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COMMISSION ON HUMAN RIGHTS
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Agenda item 7

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Cuba, Democratic People's Republic of Korea*, Ecuador, El Salvador, India, Iraq*, Kenya*, Mauritania, Nicaragua, Nigeria*, Peru, Uruguay*, and Viet Nam*: draft resolution

1995/.. Human rights and the environment

The Commission on Human Rights,

Recalling General Assembly resolutions 43/196 of 20 December 1988, 44/172 A and B of 19 December 1989, 44/228 of 22 December 1989, 45/211 of 21 December 1990, 46/168 of 19 December 1991 and 47/190 of 22 December 1992, Recalling also its resolutions 1993/90 of 10 March 1993 and 1994/65 of 9 March 1994,

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I) and Agenda 21 (A/CONF.151/26, vol. II), adopted by the United Nations Conference on Environment and Development on 14 June 1992,

Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights,

Taking note of the reports submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities by its Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini (E/CN.4/Sub.2/1992/7 and Add.1, E/CN.4/Sub.2/1993/7 and E/CN.4/Sub.2/1994/9 and Corr.1),

Taking into account resolutions 1994/27 and 1994/37 of 26 August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums,

Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and their respective capabilities,

Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should vigorously implement the existing conventions related to the dumping of toxic and dangerous products and waste and cooperate in the prevention of illicit dumping,

Reaffirming that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to, the transfer and the development of environmentally sound technologies and corresponding know-how, in particular

to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, including the traditional knowledge of indigenous peoples and local communities, as well as the special needs of developing countries,

1. Reaffirms principle No. 1 of the Rio Declaration on Environment and Development (A/CONF.151/26, vol. I), which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature;

2. Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations;

3. Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living;

4. Expresses its appreciation to the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mrs. Fatma Zohra Ksentini, for her final report (E/CN.4/Sub.2/1994/9 and Corr.1) and the issues raised therein;

5. Requests that the Special Rapporteur's final report with the annexes, be published by the United Nations in all the official languages;

6. Recalls that everyone has the right to enjoy the benefit of scientific progress and its application and calls for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern;

7. Also recalls chapter 33 of Agenda 21 (A/CONF.151/26, vol. II) on the provision of new and additional financial resources to developing countries to achieve sustainable development;

8. Requests the Secretary-General to submit to the Commission on Human Rights, at its fifty-second session, a report containing the opinions of Governments, specialized agencies, intergovernmental and non-governmental organizations on the issues raised in the report of the Special Rapporteur of the Sub-Commission and to make recommendations on appropriate follow-up to the report;

9. Decides to continue its consideration of this question at its fifty-second session under the agenda item entitled "Question of the

realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the right to Development."
