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HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

Information submitted by the United Nations University pursuant
to Commission on Human Rights resolution 1986/9

Note by the Secretary-General

The present document contains the preliminary report on the project on human rights and scientific and technological development prepared and submitted by the United Nations University pursuant to Commission on Human Rights resolution 1986/9.

PRELIMINARY REPORT ON THE PROJECT ON HUMAN RIGHTS AND
SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENT

I. INTRODUCTION

1. At its forty-second session in 1986, the Commission on Human Rights adopted resolution 1986/9, entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms" under agenda item, "Human Rights and scientific and technological developments."

2. In operative paragraph 3 of resolution 1986/9, the Commission on Human Rights invited the United Nations University, in co-operation with other interested academic and research institutions, to study both the positive and the negative impacts of scientific and technological developments on human rights and fundamental freedoms, and asked the United Nations University to inform the Commission on Human Rights of the results of this study.

3. In response to the above-mentioned invitation, the United Nations University decided to establish a Steering Committee to co-ordinate the project. The general objectives of the project are to develop a conceptual framework which will enable the discernment of both positive and negative impacts of scientific and technological developments on human rights and fundamental freedoms.

II. ORGANIZATION OF THE SESSION

4. The United Nations University requested the members of the Steering Committee to prepare research papers. (The list of members of the Committee and other participants, and the list of documents appear in annexes I and II, respectively.)

5. The Steering Committee had two sessions. The first session was held at the University Centre in Tokyo, on 22-24 April 1987 */ and the second session at the United Nations Office in Geneva, on 16-18 November 1987. The first session was opened by Mr. Soedjatmoko, then Rector of the United Nations University, who welcomed the members and made an introductory statement. Mr. Kwadwo Nyamekye, Deputy Director of the Centre for Human Rights made an introductory statement at the second session.

6. The Committee elected the following officers:

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|----------------|-------------------------|
| Chairman: | Prof. Kinhide Mushakoji |
| Vice-Chairman: | Dr. Vid Vukasović |
| Rapporteur: | Mr. Yo Kubota |

7. On 18 November 1987, the Committee adopted the present report without a vote.

*/ The report of the first session of the Committee is available upon request from the Regional and Global Studies Division, the United Nations University.

III. DISCUSSIONS AND OBSERVATIONS

8. Both at the first and second sessions, the Committee had general discussions centring around the presentation of the submitted research papers. The Committee also considered its future work and the framework of its publications for 1988. The Committee viewed the activities undertaken to date as the first phase of the project.
9. In the course of the general discussion, many members of the Committee emphasized that the right to freedom of information would play an important role whenever people wanted to utilize scientific and technological developments for the effective enjoyment of human rights and fundamental freedoms.
10. It was agreed that the Steering Committee should tackle problems of the whole world and in particular those relating to the developing world.
11. A point was raised that not only the right of access to information but also education was very important, and it was emphasized that this was particularly the case in the Third World.
12. The Committee was also of the opinion that environmental issues were crucial to the well-being of human society. Due to the pace and extent of modern scientific and technological developments, many parts of the world were affected by or involved in ultra-hazardous activities; comprehensive institutional standards would be necessary to guide these activities.
13. The Committee thought that it would be useful to recognize the different actors in scientific and technological developments when more effective implementation of human rights standards was considered, including (i) scientists, technologists and engineers; (ii) commercial entities; (iii) governments; (iv) recipients; (v) human rights lawyers; (vi) international organizations and non-governmental organizations; and (vii) future generations.
14. Members of the Committee prepared a series of papers examining scientific and technological developments, including their transfer among and within societies and their impact on the various human rights identified in the Universal Declaration of Human Rights and the International Covenants on Human Rights.
15. Their principal conclusion was that, although in theory, developments in and transfer of science and technology can either enhance or degrade the realization of human rights, under prevailing conditions they tend to aggravate inequality of decision-making power and the exercise of autonomy both within and among countries. A principle reason for this phenomenon is the vast disparities in institutional competence for anticipating the consequences of such developments and transfer.
16. In the light of the above-mentioned institutional disparities in the opportunity to use science and technology for the promotion of human rights and with a view to limiting their negative consequences, the Committee concluded that the second phase of its work should concentrate on an assessment of the relative virtues of various proposed means for minimizing these disparities.

17. The Committee discussed in a very preliminary way such ideas as providing technical assistance to international and national human rights entities and fostering ties between human rights entities and scientific and technical organizations and associations.

18. The Committee recognized that there would be little support for some new international apparatus or complicated code as a means for regulating or monitoring development and transfer of science and technology. It concluded that the challenge confronting it was to identify appropriate measures for monitoring the impact of such development and transfer.

19. As the Committee evaluates alternative processes for strengthening the contribution of science and technology to the fuller realization of human rights, in order to identify the prospective costs and benefits of various proposals, it will undertake or commission research on particular cases of adverse impacts on human rights arising from scientific and technological development.

20. As a means of carrying out the above-mentioned task, Committee members have proposed several lines of enquiry, supplementary to the principal lines implicit in the Committee's central task. Among them were the following:

(a) The Committee considered the necessity for international technology impact assessment in relation to technology related projects, especially in the context of the developing world. The Committee recognized that some developing countries experience special difficulty at the present time in marshalling technical expertise requisite for analysing the impact of proposed technology transfers on human rights within their respective societies. Many suggestions have been made to assist in resolving these problems. The Committee is of the view that it is urgently necessary to commission research examining these various proposals and their ideological and practical implications. It, therefore, proposes to initiate a study to consider these implications and to identify mechanisms for resolving these problems.

(b) The Committee also considered the massive damage to human rights resulting from such incidents as the Bhopal disaster, and the need for normative and institutional safeguards in relation to technology already in operation. The Committee perceived that the answers should be both national and international and was of the view that a study should be commissioned to investigate the ways, including early-warning systems, in which existing monitoring standards could be raised and more effectively enforced.

(c) While being conscious of the studies in the field of intellectual property made by the World Intellectual Property Organization and other institutions, the Committee was of the view that the human rights aspect of intellectual property, with particular reference to developing countries, has not yet been adequately explored. The Committee felt that a study is required of how the rights and interests of intellectual property owners should be balanced against those of society without damaging the necessary incentives for stimulating technological innovations.

(d) The Committee considered the fact that a very small proportion of scientific talent (estimated at barely 1 per cent in the Brandt report) is devoted to problems of development. The Committee considered it an urgent

need to study the reasons for this imbalance and seek ways in which the scientific community could be stimulated to devote a greater proportion of its time and attention to the problems of poverty, development and the environment.

(e) The Committee considered it important to promote research in "Science Studies", devoted to an examination of the ways in which scientific knowledge and technological information are produced, processed, distributed, and utilized, and the implications of this for human rights.

IV. RECOMMENDATIONS

21. The Committee recommends that the United Nations University prepare the papers for publication in a volume which will be available for general distribution in 1988 as a contribution to the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights.

22. As the Committee proceeds, it will of course draw to the fullest extent possible on the research and operational experience of Governments, various intergovernmental and non-governmental organizations, academic institutions and research centres. To that end, the Committee requests the Rector of the United Nations University to disseminate this report to the relevant entities.

23. The Committee expresses the hope that the Commission on Human Rights will endorse the future research ideas described in the present report.

Annex I

LIST OF PARTICIPANTS

MEMBERS OF THE STEERING COMMITTEE

1. Prof. Amilcar O. Herrera Instituto de Geociencias
Universidade Estadual de Campinas
Brazil
2. Mr. Vishakan Krishnadasan Legal Counsel
United Nations University
3. Mr. Yo Kubota Human Rights Officer
Centre for Human Rights
United Nations
4. Prof. Shigeru Nakayama Lecturer
College of Arts & Sciences
University of Tokyo
5. Prof. Sadako Ogata Institute of International Relations
Sophia University
Tokyo
6. Prof. Yasuhiko Saito Tokyo University of Foreign Studies
7. Prof. Saneh Chamarik Faculty of Political Science
Thammasat University
Thailand
8. Dr. Vid Vukasović Scientific Collaborator
Institute of International Politics
and Economics
Yugoslavia
9. Prof. C.G. Weeramantry Faculty of Law
Monash University
Australia
10. Ms. Hiroko Yamane Division of Human Rights and Peace
United Nations Educational, Scientific
and Cultural Organization
11. Prof. Kinhide Mushakoji Vice-Rector
Regional and Global Studies Division
United Nations University
12. Prof. Tom Farer American University
School of International Service
United States of America

UNITED NATIONS UNIVERSITY CENTRE STAFF

1. Dr. Robert Kokke Senior Programme Officer
Development Studies Division
2. Dr. Abraham Besrat Training & Fellowships Officer
Development Studies Division
3. Dr. Takeo Uchida Senior Programme Officer
Regional and Global Studies Division

Annex II

LIST OF DOCUMENTS

1. Provisional List of Participants
2. Provisional Programme
3. Project Document
4. Consideration of the Relationship between Scientific and Technological Developments and Human Rights in the United Nations Human Rights Fora
by Yo Kubota
5. The Science, Technology and Human Rights: Some Comments Concerning the International Legal Aspect of the Problematique, Primarily from the Point of View of Environment
by Vid Vukasović
6. New Technologies and Their Impact of the Problematique of Science, Technology and Human Rights - A Prospective view from the Third World
by Amilcar O. Herrera
7. Technological Growth in Human Rights Perspective
by Saneh Chamarik
8. Science, Technology and Human Rights from the Point of View of Development
by C.G. Weeramantry
9. The Maldistribution of Information and Violation of Human Rights
by Shigeru Nakayama
10. Human Rights and Scientific and Technological Developments: A Western Perspective
by Tom J. Farer
11. Impacts of Scientific and Technological Progress on Human Rights: Evolution of the International Normative Instruments
by Hiroko Yamane