establishing enforcement mechanisms.

Finally, the Commission appreciates that it is not institutionally antagonistic to governments. It was created by governments that voluntarily assumed human rights obligations and it was structured to assist those governments to realize those obligations by bringing to their attention behavior inconsistent with their obligations indicating when remedies are appropriate and helping governments to install new normative arrangements. A Commission must have the courage to speak out critically and forcefully when the situation requires it but it should always try to avoid polarization, seeking to work with governments wherever possible and appropriate. For their part, governments cannot assume that once they have created an international mechanism, they have solved the problem. Ultimately, they must comply with and enforce human rights.

Mr. Chairman, distinguished delegates,

The Inter-American Commission of Human Rights hopes that powerful reinforcements and important new initiatives in the field of the international protection of human rights will emerge from this Conference and looks forward to working with other regional and international human rights mechanisms to further our common objective.

Thank you, Mr. Chairman.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank the First Vice President of the Inter-American Commission of Human Rights. Now I call on Dr. Sonia Picado-Sotela, Vice President of the Inter-American Court of Human Rights. Dr. Picado-Sotela, you have the floor.

PICADO-SOTELA, Sonia (Inter-American Court of Human Rights), spoke in Spanish:

Keywords: Inter-American Court of Human Rights - AMERICAS - HUMAN RIGHTS
ADVANCEMENT - HUMAN RIGHTS EDUCATION - ADVISORY OPINIONS - TREATIES

Thank you, Mr. Chairman.

Distinguished members of the Bureau, distinguished delegates, ladies and gentlemen,

The Inter-American Court of Human Rights is in autonomous legal system institution of the interim system whose objective is the implementation and interpretation of the Convention on Human Rights.

It seems to me a very timely opportunity that the Vice-President of the Inter-American Commission on Human Rights spoke just before me because the two bodies in our system are those that are charged with protecting human rights in the Americas. As was pointed out by Dr. Reisman, the Court and the Commission derived from the American Convention, though the Commission began its work 19 years earlier.

I would also like to show how the Convention, which emerged from the Pact San José in 1969, set up the Court, but that did not enter into force until 1978. It is important to point out that in Latin America there was concern for human rights since the very beginning of our history.

In the Mexican conference after the second world war, it was proposed to make an American Declaration on Human Rights that was promulgated in Bogota in 1948, just a few months before that of Paris. As the Foreign Minister of Uruguay pointed out, part of the problems in Americas and in the world as a whole is the gap between the standards and reality. One of the great challenges we have at the moment is to close that gap and to make human rights a reality among our peoples.

I should like to highlight that during the first meeting in San José in 1979 of the Inter-American Court, the OAS accepted Costa Rica's offer to have the headquarters of the Court there.

I would also like to point out that in 1980, a year after that, the Inter-American Court in agreement with the government of Costa Rica set up the Inter-American Institute of Human Rights, an international autonomous organization of an academic nature devoted to teaching, research and the promotion of human rights, in support of the inter-American system. This institute works with governments, non-governmental organizations, indigenous peoples, refugees, and so on. Basically, in its specialized programme it promotes political rights and supports elections.

We would also like to point out the main functions of our Court. The first, of course, its advisory and its function in trials. The Court places special emphasis on its advisory functions when it does not have cases before it. Consultative opinions can be submitted to the Court by all governments of the Americas. The Court has used the time since its establishment to set forth a series of interpretations of information and clarification of the whole system that has immensely strengthened our American system.

Among the advisory opinions I would mention recent ones concerning the death penalty, freedom of expression, the right to reply, habeas corpus. In these opinions the whole jurisprudence has been established that has been that he used for in the development of the inter-American system.

Its work as a trial court only began in 1986, unlike the European Court. It began slowly but increasingly the Court has before it cases that it considers very carefully, and it is optimistic that these cases will increase in number so that we can respond to the many needs that Latin America has at the present time.

I am giving the list of these cases and of the various opinions to the Conference so that delegates can see them.

I would like to make some comments that I feel are relevant.

First, it is necessary that the treaties that set up the Inter-American bodies be ratified. This is important as is recognition of the bodies in particular.

Second, I should like to say that ratification should be the consequence of the political will to carry out the obligations derived from those conventions. It is clear that if states do not have political will to support the bodies of our system, then those bodies will lose all meanings and will not have the necessary support.

I should also like to point to the need mentioned already by the Vice-Chairman of the Commission for economic support for our system. It is not possible in a world that is full of human rights problems that jurisdictional bodies should only be able to meet only once or twice a year, that they should not have the necessary staff. This leads to even greater frustration on the long and difficult course that victims of human rights violations have to follow in order to make their complaints heard.

I would like to point out that regional systems are necessary and complimentary for the fulfillment of human rights. It is important to point out in this forum that the United Nations can support these regional systems because it is through the strengthening of such systems that we can ensure universality in the implementation of human rights.

It seems to me also very important to have an exchange between the different regions. A recent meeting in Strasbourg of the European Commission and Court, the Inter-American Commission and Court and the African Commission and Court produced a dialogue among the different bodies that was productive and also necessary.

I would like to conclude by saying that the cause of human rights requires faith and commitment. This world forum is a real opportunity for the advancement of these principles that are the only ones that can save the human dignity. This is the inspiration for all of us who make up the Inter-American Court and the inter-American human rights system.

Thank you.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank the Vice President of the Inter-American Court of Human Rights for her important statement. I now give the floor to Mr. Dennis McNamara, Director of United Nations Transition Authority in Cambodia. Mr. McNamara, you have the floor.

MCNAMARA, Dennis (UN Transition Authority in Cambodia):

Keywords: UNTAC - CAMBODIA - PEACEKEEPING OPERATIONS - HUMAN RIGHTS MONITORING - HUMAN RIGHTS EDUCATION - ELECTIONS - RULE OF LAW - NON-GOVERNMENTAL ORGANIZATIONS - POST-CONFLICT RECONSTRUCTION - REGIONAL COOPERATION

Thank you, Mr. President.

Mr. President, Excellencies, ladies and gentlemen,

On behalf of the Special Representative of the Secretary-General for Cambodia, I am most grateful for the opportunity to address this Conference as Director of the Human Rights Component of the United Nations Transitional Authority in Cambodia, UNTAC, and to share with you some of our human rights experiences over the past fifteen months from the Cambodian peacekeeping operations.

In human rights terms, it would be difficult to find a longer journey than that from UNTAC's front-line human rights work in Cambodia to this World Conference on Human Rights in Vienna. But if we are to make real progress in this area, the declarations and plans of action adopted here must have relevance in the situations where the United Nations is operational in peacemaking and peacebuilding.

Bridging this gap permanently, in my view, represents one of the major challenges facing the international human rights regime. The basic universal principles remain the starting point for that bridge and remain as relevant in Cambodia as they are in Europe.

What we have found in Cambodia, which has been battered and traumatized in recent decades to an extent that is not widely recognized, is a deep yearning and desire for basic human rights information and education throughout the population. In response, we have translated all the major human rights instruments into the Khmer language and have broadcast them regularly through Khmer radio and television programmes. This is grassroots work with a largely semi-literate rural population. The response has been overwhelming. Local human rights groups have also spread hundreds of thousands of human rights documents throughout the country. The message in all of them has been based on the broad principles of the Universal Declaration, which have clear parallels in Buddhism as in other great religions.

The details of UNTAC's human rights mandate and activities are contained in the Conference document we have prepared. Without discussing the specific situation in Cambodia, Mr. President, I would like to share with you some of our experiences and perhaps draw some conclusions from what has been attempted by the United Nations in Cambodia in this area over the past year.

The challenge for the international community in Cambodia was to restore and maintain the peace; to move through a transition to democratic pluralism; and to plant the seeds for a future civil society. Nearly two years after this plan was formally agreed, the peace has more or less been maintained; internationally-acceptable elections have been held against considerable odds; and some seeds, necessary for the plant of democracy and the rule of law to flourish, have begun to take root.

Human rights in the broadest sense have been central to this progress, to the extent that war, poverty and a climate of fear are among the greatest obstacles to the implementation of the principles of the Universal Declaration. The recent UN-organized elections in Cambodia were a litmus test of the human rights environment. Intimidation and violence were and continue to be prevalent throughout the country as they were prior to the polling. But with UNTAC's encouragement, millions of Cambodians did, to quote the previous speaker, "defy the threats and dodge the bullets" to vote massively and freely. As such, their vote was an overwhelming display of a genuine desire for peace and a popular endorsement for human rights in Cambodia. A promising start has been made but a very great deal remains to be done.

The United Nations was confronted in Cambodia with an extraordinary human rights challenge, namely the rehabilitation and rebuilding of a society, which had suffered attacks on all of its fundamental conventions and institutions including its familial and communal structures and values; its religious heritage; its economic viability and normal political processes.

The Cambodian Peace Agreements required the United Nations to conduct free and fair democratic elections and to establish a legitimate government within two years. The previous militarization of the society had been accompanied by a lack of any accountability on the part of officials. This meant that UNTAC was obliged, if its mandate was to be met, to attempt directly to uphold respect for basic political rights and freedoms. This led to an operational monitoring role for the United Nations, which had few precedents.

For the first time in its history, in a relatively unpublicized development, the United Nations in Cambodia established its own prosecutor's office and arrested and charged human rights violators. This enforcement

role was necessitated by the unwillingness of local structures to take such action without which political violence may have derailed the electoral process.

UNTAC has been given the broadest human rights mandate ever entrusted to a UN peacekeeping operation. From the moment of our arrival, it was clear that this was a highly operational role dependent on the active support of UNTAC's police and military components in particular. This role was on a new scale and represented a new dimension for UN human rights work. Some UNTAC human rights monitors, wearing flak-jackets and helmets, investigated massacres of civilians in semi-conflict zones. Others gained crucial access to prisons and physically removed metal shackles from the legs of emaciated prisoners who had never been brought to trial. They provided emergency medical and food aid to the survivors of attacks on ethnic groups and took witness statements for potential prosecutions.

This operational aspect extended to other areas particularly education and training. UNTAC staff trained the first public defenders ever in Cambodia; they organized traditional singers to tour the countryside using human rights themes in their presentations; they showed videos on human rights to local villagers in remote areas; and they supported local human rights groups.

Many thousands of Cambodians including police and government officials were given basic human rights training and information; the population at large was systematically informed of important human rights principles particularly as they related to the political environment conducive to democratic elections; and expert assistance was given for legal and judicial reform.

Non-governmental organizations both local, regional and international, played a crucial role in this process. Cambodian groups signed up more than one hundred thousand members, undertook training and information programmes, received complaints and provided the largest single number of monitors for the recent elections. As specially mandated, UNTAC nurtured and supported these groups and contracted with other NGOs to complement their efforts from a special United Nations trust fund set up for this purpose. Regional NGOs were particularly active in this process. This fund and these activities will continue after UNTAC's departure with the active involvement of the UN Centre for Human Rights.

UNTAC has also made a start on legal, judicial and penal reform. In the past fifteen months Cambodia has acceded to all of the major human rights treaties and has adopted a United Nations revised penal and judicial code embodying these principles. Judges and public defenders have started to be trained, and some first steps have been taken to rejuvenate an almost defunct judicial system. UNTAC's support for the current constitutional process in Cambodia including a comprehensive bill of rights required by the Peace Agreements is intended to advance this process.

These actions, Mr. President, have all aimed at planting the seeds of democracy and the rule of law in a country whose recent history has been characterized by conflict and devastation. To avoid any possible return to the tragic violations of "policies and practices of the past," which cost hundreds of thousands of lives and which traumatized millions in Cambodia, human rights had to be part of an overall rehabilitation and rebuilding process. This demands a long-term commitment and investment by the international community. Crucially it involves, as well as changes in attitudes and approaches, the reconstruction of civic institutions – the legal system, the courts, religious and educational bodies and importantly, in Cambodia at least, traditional conflict resolution mechanisms, essential to replace an automatic recourse to violence.

One thing is also very clear, I believe, to all of us who have worked in such operations: internationally agreed packages to move countries towards peace and democratic processes, such as in Cambodia, are not "quick-fix" solutions. They require commitment and have limited chance of permanence unless the structures, expertise and resources needed to support a functioning rule of law are considered as important as road building and health assistance. In such contexts, the link between development, democracy and human rights, so much a theme of this Conference, is obvious and tangible.

This requires an early but sustained collaborative effort by the United Nations with local, regional and international NGOs and with concerned governments in support of national efforts. In a prosperous and fast-developing region such as Southeast Asia, this places a special responsibility, in our view, upon regional governments and institutions. Without this, attempts to rebuild shattered societies run the serious risk of being short lived.

Finally, Mr. President, it is clear that in a number of major conflict areas today, where the United Nations has been called upon to attempt to enforce, to keep or to make the peace, human rights issues are at the forefront of international concerns. To respond to these preoccupations, I believe that both the United Nations and the international community must re-appraise and adjust their approach. Human rights must be seen to be an integral part of peace, democracy and development not just in theory but especially in practice.

Thank you.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank Mr. McNamara for his important statement. Now I call on the representative of Arab Organization for Human Rights. You have the floor, Sir.

AWAD, Mohsen (Arab Organization for Human Rights), spoke in Arabic:

Keywords: NON-GOVERNMENTAL ORGANIZATIONS - ARAB COUNTRIES –
INTERNATIONAL OBLIGATIONS - CULTURAL PLURALISM - DEVELOPMENT -
EXTERNAL DEBT- TOLERANCE AND PLURALISM

Mr. President,

The Arab Organization for Human Rights has followed up the preparatory work for this Conference, which put forward many constructive proposals that reveal broad prospects for the issue of human rights so as to create a new humanitarian system to which we all aspire.

Non-governmental organizations interested in human rights have played a very important role in the preparations for this Conference. We hope that their work will be taken into consideration so that the Conference should not be a mere diplomatic event with no link to popular sentiment. Strengthening human rights calls for governmental efforts and also for the efforts of the non-governmental organizations interested in human rights. It is this cooperation between governments and these organizations that guarantees the protection of rights. For this, we call upon all governments to lift the ban, wherever it exists, on non-governmental organizations and to enable them to perform their humanitarian and civilizational role.

Mr. President,

The Arab Organization for Human Rights does not wish to reiterate its constant calls regarding the universality of human rights, the interdependence of these rights and their indivisibility. The right of peoples to self-determination, including the rights of the Palestinian people to self-determination and to return to its homeland. We would, however, like to draw attention to a certain number of questions:

First, human rights as elaborated in the international agreements and covenants are the outcomes of a human effort in which the international community with all its civilizations and cultures participated. Today there is no longer a question of opposing the concept of the universality of human rights as it is included in these conventions and the concept of the regional specificity. We note, unfortunately, that it is an issue that continues to be hotly debated in some societies. We, within the Arab Organization for Human Rights, consider that the cultural specificity and national sovereignty are things that we support as long as they strengthen and promote human rights. However, we are against taking them as a pretext

to deny the established rights or diminishing the existing guarantees. Eight countries in the Arab region refuse to adhere by the two international covenants just as the issuance of an Arab charter on human rights has stalled so far.

From this standpoint, we call upon governments which have not yet signed or ratified the two international Covenants to do so and for all states to work to fulfil their commitments under the two international Covenants and at the forefront of which should be the release of all political prisoners, torture must be prohibited and the rule of law and the judicial independence must be reaffirmed.

Secondly, any development that takes place in the absence of the full respect for human rights is distorted because it does not take into consideration one of the most important elements that is a human being. If the link between development and human rights shows that international aid and loans for development help to strengthen economic and social rights, the opposite is also true because withholding such aid due to violations increases the suffering. Thus, we consider this international assistance must take into consideration these interlinkages highlighting human rights through aid and not to use double standards for political purposes.

Likewise, we must review conditions for aid and loans granted by donor countries and international loan funds, and we should eliminate debt, which is such a heavy burden on poor countries. This would, thus, help to alleviate the burdens generally borne by the most under privileged classes.

Third, the flagrant violations of human rights threaten the international peace and security. On this basis, it is imperative that such violations should receive the same attention as is given by the United Nations to other questions threatening international peace and security. However, there is a very important question, that is of creating safeguards to make it impossible to use international sanctions in this selective manner or using double standards, which is what we currently note in the Arab region.

Fourth, the phenomenon of intolerance and terrorism sweeping the world today is condemned by the world as a whole. But this is not enough because we have to find new mechanisms to combat these phenomena without neglecting the underlying reasons for them.

Mr. President,

The Arab Organization for Human Rights has its points of view on the various topics on the agenda of this Conference. We have put them before the United Nations, and you can find them in document A/CONF.157/PC/42/Add.5 as our Organization has also contributed to the work of the non-governmental organizations forum that preceded this Conference, we hope that the Conference will take into consideration the results of this work.

Thank you, Mr. President.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank the representative for his important statement. I call on the Head of the Shelter and Community Services Section of United Nations Centre for Human Settlements. Mr. Hundsalz, you have the floor.

HUNDSALZ, Mathias (UN-HABITAT. Shelter and Community Services Section):

Keywords: ADEQUATE HOUSING - UN-HABITAT - URBAN POVERTY - PROGRAMMES OF ACTION

Mr. President, Excellencies, ladies and gentlemen,

It is, indeed, a great honor for the United Nations Centre for Human Settlements to participate in this most important World Conference. Our contribution is focused on a central concern within the very

complex and interdependent issue of achieving economic, social and cultural rights, namely the fundamental right of every human being to a suitable living environment and more specifically to adequate housing.

The recognition of people's right to adequate housing dates back to the Universal Declaration of Human Rights in 1948, which places housing as a basic component constituting the right to adequate living environment and standards jointly with other basic human needs like food, clothing, medical care and social services. It may be recalled that the right to adequate housing has been reconfirmed since then in a wide range of additional proclamations to the needs of specific groups of society. Most importantly, in ratifying the Covenant on Economic, Social and Cultural Rights states have committed themselves to take appropriate steps to ensure the realization of the right to adequate housing recognizing the essential importance of international cooperation in that pursuit.

Mr. President,

During the International Year of Shelter for the Homeless in 1987, the world community was made aware of the fact that at least one billion people worldwide live without adequate shelter, and at least 100 million human beings live without any form of shelter at all. To this we should also add those without access to safe drinking water and sanitation facilities. Given the fact that inadequate shelter and housing and lack of drinking water and sanitation have a tremendous impact on people's health conditions, social welfare and life expectancy, it stands to reason that we cannot make any significant progress in realizing people's economic, social and cultural rights unless the worsening trend of poor living conditions and inadequate housing is reversed.

As an agency working well within the social and economic development mainstream of the United Nations system, the primary objective of the United Nations Centre for Human Settlements, Habitat, is the improvement of the living and working conditions of the urban and rural poor and specifically, in line with its mandate, the betterment of their housing conditions and level of services such as water, sanitation, sewerage and waste collection. Providing access to such fundamental human needs as adequate housing and basic services, in the view of Habitat, must be at the heart of any social development strategy aimed at the alleviation and reduction of poverty.

Furthermore, given that cities continue to absorb two-thirds of the developing world's total population growth, poverty, homelessness and lack of basic services are among the worst effects. This has led to urban poverty, its alleviation and reduction becoming the major focus of the human settlements development programmes, which Habitat has undertaken over the past decade. In the formulation and implementation of these programmes, Habitat works with and through governments as well as utilizing the skills, the talents and energies of a wide range of other partners, including NGOs, community groups and women's organizations.

The principal strategic initiative undertaken by Habitat in assisting countries realize the right to adequate housing is the Global Shelter Strategy to the Year 2000. The strategy, which was launched by the General Assembly in 1988, is a blueprint for national and international action in achieving better housing conditions for the rest of the decade and beyond.

Based on an enabling approach, the principal objective of the Strategy is to improve global shelter conditions by the creation of a legal, institutional and regulatory environment, which can facilitate the construction and improvement of housing by all social groups but especially by and for the poor. Rather than emphasizing public housing provision, the strategy encourages housing construction and improvement by the private sector, both formal and informal, by cooperatives and community groups as well as by individual families themselves.

The Strategy recognizes the employment potential of shelter construction and the contribution of improved housing conditions to poverty alleviation and the enhancement of environmental quality. The Global Strategy is a key part of the human settlements components of Agenda 21 of the United Nations

Conference on Environment and Development. A midterm review of progress achieved in the Strategy's implementation will be one of the fundamental tasks of Habitat II: the United Nations Conference on Human Settlements, which will take place in Turkey in 1996. At present, UNCHS is assisting a number of countries in the formulation of national housing policies in line with the Strategy's recommendations. The aim of these new National Shelter Strategies is to achieve the ultimate goal of the Global Strategy: shelter for all.

The Global Strategy for Shelter also calls for the development and for the application of key qualitative indicators to measure the performance of the housing sector on a regular basis as a critical element for informed policymaking and for the success of national shelter strategies. UNCHS and the World Bank have established a Housing Indicators Programme and are working together with a number of governments to build national capacity for the regular assessment of housing-sector performance. This experience, thus, shows that appropriate and applicable indicators are a fundamental instrument for measuring achievements in the progressive realization of economic, social and cultural rights. Habitat offers its active collaboration with the already impressive efforts of the Centre for Human Rights to formulate global guidelines for monitoring and reporting by countries on the progressive realization of the right to adequate housing. In that context, Habitat welcomes the appointment by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of a Special Rapporteur on the right to adequate housing.

Mr. President,

Habitat is most appreciative of the substantive work of the Committee on Economic, Social and Cultural Rights, which has been very helpful in clarifying the obligations of governments who have expressly committed themselves to respecting the right to adequate housing in ratifying the Covenant on Economic, Social and Cultural Rights. Article 11 of the Covenant is of particular importance to the work of Habitat in providing assistance to countries in achieving the full realization of the right to adequate housing, progressively by all appropriate means to the maximum of available resources and through the adoption of appropriate legislative means. The work programme of Habitat particularly its Global Strategy for Shelter to the Year 2000 is oriented towards cooperation with countries in undertaking appropriate steps in this field.

By assisting countries in formulating and implementing national shelter strategies based on the Global Strategy, Habitat strongly advocates against the indiscriminate eradication of urban slums and squatter settlements and against the forced eviction of families in cases of competing land use interests. With the adoption of national shelter strategies by most countries including regularization and upgrading policies, some progress can be reported as to the respect of people's effort to house themselves under conditions where the state or private sector are unable to offer acceptable or adequate housing. In such cases, respecting the right to adequate housing often requires not much more than the abstention by the government from practices of forced eviction and a commitment to provide support to the self-help housing efforts of the poor through technical, legal and financial assistance. In this respect, a fundamental and far-reaching measure that governments can adopt to recognize, respect and protect people's rights to adequate housing is the provision of security of tenure. Legal protection in the form of granting an occupancy permit or title to a piece of land destined for residential use is the single most important step that governments can take in honoring their commitment to the right for adequate housing. Such a step usually triggers an impressive level of investment in self-help housing and income generation even among the poor in developing countries. Therefore, the provision of security of tenure for residential use has far-reaching impacts on other and interdependent human rights regarding people's living conditions, which are addressed by the Covenant on Economic, Social and Cultural Rights.

Mr. President,

Last year in December, the General Assembly decided on a second United Nations Conference on Human Settlements, Habitat II, which shall take place in Istanbul, Turkey, in June 1996. The conference is expected to endorse a global plan of action, which will provide substantive direction to the overall

human settlements objective of improving the social, economic and environmental quality of the living and working environment of people as spelled out in chapter 7 of UNCED Agenda 21. The preparatory process for the Habitat II Conference focusses on assisting countries to:

- a) implement country-wide action through a national commitment;
- b) identify issues and formulate policy options through participatory processes;
- c) assess present conditions and measure the progress through the application of appropriate indicators.

It is expected that the preparatory activities at the country level will produce significant progress in gradually achieving the human rights commitment to adequate housing. The Commission on Human Settlements has already identified a range of topics for inclusion into these national reports. Without going into more details, it appears that the global fulfillment of the universal right to adequate housing will benefit from an established mechanism of consultation between the Special Rapporteur on the realization of economic, social and cultural rights and the efforts of Habitat to assist countries in achieving progress towards the goal of adequate housing for all. At the same time, countries will benefit if national reports in compliance with the Covenant on Economic, Social and Cultural Rights and the national reports on adequate shelter for all as called for by the Habitat II Conference are both based on a common methodology of data collection and the application of indicators.

In that context, we should like to bring to the attention of this Conference that the Human Settlements Commission of the United Nations at its 14th session held from 26 April to 5 May this year, has unanimously adopted a resolution on "The human right to adequate housing." The resolution, among others, recognizes the difficulties which states are facing in ensuring the gradual fulfillment of the right to adequate housing. At the same time, however, the resolution urges all states to cease any practices, which could or do result in infringements of that right in particular the practice of forced mass evictions and any form of racial or other discrimination in the housing sphere. It also urges states to establish appropriate monitoring mechanisms and indicators on the extent of homelessness, inadequate housing conditions, persons without security of tenure and other topics arising from the right to adequate housing. Furthermore, the resolution requests Habitat as an organization of the United Nations Secretariat to prepare a document outlining practical contributions, which could be made by Habitat towards promoting, ensuring and protecting the right to adequate housing with the help of an integrated monitoring system that will be developed in collaboration with the human rights bodies of the United Nations including the Centre for Human Rights. The resolution continues to recommend that the Preparatory Committee for the United Nations Conference on Human Settlements, the Habitat II, considers also the question of the human right to adequate housing.

Thank you, Mr. President.

CASTANEDA, Ricardo Guillermo (President), spoke in Spanish:

I thank Mr. Hundsalz, representative of Habitat, for his important statement. He was the last speaker for this meeting. The meeting is adjourned and will resume at 3 pm.