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## Third Committee

### Summary record of the 31st meeting

Held at Headquarters, New York, on Monday, 2 November 1998, at 3 p.m.

*Chairman:* Mr. Ball (Vice Chairman) ..... (New Zealand)

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*In the absence of Mr. Hachani (Tunisia), Mr. Ball (New Zealand), Vice-Chairman, took the Chair.*

*The meeting was called to order at 3.15 p.m.*

**Agenda item 107: Programme of activities of the International Decade of the World's Indigenous People** (*continued*) (A/C.3/53/L.19 and L.20)

*Draft resolution A/C.3/53/L.19: International Decade of the World's Indigenous People*

*Draft resolution A/C.3/53/L.20: United Nations Voluntary Fund for Indigenous Populations*

1. **Ms. Carlsen** (Denmark) introduced draft resolution A/C.3/53/L.19 on behalf of the sponsors, who had been joined by Brazil. The draft resolution was a slightly modified version of the resolution adopted at the previous session. It recorded the progress made in the past year in promoting the objectives of the International Decade of the World's Indigenous People and the sponsors hoped that it would be adopted without a vote.

2. Introducing draft resolution A/C.3/53/L.20 on behalf of the sponsors, who had been joined by Brazil, she recalled that the Voluntary Fund for Indigenous Populations had been established in 1985 to help indigenous people participate in the work of the Working Group on Indigenous Populations. In 1995, the General Assembly had decided that it should also be used to help indigenous people participate in the work of the open-ended inter-sessional working group of the Commission on Human Rights entrusted with drafting a declaration on the rights of indigenous people. The Commission on Human Rights had since decided to establish an open-ended inter-sessional ad hoc working group to consider proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system. The draft resolution decided that the Fund should also be used to help representatives of indigenous communities and organizations participate in the work of the ad hoc working group. It also requested the Secretary-General to invite Member States to consider contributing to the Fund. Her Government would be making such a contribution in early 1999. The sponsors hoped that the draft resolution would be adopted without a vote.

**Agenda item 109: Right of peoples to self-determination** (*continued*) (A/C.3/53/L.16 and L.17)

*Draft resolution A/C.3/53/L.16: Universal realization of the right of peoples to self-determination*

3. **Mr. Bhatti** (Pakistan), introducing the draft resolution on behalf of the sponsors, announced that Albania, Azerbaijan, Egypt, Kuwait, the Libyan Arab Jamahiriya, Malaysia, Singapore, Togo and the United Arab Emirates had also become sponsors. The draft resolution was essentially identical to the draft resolution adopted on the same subject at the previous session. The fourth preambular paragraph, expressing grave concern that millions of people had been and were being uprooted from their homes as a result of acts or threats of foreign military intervention, and emphasizing the urgent need for concerted international action to alleviate their condition, was particularly relevant. Refugees and displaced persons had a right to return to their homes voluntarily in safety and honour. The sponsors hoped that the draft resolution would be adopted without a vote.

*Draft resolution A/C.3/53/L.17: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination*

4. **Mr. Reyes Rodriguez** (Cuba), introducing the draft resolution on behalf of the sponsors, announced that Benin, Botswana, Brunei Darussalam, the Democratic People's Republic of Korea, Egypt, Eritrea and Niger had also become sponsors. The draft resolution, *inter alia*, urged all States to take steps to ensure that their territories were not used for mercenary-related activities. The sponsors hoped that the draft resolution would be adopted without a vote.

**Agenda item 110 (d): Human rights questions: Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/53/372)

5. **Ms. Kerr** (Australia) noted that 1998 marked the fiftieth anniversary of the Universal Declaration of Human Rights and also the five-year review of the Vienna Declaration and Programme of Action. The two events were interrelated, for it was the power of the Universal Declaration that had inspired States to adopt the Vienna Declaration and Programme of Action, which charted the course for the next century by articulating the universality, indivisibility and interdependence of all human rights. Her country believed that civil and political rights should be accorded the same priority as economic, social and cultural rights.

6. The Vienna Declaration and Programme of Action contained a recommendation that all States should consider

drawing up national action plans on human rights. Australia, which had put forward the proposal to that effect, had published such a plan in 1994 and had updated it several times since then. It believed that all Governments would find the preparation of such plans a valuable exercise. Australia took a cooperative and practical approach to promoting human rights internationally and had put considerable effort into supporting institution-building, particularly in the Asia and the Pacific region, as a means of achieving good governance and respect for human rights. It believed that national human rights institutions established according to international standards were an effective way of promoting and protecting human rights within States. In 1996, Australia had hosted the first Asia-Pacific Workshop of National Human Rights Institutions, at which the Asia-Pacific Forum of National Human Rights Institutions had been established.

7. Good governance and an active civil society created an environment in which civil and political rights could thrive and in which sound economic management and sustainable resource use could increase prosperity. Australia had recently established a Centre for Democratic Institutions which would provide practical support, in the form of intensive training courses, for the development of democratic institutions and the strengthening of civil society in developing countries, especially in the Asia-Pacific region.

8. Her Government recognized and encouraged the cultural and ethnic diversity of modern Australia and had recently enacted legislation to prohibit offensive or intimidating public behaviour based on race. It also acknowledged that indigenous Australians, including Aboriginal and Torres Strait Islander people, were committed to preserving their unique culture within a future shared by all Australians.

9. **Mr. Jayanama** (Thailand) said that democracy and human rights had been won at a high cost in Thailand, and the Thai people were aware that constant vigilance was required if they were to continue to enjoy their rights and freedoms. While it was the duty of Governments to protect and promote human rights, individuals and groups in society also had an active role to play in that connection.

10. Thailand's new Constitution, promulgated in 1997, was the most democratic in its history and gave prominence to human rights. A number of new mechanisms for the protection and promotion of those rights were being established. In addition, a Labour Protection Act had secured greater rights and freedoms for workers, and non-governmental organizations had been active in promoting the rights of women and children. Thailand had ratified nearly all the major international human rights instruments and had

incorporated them into its Constitution and legislation. While it had made human rights a part of its foreign policy agenda, it recognized that the struggle to achieve human rights must be waged primarily by those who had the greatest stake in it.

11. Complementing human rights, however, were human responsibilities. Human beings deserved the greatest possible amount of freedom, but should also develop their sense of responsibility to the fullest in order to administer that freedom correctly. The concept of responsibility was a missing link that should be introduced into the General Assembly's consideration of human rights issues.

12. **Mr. Zmeevski** (Russian Federation) said that the World Conference on Human Rights had set the ground rules for future action on human rights. The Vienna Declaration and Programme of Action acknowledged that human rights were universal, indivisible and interdependent, thus testifying to the liberation of human rights from the ideology of the cold war. However, he wondered whether the historic opportunity which the transition from a bipolar to a multipolar world had offered for making human rights a reality worldwide might in fact have been lost: on balance, the report of the United Nations High Commissioner for Human Rights on the follow-up to the World Conference was not entirely positive.

13. His delegation welcomed the increase in the number of States parties to international human rights treaties; the strengthening of national capacities in the field of human rights, including the growing human rights orientation of national legislative bodies; the growing international consensus on ways to implement the right to development; increased efforts to ensure equal rights for women; the greater attention being paid to the situation of children; new initiatives to solve the problems of refugees and displaced persons; and the increasing contribution being made by non-governmental organizations.

14. However, despite the remarkable changes for the better, it was impossible to disagree with the High Commissioner's conclusion that, five years after Vienna, a wide gap continued to exist between the promise of human rights and their reality in the lives of people throughout the world, and that neither the international community nor the United Nations had been able to utilize the entire potential of the Vienna Conference. The basis for that uncomfortable conclusion was the failure to achieve universal ratification of the international human rights treaties, eradicate poverty, provide reliable protection for women against violence and discrimination, improve the lot of children affected by armed conflict and protect them from sexual exploitation, halt the oppression of minorities and eliminate the reasons for mass exoduses. Using human rights

issues in the interests of realpolitik also militated against the equal rights dialogue.

15. Those challenges could be met, the Vienna consensus could be built upon and the real problems solved by taking a number of steps. To start with, human rights questions should be viewed as unifying factors – rather than the reverse – in forming a multipolar world, bearing in mind, in the High Commissioner’s words, that human rights currently served not only as legal norms but also as the moral underpinnings of international relations. That should be the basis for a dialogue among States and for a global culture of human rights.

16. The principle that human rights were universal should also be promoted, with no room for double standards. The High Commissioner had an important role to play in that regard, *inter alia*, in the context of her dialogue with Governments. Given that the primary responsibility for promoting and protecting human rights lay with Governments, there should be an all-out effort to encourage States to accede to and implement the universal human rights treaties, and steps should be taken to develop national capacities in the human rights field.

17. In order to prevent human rights violations, it was important to assess objectively all the factors that led to them. The possibility of creating preventive and monitoring mechanisms could be explored, but no politicization in the functioning of such mechanisms should be allowed. Bringing the perpetrators of human rights violations to justice, for instance, through the future International Criminal Court, would be an important component of that process. There should be no duplication of work among the treaty bodies and among the special procedures which they used in matters involving the protection of human rights and fundamental freedoms; rather, they should reinforce and complement each other.

18. Improving the practical return from technical assistance in the human right field was becoming a matter of urgency. Lastly, the mainstreaming of human rights in the various areas of United Nations activity must be carried out in coordination with the Organization’s other tasks under the Charter.

19. Much had been done over the past five years to improve Russia’s national capacity in the human rights field. Ensuring human rights was viewed not as a short-term campaign but as a matter of everyday practice and long-term, painstaking efforts to bring about substantial improvements in the lives of all 150 million Russians. Democratic elections, political pluralism, freedom of opinion, the transition to a market economy and the development of civil society were realities in contemporary Russia. A human rights commissioner had

been appointed, a moratorium had been imposed on capital punishment and responsibility for the prison system was being transferred to the Ministry of Justice.

20. Further adapting Russia’s domestic legislation and human rights practices to Council of Europe standards was a priority. Russia had recently ratified the main Council of Europe conventions, giving a powerful boost to the process of creating a single human rights area stretching from the Atlantic to the Pacific, in which States parties were bound to observe common European principles of respect for human rights, pluralist democracy and the rule of law. Russia was nevertheless aware of how much it still had to do to fulfil the commitments which it had assumed.

21. While the world financial and economic crisis was a serious test for Russia, it would hold fast to its course of reform and would not abrogate the principles of democratization of its society and protection of fundamental civil rights and freedoms. Any corrective action taken within the context of the reforms would be aimed at meeting people’s needs and demands.

22. He likened the international community to a human rights orchestra playing from the Vienna score: if it was to continue playing in harmony, its members must continue to listen to one another. They must not fall out of step with each other or succumb to the temptation to lapse into the stereotypes of disharmony.

23. **Mr. Lisk** (Observer for the International Labour Organization (ILO)) said that, in the years since the World Conference on Human Rights, ILO had focused its activities on democratization and human rights, the promotion of women’s rights and women’s economic activities, and the creation of a more favourable environment for human rights by, among other things, job creation and poverty alleviation. It had come to realize that a rights-based approach was essential for achieving its objectives.

24. ILO had helped to strengthen international mechanisms for the universal protection, promotion and implementation of human rights through its adoption, in June 1998, of the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, which reinforced the principle of the universality of human rights. In the Declaration, ILO member States acknowledged that there were certain principles which were so fundamental that by joining ILO they had assumed an obligation to promote and implement those principles even if they had not ratified the corresponding ILO conventions. Those principles were drawn from seven core ILO conventions and concerned four categories of rights: freedom of association and effective recognition of the right to collective bargaining; elimination of all forms of forced or

compulsory labour; effective abolition of child labour; and elimination of discrimination in employment and occupation.

25. The follow-up to the ILO Declaration provided mechanisms for achieving its objectives. It instituted an annual review, by the Governing Body of the International Labour Office, of countries that had not ratified one or more of the conventions relating to each of the four categories. It also provided for four-yearly reviews of the progress made in each category both by countries that had ratified the conventions and by those that had not.

26. ILO was maintaining a policy dialogue with other United Nations organizations and with the Bretton Woods institutions on human rights issues as they related to labour standards and social protection, and it would be working closely with the Office of the High Commissioner for Human Rights to coordinate human rights technical assistance. The relationship between ILO and the Committee on the Rights of the Child was also a particularly close one, and would doubtless become closer after the International Labour Conference adopted, at its summer 1999 session, the proposed new convention on the immediate elimination of the worst forms of child labour.

27. There was increasing awareness across the board in ILO that a more favourable environment for human rights and human development was essential to increasing employment and to meeting the broader economic objectives of development, in keeping with the ILO mandate of improving economic and social conditions around the world. However, the right to development, including the alleviation of poverty, was such an overwhelming challenge to the international community that the response of the United Nations system and the Bretton Woods institutions needed to be both coordinated and collaborative, regardless of their differing mandates and structures.

28. He emphasized the importance of Governments' social partners, including non-governmental organizations, in achieving social development. In that connection, he noted that employers' and workers' organizations, together with non-governmental organizations, had become prominent in executing ILO technical cooperation activities in member States. The ILO International Programme for the Elimination of Child Labour had also developed working relationships with employers' and workers' organizations and with children's rights advocacy groups at the national level.

29. **Mr. Petrella** (Argentina) said that, in the five years since the adoption of the Vienna Declaration and Programme of Action, Argentina had continued the process of restoring its democratic institutions. The constitutional reform of 1994 had been very significant for the legal situation of human

rights: it had accorded constitutional rank to 11 universal human rights treaties and had provided that norms of international law took precedence over domestic law. Provision had been made for the protection of Argentina's indigenous people by recognizing their rights and their specific ethnic and cultural identity.

30. To provide reparation for human rights violations committed in Argentina in the past, legislation had been adopted setting up a mechanism for the payment of compensation. By the beginning of 1998, a total of US\$ 656 million had been paid out to over 10,000 people, and it was estimated that the final total would be over US\$ 3 billion. Those figures showed the commitment of the Government and society to the victims of grave human rights violations and also that Argentina's courts and judicial procedures were functioning well.

31. Argentina had established national and provincial institutions for the promotion and protection of human rights and reported regularly to the human rights treaty bodies, subjecting itself to the scrutiny of the international community and reinforcing the principle that human rights issues transcended domestic jurisdiction. Although Argentina was complying with international recommendations, both the Government and society were nevertheless aware that there was always room for improvement and that goals were simply milestones on the road towards the full dignity of the human person.

32. His delegation endorsed the statement made by the High Commissioner for Human Rights at the previous meeting. In the past five years, there had been growing recognition of the importance of human rights and of their impact on development, peace and security, but the world had also witnessed two genocides without, apparently, being able to prevent or stop them. There was more hunger and there were more refugees, and there was a growing gap between those who enjoyed the fruits of development and those who suffered chronic poverty and marginalization. While the best way to solve those problems was through good governance and appropriate economic policies, the human development indices in the *Human Development Report* were eloquent proof that, generally speaking, there had been little progress towards achieving the rights to development. That lack of progress was one of the main challenges to the progress of human rights generally. As States lost some of their ability to influence people's well-being, as a result of government downsizing, the question arose of who should take on the commitment to work with Governments to help those most in need. Although much had been said about the effects of economic globalization, the United Nations should look into the effects of globalization on Governments' ability to

promote the right to development and to help meet their population's most pressing needs. Simply taking on international commitments was not enough. For instance, when States signed ILO conventions they ought to ask themselves whether they were really able to enforce them.

33. The effects of globalization on Governments should be the focus of discussions within the United Nations on reforming the Bretton Woods institutions, since in the final analysis, it was the United Nations and national parliaments that provided the framework for developing, subscribing to and applying human rights norms.

34. The principle of universality recognized in the Vienna Declaration and Programme of Action must also be strengthened. However, subtle nuances and sensitivities arising out of legitimate cultural differences were becoming increasingly apparent as a result of the speed and quality of modern communications, and care and understanding would be needed in order to arrive at an accepted standard of universality on which to build in the future.

35. Developments in human rights monitoring were moving along the right track. Theory alone was not enough: a flexible approach was needed, based on a proper political understanding of countries which were experiencing difficulties and on real experience on the ground.

36. Lastly, similar situations must receive the same treatment: double standards were unacceptable. It was very important that all members of the international community should be confident that the defence of human rights answered to higher values and could never be subordinated to short-term interests.

37. Speaking as a member of the Group of Latin American and Caribbean States, he welcomed the news that a person from that region was being considered for the post of Deputy High Commissioner for Human Rights.

*The meeting rose at 4.15 p.m.*