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PROVISIONAL SUMMARY RECORD OF THE 51st MEETING

Held at the Palais des Nations, Geneva  
on Tuesday, 25 July 1995, at 10 a.m.

President: Mr. TEJERA-PARIS (Venezuela)  
(Vice-President)

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In the absence of Mr. Kamal (Pakistan), Mr. Tejera-París (Venezuela),  
Vice-President, took the Chair.

The meeting was called to order at 10.40 a.m.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS (continued)

- (b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (E/1995/111 and Add.1)
- (c) IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES BY THE SPECIALIZED AGENCIES AND THE INTERNATIONAL INSTITUTIONS ASSOCIATED WITH THE UNITED NATIONS (A/50/212; A/50/286-E/1995/113; E/1995/85; E/1995/Misc.3)
- (d) HUMAN RIGHTS QUESTIONS (A/50/75-E/1995/10, A/50/78-E/1995/11, A/50/92-E/1995/15, A/50/93-E/1995/16, A/50/122-E/1995/18; E/1995/22 and Corr.1, 23 and Corr.1 and 2, 49, 88, 93 and 112; E/1995/L.21 and L.25)

Mr. AYALA LASSO (United Nations High Commissioner for Human Rights), introducing his own report (E/1995/112) and the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/1995/111 and Add.1), said that the tragic events in Bosnia and Herzegovina had aroused the indignation of the international community and cast a shadow over the fiftieth anniversary of the United Nations. He appealed once more to those responsible to put an end to their atrocities and to seek a fair and lasting peaceful solution to their conflicts. In the meantime, the United Nations would continue its human rights activities, and do everything possible to assist the victims, monitor the situation and seek to improve it.

Over the past year, as well as tragic violations of human rights, the international community had witnessed some encouraging developments, such as the holding of the first democratic elections in South Africa, the end of military rule in Haiti, the continuation of the peace process in the Middle East, and most recently, the release of Daw Aung San Suu Kyi from house arrest in Myanmar.

Half a century after the proclamation of the purposes of the maintenance of peace and security and the promotion of respect for human rights in the Charter of the United Nations, the international community was paying tribute to the founders of the Organization for their insight into the interdependence

between peaceful international relations and respect for such rights. Full implementation of the Vienna Declaration and Programme of Action continued to hold out a promise and present a challenge to all.

The establishment of the post of High Commissioner for Human Rights, had opened the way for a new approach to the protection and promotion of those rights, particularly through dialogue with Governments and the mounting of field operations, such as that undertaken in Rwanda, where investigations of genocide, serious violations of human rights and humanitarian law, and promotion of a climate of confidence for the return of refugees and displaced persons were proceeding actively. Experience showed that operations of that type had to be financed on a more solid basis, drawing primarily on ordinary contributions, which would, however, need to be supplemented by the establishment of a revolving fund to meet emergencies.

In February, he had reported on human rights in Burundi to the Commission on Human Rights at its fifty-first session and requested that measures be taken to prevent a deterioration in the situation there. In April, when visiting that country for the third time, he had also appealed to the authorities to take all possible steps to put an end to violence and guarantee respect for human rights and had renewed his appeal for international action to avert a repetition of the tragedy that had occurred in Rwanda. He was pleased to say that steps had been taken to increase the number of officials providing technical assistance, that his proposal for the deployment of 35 observers had been supported by the Commission and the Security Council and that the European Union had offered financial support. In Malawi, a cooperation programme had also been launched to strengthen the process of transition to democracy.

Since the outbreak of the conflict in Chechnya, he had been expressing concern at the reports of serious human rights violations there and, following consultations with the delegation of the Russian Federation during the Commission's fifty-first session, a representative of his Office had visited the region. Consultations were proceeding on the initiation of a human rights programme in cooperation with the authorities of the Russian Federation, and he was also in touch with various regional organizations, especially the Organization for Security and Cooperation in Europe (OSCE).

In Nigeria, too, the situation was causing grave concern, and the Working Group on Arbitrary Detention and the Special Rapporteur on extrajudicial

summary or arbitrary executions had appealed to the Government to ensure respect for international standards. He hoped that the direct contacts existing between the Government and his Office, particularly in connection with the recent trial of some 40 citizens, would lead to effective cooperation with the United Nations human rights machinery.

The Vienna Declaration emphasized the need for the human rights programme to provide technical assistance for strengthening human rights institutions and practices, and the Centre for Human Rights was implementing a wide range of projects to that end. An increasing number of countries had requested such assistance and more than 100 projects had been carried out in some 50 countries over the past year. In conjunction with the United Nations Development Programme (UNDP) and the main financial institutions, he was studying ways of cooperating in development-related programmes and the promotion of economic, social and cultural rights. He firmly believed in the dynamic character of human rights activities and was happy to report the extension of the Centre's operations from its headquarters in Geneva to the field in a measure that opened up new perspectives and presented a challenge to all concerned. Field operations were currently being prepared in nine countries, and the number of officials engaged in field work had increased considerably.

He gave high priority to the promotion of equal rights for women - the elimination of discrimination against women and their protection against violence in public and private life, and his Office was actively contributing to the preparations for the Fourth World Conference on Women. It was essential to ensure that the Vienna Declaration and Programme of Action inspired the relevant parts of the documents to be approved at that Conference, so that the Vienna consensus was not watered down and the solemn and unanimous undertaking of June 1993 was endorsed and, if possible, improved by the international community.

In furtherance of the right to development, linked with the promotion of economic, social and cultural rights, he had taken measures to coordinate cooperative efforts with the international financial institutions to include problems related to the right to development in the various activities of units of the Secretariat, and to support the Committee on Economic, Social and

Cultural Rights. He was also endeavouring to ensure that the multidimensional concept of the right to development should be included in national plans of action.

Over the past year, a growing number of requests had been made by Governments, international organizations and institutions in connection with social problems and the strengthening of the rule of law. Accordingly, he welcomed the discussion at the recent Summit of the Group of seven major industrialized countries (G-7) of the role of the World Bank and the International Monetary Fund (IMF) in human rights promotion as well as the support expressed for his Office and the emphasis laid upon its responsibility in coordinating the human rights activities of the United Nations system.

He commended the work of the Committee on Economic, Social and Cultural Rights, which continuously monitored the application of the International Covenant on Economic, Social and Cultural Rights by the more than 130 States parties. Unlike most of the bodies established by such instruments, the Committee held only one regular session per year, and he thus supported draft resolution E/1995/L.21 requesting the Council to authorize the holding of a second annual session.

The World Conference on Human Rights had emphasized the importance of the role of national institutions in promoting and protecting human rights, and he would shortly provide the services of an adviser to support and assist Governments seeking such help.

Coordination with the other bodies in the United Nations system was one of his most difficult challenges, but progress had been made. He hoped that the recommendations of the Administrative Committee on Coordination (ACC), which had taken up the subject of human rights for the first time in the preceding year, would be put into practice. A framework of cooperation with the United Nations Children's Fund (UNICEF) and the United Nations Volunteers Programme (UNV) had been established, and agreements would shortly be signed with other organizations including the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Celebration of the Third Decade to Combat Racism and Racial Discrimination bore testimony to the will of the international community to undertake comprehensive action against racial discrimination - a commitment whose importance had been emphasized by the Secretary-General in his message

to the international community in the fiftieth anniversary year of the United Nations. Over the past year, an effort had been made to coordinate the activities of the various mechanisms mandated to combat racism, in particular through the Committee against Torture and the Commission on Human Rights, working in collaboration with the Special Rapporteur on contemporary forms of racism. The Special Rapporteur had noted that the biological version of racism coexisted with culture-centred racism and attributed the growth in racial discrimination to a lack of collective reaction against such phenomena and the political activities of organizations of the extreme right.

In order to promote coordination between the various agencies and programmes involved, his Office would shortly be publishing a quarterly bulletin to make its activities better known and better understood by the other organizations involved.

The World Conference on Human Rights had once again emphasized the need to make substantially increased resources available for human rights activities from the regular United Nations budget as well as increasing funds from extra-budgetary sources. The financial resources allocated were still failing to meet needs, particularly for the activities of the Centre for Human Rights.

The experience he had acquired over the sixteen months he had acted as High Commissioner confirmed that the principles on which his mandate was based remained valid. The promotion and protection of human rights required an integrated view, recognizing the interdependence and interrelationship of its various aspects. He was confident that, if all actors at both the international and national levels conjoined their efforts, a better day would dawn for human rights.

Mr. BANGURA, Acting Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, expressed appreciation of the Council's support for the Special Committee and of the invaluable contribution of the specialized agencies and international institutions to the implementation of the Declaration. In line with the goal set by the General Assembly in 1988 when it launched the International Decade for the Eradication of Colonialism by the year 2000, the process of decolonization had entered upon its final stage.

There were, however, some peoples that had still not been able to exercise their right to self-determination and the General Assembly had reiterated over the years that their small population size, limited natural resources and vulnerability to natural disasters and environmental hazards should not prevent the peoples of the Non-Self-Governing Territories from exercising that inalienable right. The Special Committee did, however, recognize that sustained economic and social advancement was an essential prerequisite to the implementation of the Declaration in their case.

He thus invited the members of the Council to join the Special Committee in reviewing the particular circumstances and characteristics of the Non-Self-Governing Territories and establishing priorities. The administering Powers and the specialized agencies were making an important contribution to the well-being of the Territories, but there were a number of areas where assistance could be increased and made more effective while preserving the traditions and cultures and respecting the wishes of the populations concerned.

Mr. VALENZUELA (Observer for Spain), speaking on behalf of the European Union, and of the delegations of Bulgaria, Poland and Romania and the observers for the Czech Republic, Hungary, Latvia and Slovakia, said that new racial tensions had begun to emerge in recent years and find expression in violence, leading to grave and systematic violations of human rights and international humanitarian law. In the territory of the former Yugoslavia, in Rwanda and in Burundi, members of ethnic groups had been driven from their homes, mass murder had followed the breakdown of institutions, and failure to bring to justice those responsible had further strengthened the hands of extremists. Hence the importance of the International Commission of Inquiry into the 1993 massacres in Burundi, and the establishment of international tribunals on the former Yugoslavia and Rwanda, which were cornerstones of the efforts to fight the impunity of perpetrators of crimes against humanity and violations of international humanitarian law.

Despite the tragedy unfolding daily in many parts of the world, new avenues for the maintenance of peace, the promotion and protection of human rights and economic and social people-centred development had been opened up by the World Conference on Human Rights and had found concrete expression in the creation of the post of United Nations High Commissioner for Human Rights.

The High Commissioner had outlined three main targets for his activities the first of which was strengthening the capacity of human rights mechanisms to react to emergency situations. That had been put to the test in Rwanda, where the Human Rights Field Operation (HRFOR) and the establishment of a comprehensive technical cooperation programme to help rebuild basic infrastructures for the respect of human rights set an example for the future.

Contacts between the High Commissioner and other United Nations departments, particularly the Department of Peace-keeping Operations (DPKO), the Department of Humanitarian Affairs (DHA) and UNHCR, on the one hand, and the Member States, on the other, were extremely important in that regard. The extensive experience accumulated by those bodies should act in a complementary and not a competitive way.

The High Commissioner's second objective was the prevention of human rights violations, an objective he was pursuing in close cooperation with the special procedures of the Commission on Human Rights and the human rights treaty bodies and through the provision of advisory services and technical assistance. In that connection, the implementation of a comprehensive programme of technical assistance and the establishment of an office of the High Commissioner in Burundi, together with the monitoring carried out by the Special Rapporteur in close cooperation with the various United Nations agencies and programmes concerned, could well provide a model for integrated and comprehensive preventive action.

The third of the High Commissioner's objectives was to develop system-wide United Nations coordination for the promotion and protection of all human rights - a coordination that was particularly relevant to the right to development, upon which the World Conference had placed such special emphasis. The Union was, however, concerned that the consensus on that right, and on the need for good governance, democracy and the full enjoyment of human rights - civil and political as well as economic, social and cultural - as necessary elements for its realization, appeared to be coming apart in both the Commission and its working group. It thus appealed for a concerted effort to re-establish that consensus.

The World Conference had placed new emphasis on the mainstreaming of human rights and the World Summit for Social Development had reflected a national and international commitment to the promotion and protection of those rights. That line of reasoning should carry on into the Fourth World



Conference on Women, which must chart the course for full integration of women into the mainstream of United Nations activities. It was noteworthy in that regard that a focal point on the human rights of women had been designated to coordinate activities related to women's rights throughout the United Nations system. The Union believed that the High Commissioner could play a central role in bringing the specialized agencies into a closer working relationship and in reviewing progress in achieving the objectives enunciated at those United Nations conferences.

Following the establishment of the post of High Commissioner, special procedures and treaty-monitoring bodies had acquired a new operational dimension, highlighting problem areas where early action might be crucial in averting or mitigating disasters. Regrettably, however, a number of countries were not cooperating with the human rights mechanisms. The Union, which supported those mechanisms unequivocally, urged full cooperation with them by all States. It concurred with the High Commissioner's opinion that following up recommendations made by the mechanisms and coordination among them were priority areas for action.

The World Conference had recognized the need for continuing adaptation of the human rights machinery to current and future needs, and for the enhancement of United Nations activities in that area. The process was already under way in respect of the Centre for Human Rights, which would be thoroughly restructured as from 1996, and the Union welcomed the High Commissioner's initiatives in that regard.

The question of strengthening the human rights machinery could not be separated from the issue of increasing the resources for human rights activities, which currently received less than 2 per cent of the Organization's overall budget. That was a far cry from the level of resources allocated to the other purposes of the Charter and far from commensurate with the increase in mandates and current and future needs in the human rights field. The latest budgetary proposal for the human rights programme would entail a slight increase in resources for both the High Commissioner and the Centre for Human Rights, but that still fell short of the increase required to meet the priorities established in the Vienna Declaration and Programme of Action. The Union thus expected that the timely provision of resources for human rights activities would henceforth become standard and normal practice.

Mr. ABREU e LIMA FLORENCIO (Brazil) said that, in the first year of his activities, the High Commissioner for Human Rights had had both to respond to one human rights crisis in Rwanda and to take action to prevent another in Burundi. He had visited several countries and contacted Governments and various organizations in an effort to enhance the promotion and protection of human rights and fundamental freedoms. To enable him to perform his duties more effectively, however, Governments and world public opinion must be mobilized behind his efforts to reform the human rights machinery of the United Nations with a view to enabling it to meet the needs identified at the World Conference.

His delegation encouraged the High Commissioner's endeavours to endow the Centre for Human Rights with the resources, structure and motivation necessary for the fulfilment of its tasks. Over the years, the Centre had been entrusted with multiple and diversified mandates without receiving the resources proportionate to them. Governments should not forget those constraints when deciding, in the competent bodies, on the allocation of resources for the human rights programme.

His delegation looked forward to a new structure for the Centre through which it could respond to the new demands in the field of human rights. A more balanced treatment of the various categories of rights was certainly required, as was more decisive action on the right to development. Attention to emergencies, while indispensable, should not impair longer-term cooperation activities, and it should always be remembered that the solution of the problems underlying human rights crises did not depend upon the Centre alone.

Closer coordination among all actors in the field of human rights would be required for the implementation of the Vienna Declaration and Programme of Action especially in view of the wide variety of actions that would have to be undertaken. Coordination was needed, not only within the United Nations system but also between the system and Governments, the multilateral financial institutions and non-governmental organizations (NGOs). His delegation thus firmly supported the efforts by the High Commissioner to make United Nations agencies, multilateral financial institutions and Governments more aware of the human rights dimensions in their fields of activity. Such awareness was essential if they were correctly to assess the impact of the policies they advocated on the enjoyment of human rights.

Efforts to realize the right to development would be well served by such assessments, as they would be by the establishment of indicators to gauge progress in implementing economic, social and cultural rights. Real progress in the protection and promotion of human rights throughout the world called for a dramatic increase in the financial and technical means made available by the international community and his delegation appealed to all entities in a position to assist in that endeavour not to delay doing so.

Mrs. BAUTA SOLES (Cuba) said that the achievement of economic, social and cultural development and scientific and technological progress was a major precondition for the advancement of individuals. When 75 per cent of the world's population lived in underdeveloped countries without access to the benefits of development, human rights remained mere abstractions unrelated to the harsh realities of daily life. Human rights were being marketed in a single package with the so-called free-market economy with the obvious objective of exacerbating the marginalized position of the third world.

The international community's efforts in the field of human rights must be aimed at ensuring real cooperation based on the promotion of all human rights, without distinction or discrimination, in accordance with the Vienna Declaration. Her Government was becoming increasingly concerned, however, at attempts to ignore what had been agreed upon at Vienna. The threat or use of force, military incursion or economic coercion could not be condoned for the alleged purpose of promoting or protecting human rights. Under the banner of human rights, attempts were being made to convert the Security Council into a tool for intervention in the internal affairs of States, in flagrant contradiction with the letter and the spirit of the Charter. The growing use of such approaches posed a serious threat to national sovereignty and the self-determination and independence of peoples, particularly those of the third world. The involvement of the United Nations in the internal affairs of States predicated the solution of civil disputes by the acceptance of development models and political systems that did not necessarily conform to the interests of the countries in question.

Another example of the lack of balance in the approach to human rights was the modification of the medium-term plan. The purpose had originally been to accommodate the human rights programme to the Vienna Declaration and Programme of Action, but concepts not approved at Vienna had been introduced, and the balance between the various human rights achieved in the Vienna texts

had been distorted. For example, no mention was made of the right to self-determination or of the violations of the human rights of peoples represented by foreign occupation and domination and unilateral measures that ran counter to international law and the Charter.

The right to development had been shunted aside, whereas it should be one of the priorities of United Nations action in the field of human rights. It was unacceptable that notions like preventive diplomacy, peacemaking and early-warning systems, which had been vehemently rejected at Vienna because they embroiled the Security Council in human rights issues, had been incorporated into the human rights programme.

When statements were made about the need for democracy in developing countries, the main concern was the economic benefits to be derived from such countries. A form of Western fundamentalism was emerging in which radical tax measures and extremist ideas that trampled underfoot the traditional values of peoples were jumbled together. That dogmatic elevation of the interests of the individual above those of the nation was being imposed on the cultures and civilizations of the developing countries.

The question was how that destructive impact on traditional values could be countered and how the historic struggle for human rights could be pursued when racism and segregation were being elevated to human rights doctrine by the countries of the developed world.

Mr. Jon Hee LEE (Republic of Korea) said that the treaty-monitoring bodies played an important role in the world-wide protection and promotion of human rights but the obligations to submit reports incumbent upon the contracting parties to such treaties were often quite burdensome to Governments. His delegation therefore suggested that, for the sake of efficiency and effectiveness, further consideration should be given to the increased coordination and long-term integration of those bodies.

The special rapporteurs, special representatives and independent experts of the Commission on Human Rights were the eyes and ears of the international community. Their work could not be successful, however, without the cooperation of individual countries. Lack of cooperation with fact-finding missions had often been witnessed. He was therefore pleased to report that the Special Rapporteurs on freedom of expression and on violence against women had recently visited his country and had successfully conducted their business

there. In carrying out their investigations, special rapporteurs should give priority to confronting the most serious issues, regardless of the degree of cooperation of the countries concerned.

This Government, being committed to the promotion of human rights in its region, had hosted in 1994 the third workshop for the Asia and Pacific region on human rights issues. His delegation hoped that the Council would give full support to the resolution of the Commission on Human Rights that referred to the organization of the workshop on a regular basis.

In conclusion, he paid special tribute to the High Commissioner for Human Rights for his dedicated efforts. Additional personnel and financial support should be given to him and to the Centre for Human Rights so that they could effectively carry out their many tasks, including assisting the treaty-monitoring bodies and the special rapporteurs.

Mr. ROGOV (Russian Federation) said that discrimination on the basis of nationality, religion, culture or language was on the rise, the victims being primarily members of minorities. The Special Rapporteur on contemporary forms of racism and the Committee on the Elimination of Racial Discrimination and the other treaty-monitoring bodies should pay due attention to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and report on ways in which they were promoting the implementation of that Declaration. His Government would like to see the Secretary-General continue the study on the effects of racial discrimination on the children of minorities in the fields of education, training and employment and prepare specific recommendations on combating such discrimination. The topic of discrimination should also become a priority of the work of the inter-sessional working group on minorities of the Subcommission on Prevention of Discrimination and Protection of Minorities. In the course of its work, that group should establish contacts with the Committee on the Elimination of Racial Discrimination and with the Special Rapporteur on contemporary forms of racism.

The work of the High Commissioner for Human Rights had made a real contribution to achieving the objectives set out in the Vienna Declaration and Programme of Action. His efforts in Rwanda and Burundi were models of action to prevent and mitigate the consequences of human rights violations. Dialogue

with Governments was a key component of the High Commissioner's work and the Government of the Russian Federation had cooperated with him in connection with the situation in Chechnya.

It welcomed his efforts to coordinate United Nations human rights activities. Those activities had been the springboard for establishing a system-wide dialogue on support for human rights through the exchange of information, experience and expertise. It was to be hoped that that process would be developed further. The Government of the Russian Federation trusted that the High Commissioner would soon make his mark in the areas of guaranteeing minority rights and supporting countries in transition to democracy.

Streamlining the work of the Commission on Human Rights remained an important objective. Documentation must be reduced, the agenda pruned and time resources used more rationally. Coordination should be enhanced and duplication in the activities of special rapporteurs, experts and working groups eliminated, while better distribution of functions between the Commission and the Subcommission should be pursued. The Commission's agenda must not be overloaded with questions having no direct relevance to its areas of competence or falling within the purview of other United Nations bodies.

His delegation welcomed the efforts made to improve the work of the Centre for Human Rights under the leadership of the High Commissioner. It hoped that the needs of countries in transition towards democracy, particularly for technical assistance and advisory services, would be duly taken into account as part of the Centre's restructuring.

The prevailing gap between programmed human rights activities and the available resources was unfortunate. Additional efforts should be made by the Secretary-General and the General Assembly to resolve that problem and the issue of resources should become a priority element of the annual review of the implementation of the Vienna Declaration and Programme of Action.

Mr. KUZNIAR (Poland) said that the report of the Commission on Human Rights on its fifty-first session (E/1995/23 and Corr.1 and 2) confirmed that the Commission was so overloaded with work that it was no longer able to fulfil its tasks or pursue its goals; there were too many subjects to be discussed and decisions to be taken during its annual session. Moreover, the treating of all topics as of equal importance meant that all were dealt with superficially.

It was important, therefore, to make a rational selection of items, many of which could be examined on a biennial basis. An order of priorities was essential, top priority being given to violations of human rights in internal conflicts - the recognized importance of which in the post-cold-war period had not been reflected in the Commission's work. Likewise essential was unconditional acceptance by States of the Commission's decisions, and their cooperation with the appropriate United Nations bodies, including the requisite attention to the latter's mechanisms and budgetary resources.

In addition, the Commission's procedures needed to be re-examined. For example, the confidential proceedings pursuant to Council resolution 1503 (XLVIII) were obsolete, time-consuming and of little interest to Governments; the very criterion of "gross and systematic violations" having become distorted over the years.

One definite improvement would be closer and more ongoing cooperation between the Commission, on the one hand, and the High Commissioner and Centre for Human Rights, on the other. A number of questions - for example, the provision of technical assistance to a country, or the renewal of a special rapporteur's mandate - could be decided upon and implemented between sessions. The Commission could also, where necessary, support the Centre's mandate with regard to its responsive and preventive duties.

The Council should take advantage of the general trend towards reform of the United Nations with a view to preparing projects and proposals aimed at reforming the Commission, to which end reactivation of the open-ended working group would be useful.

Mr. FASEHUN (Nigeria) said that human rights such as those to freedom from want, had been recognized by the founders of the United Nations and upheld in the Vienna Declaration and Programme of Action. In that regard, his delegation noted that, at the fifty-first session of the Commission on Human Rights, most decisions had been taken by consensus, only 20 having been put to the vote. Of the latter, however, some 90 per cent had been on issues of concern to the developing countries, such as the right to development, economic adjustment policies, the dumping of toxic wastes, specific country situations and the composition of the Centre for Human Rights.

The surprising feature was the pattern of voting; in the past, especially at the Commission's forty-eighth, forty-ninth and fiftieth sessions, there had been no cases of all the countries of any regional group voting en masse

against resolutions on such issues. The matter was the more disquieting in that texts on such issues had been adopted by consensus at the World Conference on Human Rights.

One feature was a seeming eagerness to target certain countries, but it was noteworthy that all such selective resolutions had been rejected. The Commission's approach to issues should be based on international understanding and support, not on politicization and condemnation.

The Commission's work programme needed to be rationalized. In particular, its work should not overlap that of the Subcommission. In particular, the latter should not dabble in individual country situations and thereby compromise the status of its members as independent experts.

His delegation urged the Secretary-General to convene the meetings requested in paragraph 4 of Commission resolution 1995/93, relating to the Centre for Human Rights and its restructuring; the Centre should be restructured in conformity with the Vienna Declaration and Programme of Action.

With reference to the High Commissioner's statement on Nigeria, the Nigerian Government had replied to all the communications received from him and the Centre. As for his request that a vice-chairman of the Working Group on Arbitrary Detention should visit Nigeria, the request had been forwarded but the Secretary-General had arranged, at the same time, to send a special envoy to Nigeria on the issue of those convicted of plotting against the Government. The Government had thus requested the Centre to await the outcome of the special envoy's visit and study its reply before arranging a further visit.

Nigeria had not been dragging its feet on the matter; indeed, a Commonwealth human rights delegation had just visited the country. In addition, a constitutional conference had just been concluded in Nigeria and had produced a strong bill of rights, which was due to be promulgated in some 10 weeks' time.

Mr. A. A. NDIAYE (Senegal) said that his delegation thought it had discerned a consensus, from the report of the Secretary-General (E/1995/111 and Add. 1) and the deliberations of the Commission on Human Rights, on one of the world's major current problems, namely, the struggle against all forms of racism and racial discrimination, especially those based on ethnicity, religion or language. Views on the form and content of that



struggle would vary, of course, according to the emphasis placed on the rule of law, the State or civil society, not to mention international organizations and specialized agencies, foremost among which should be UNESCO.

As suggested in the report, United Nations institutions should be more closely involved in the implementation of programmes for the Decade, including more frequent contacts with the Centre for Human Rights. Moreover, all programmes should focus on three aspects: education, training and information; legislation; and the prevention and combating of racism.

A severe shortage of financial resources had constantly hampered the implementation of the programmes for the Decades. The Council should thus urge all States to contribute generously and regularly to the Trust Fund for the Programme for the Decade.

Mr. SARQIUH (Libyan Arab Jamahiriya) said that his delegation greatly appreciated the role of the United Nations in the promotion and strengthening of respect for human rights, inter alia through its work in developing appropriate international instruments and monitoring their implementation.

Despite the measures taken to protect human rights at the international level, flagrant violations were still occurring, especially in the context of ethnic cleansing. Whole communities, including women and children, were suffering violations of the rights, including those to health, food and development, recognized in the International Covenants on Human Rights.

Unfortunately, genuine remedies were not being applied because the steps taken in the relevant international forums were often arbitrary and distorted, due to the predominance of the policies and interests of certain States, especially some developed countries, over genuine concern for human rights. Human rights questions should be dealt with objectively and impartially, at the international level, and a wholly humanitarian approach adopted which recognized a nation's characteristics and sought to strengthen international relations and improve standards of living.

His delegation appreciated the efforts of the High Commissioner for Human Rights and wished him every success in his further endeavours.

Mr. BLANEY (United States of America) said that the eradication of racism and racial discrimination throughout the world was of major importance to his Government, which had supported the General Assembly's establishment of a Third Decade to Combat Racism and Racial Discrimination and believed that

the enforcement of relevant laws and safeguards did much to help eradicate racially discriminatory practices. It also supported the expansion of training in the drafting of national legislation; the Secretariat should continue to take advantage of the expertise available through the Centre for Human Rights in planning future activities for the Decade. The latter's activities should be action-oriented, and the Centre should call upon qualified NGOs to develop model training programmes; but the currently scarce resources should not be spent on more meetings and seminars.

The United States had been pleased to welcome the Special Rapporteur on racism and racial discrimination in 1994; it encouraged other States to invite him also, and urged him to try to visit all the regions of the world.

His delegation strongly supported the budget for the Office of the High Commissioner for Human Rights and the Centre for Human Rights, as proposed by the Secretary-General. Having noted serious shortfalls in funding for some important mandates approved at the Commission's fifty-first session, it stressed that human rights activities which had priority in the United Nations deserved more than their current meagre portion of the regular budget. Governments had done much to create and extend the Commission's mandate, but the funding had not been commensurate. For example, the posting of human rights monitors near Iraq and the Sudan should be a budget priority, but funding was sadly lacking.

His delegation applauded the efforts of the High Commissioner and the Assistant Secretary-General for Human Rights to improve the management of the Centre, and would seek approval of the proposed budget in the Fifth Committee; it urged all Governments to approve the funding of the new positions established.

Although his delegation had not intended to address specific country situations in the Council, it felt that the situation in Nigeria deserved comment. That situation had prompted the Commission to consider, at its fifty-first session, a resolution on the subject. Unfortunately, the resolution had not been adopted, and the situation had deteriorated markedly. A few positive steps had been taken, such as the lifting of the ban on political activities, the announced intention to present a transition timetable, the release of some detainees and the lifting of the ban on the "Guardian" media group; but those measures had been overshadowed by the recent

arrests of retired and serving military officers, including the former Head of State and his deputy, their conviction and the reportedly harsh sentencing by a secret military tribunal.

The sentences had prompted an international outcry for clemency. His Government urged the Government of Nigeria to honour its own stated intention to respect human rights and the rule of law, including due process; it called on the United Nations to hold the Nigerian Government, a signatory of the Universal Declaration of Human Rights and a party to the International Covenant on Civil and Political Rights, to the same standards as other sovereign States.

Mr. ZHANG Yishan (China) said that the Commission on Human Rights deserved credit for the positive results it had achieved in certain areas at its fifty-first session. There had been renewed attention to the elimination of racism and racial discrimination and to gross violations of human rights resulting from foreign aggression and occupation, as well as to various new forms of racism and xenophobia. In addition, opposition to power politics and the politicizing of human rights issues was growing. His delegation hoped that the Council would endorse such positive results.

Certain aspects of that session, however, had been disappointing, including the selective approach, by some countries, to the concept of human rights, emphasizing civil and political rights at the expense of economic, social and cultural rights. That regrettable approach showed how much the Commission still had to do to uphold the indivisibility of human rights.

The founders of the United Nations, in making the promotion and protection of human rights an important component of the Charter, had had a common desire that Member States should act on an equal footing, with mutual respect, in order to promote international cooperation and understanding. Half a century later, the situation left much to be desired. The Commission's fifty-first session had shown the prevalence of hegemony, power politics and double standards in human rights issues. Some countries often assumed the posture of "human rights judges" and "world policemen" - an approach contrary to the spirit of mutual respect and cooperation and the purposes and principles of the Charter.

On the fiftieth anniversary of the United Nations, it was time to look at what had been done in the field of human rights and to amend, in particular, approaches still based on the perspective of the cold war era. The

Commission's work needed urgent reform, in order to align it with the changes in the international scene since the end of the cold war and better fit it to fulfil its tasks. The Commission's unreasonable composition, overlapping of mechanisms and unwieldy agenda should be overhauled, and the politicizing of human rights, double standards and exclusive emphasis on civil and political rights should be abolished.

A number of delegations, including his own, had discussed such problems in an informal working group and had presented a series of constructive proposals. The Council should play an effective role in supporting that positive move. Given the requisite good will and a sincere desire to work on an equal footing, it would not be difficult to reach a consensus on how to reform the Commission.

Ms. WONG (Australia) said that her delegation strongly endorsed the view adopted at the World Conference on Human Rights that all human rights were universal, indivisible and interdependent. They had become an indispensable element of international relations and were rightly the subject of international scrutiny.

It had to be recognized that security in the post-cold-war period related as much to the security of peoples as to the integrity of borders and security of States. A country which systematically disregarded human rights, ignored the rule of law and failed to strive for equitable development was inviting breakdown and civil strife. It was time for the international community to recognize that the preventive aspect of respect for human rights was as much a part of international security measures as diplomacy, peace-keeping and peace enforcement.

The conflict in the former Yugoslavia was a tragic illustration of the link between the abuse of human rights and the breakdown of peace and security. Her Government condemned the recent upsurge of violence in Bosnia, including the capture of the United Nations-designated safe area of Srebrenica, and the ethnic cleansing of the Muslim population there.

The problem of impunity in such conflicts was widespread and an important reason why there was so much abuse in so many parts of the world. Her Government thus welcomed the establishment of tribunals to try those responsible for human rights violations in Rwanda and the former Yugoslavia

and looked forward to the establishment of an international criminal court that would have jurisdiction over all such crimes, no matter where they were committed.

Her delegation welcomed the High Commissioner's involvement in activities aimed at addressing problems - in Burundi for example - before they led to security breakdowns and encouraged his involvement in situations where timely attention could help to avoid or resolve such breakdowns. It urged Governments and other parties to give him every assistance and cooperate in implementing any recommendations he might make. Her Government was supporting the Office of the High Commissioner in national institution-building by providing the services of an Australian expert for two years as an adviser.

Mr. SEMASHKO (Ukraine) said that his delegation fully shared the view that gross and systematic violations of human rights, regardless of where they took place, constituted a threat to international peace and security. Clear evidence of that had been the emergence in recent years of new centres of armed conflict and massive violations of the rules of international humanitarian law and generally accepted human rights standards, particularly in the territory of the former Yugoslavia, the former Soviet Union and in some African countries.

In those circumstances, it was becoming increasingly important to enhance the effectiveness of human rights machinery at the international, regional and national levels. In that connection, he wished to highlight the special role of the Vienna Declaration and Programme of Action in developing international cooperation in the human rights field and the positive influence of the High Commissioner for Human Rights.

His delegation supported the proposals for the further strengthening of international monitoring machinery within the United Nations and the possibility of adapting it to prevent gross and systematic violations of human rights. It would also be useful to consider incorporating such machinery into agreed international measures to prevent conflict. However, it took the view that no single country had the right to take upon itself unilateral responsibility for the observance of human rights in other countries.

The Ukraine was a party to most of the international human rights instruments and had incorporated them into its national legislation. His delegation thus supported the appeal made to countries which had not yet done

so to become parties to the international human rights instruments, which would lead to a more effective operation of the monitoring machinery provided for in them.

His country, which attached great importance to the work of the Commission on Human Rights and was a newly elected member thereof, would make every effort to help improve its effectiveness. His delegation thus supported the decisions taken by the Commission at previous sessions concerning the need to reorganize its work.

However, it was aware of the fact that the open-ended informal working group established pursuant to a Commission decision to consider the organization of its work had produced virtually no results, although some businesslike proposals had been submitted to it.

It also regretted the fact that, for a number of years, a working group of the Commission had been preparing a draft declaration on human rights activists but was still unable to complete its work. He appealed to all delegations to adopt more constructive attitudes to both those matters.

His delegation supported the Commission's decision to delete from its agenda a number of items connected with the situation in southern Africa and to end the activities of working groups on the International Convention on the Suppression and Punishment of the Crime of Apartheid. It also supported the Commission's establishment of an inter-sessional working group of the Subcommission to promote the rights of people belonging to national or ethnic, religious or linguistic minorities and of an open-ended inter-sessional group of the Commission to draft a United Nations declaration on the rights of indigenous peoples.

Mr. RAMLAWI (Observer for Palestine) said that the report of the Secretary-General on assistance to the Palestinian people (A/50/286-E/1995/113) contained a review of the activities of the United Nations and specialized agencies aimed at rebuilding the basic infrastructure of Palestine and at providing immediate assistance to the Palestinians with a view to ending the deterioration in their living conditions. The deteriorating economic and social situation of Palestine was, of course, the result of the destruction of the country's infrastructure during the years of Israeli occupation. Indeed, a careful reading of the Secretary-General's report provided a clear picture of the extent of the sufferings of the Palestinian people as a result of the policy pursued by

the Israeli occupiers and, while the international community was providing assistance to the Palestinians with a view to helping them live in dignity, it should also look at the reasons for their tragic situation.

It was the responsibility of the international community in general and the United Nations in particular to put an end to the Israeli occupation of Palestinian land and render it possible for the Palestinian people to enjoy its right to self-determination. Current negotiations to settle Palestinian issues were not proceeding satisfactorily and did not give rise to any justified hope that the Palestinians could live an independent life on their own territory.

(e) ADVANCEMENT OF WOMEN (continued) (E/1995/26)

The PRESIDENT invited the Council to decide on draft resolution II on Palestinian women, recommended for adoption by the Commission on the Status of Women (E/1995/26, chapter I, section A).

Miss EL ETR (Egypt) said that her delegation supported the draft resolution, which reflected the current situation of the Palestinian people. She hoped that that situation would change as a result of the peace process and that the peace negotiations taking place would have a positive effect on the situation of Palestinian women and of the Palestinian people in general.

At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution II.

Mexico, having been drawn by lot by the President, was called upon to vote first.

In favour: Australia, Bahamas, Bhutan, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Egypt, France, Germany, Ghana, Greece, India, Indonesia, Ireland, Jamaica, Japan, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mexico, Netherlands, Nigeria, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Sri Lanka, Sudan, Thailand, Uganda, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Canada, Côte d'Ivoire, Norway, Ukraine.

Draft resolution II was adopted by 43 votes to 1, with 4 abstentions.

Mr. KUEHL (United States of America), said that his delegation had voted against the draft resolution because it did not believe that the Council was the appropriate forum for dealing with such issues, which were for the parties to address in the peace process. Israel and the Palestinians had demonstrated their ability to resolve difficult issues since signing the historic Declaration of Principles in 1993. Consideration by the Council of issues which were for the parties to address only distracted attention from their efforts and complicated the ongoing search for peace.

Mr. ROGOV (Russian Federation) said that, by voting in favour of the draft resolution, his delegation had wished to remind the members of the Council that it had been approved by consensus in a functional commission and that there was no point in reopening the discussion on the issue.

Mr. FERNANDEZ (Observer for Spain), speaking on behalf of the European Union, said that, although some of the language of the draft resolution did not properly reflect the recent developments in the Middle East peace process, the Union had supported it in accordance with its position at the last session of the Commission on the Status of Women.

Nevertheless, it would have been more appropriate for the Council to examine the draft resolution in conjunction with Commission resolution 39/3, which had been adopted by consensus, on the integration of women in the Middle East peace process. It hoped that, when those issues were dealt with in the future, the results of the Fourth World Conference on Women would be duly taken into account.

Mr. FITSCHEN (Germany), having endorsed the statement by the representative of Spain on behalf of the European Union, said that his delegation shared that representative's concern about language that did not reflect the current realities of the Middle East peace process. It had always considered that political controversy should be excluded from the functional commissions and would have preferred that the two texts emerging from the Commission on the Status of Women - the draft resolution just adopted and the resolution on the integration of women in the Middle East peace process - had been combined.

His delegation had voted in favour of the draft resolution in the Council because its text had been approved in the Commission by consensus.

Mr. KARIMIAN (Observer for the Islamic Republic of Iran) said that he wished to reiterate once again that not only was his Government concerned



about the continuing deterioration of the situation of Palestinian women in the occupied Palestinian territory, including Jerusalem, but also about the major obstacle which Israeli occupation constituted for Palestinian women with regard to advancement, self-reliance and integration in the development plans of their society.

The PRESIDENT suggested that the Council should take note of the report of the Commission on the Status of Women on its thirty-ninth session, on the understanding that paragraph 5 of Commission resolution 39/9 on women in agriculture and rural development should be corrected by replacing the word "equity" by the word "equality".

It was so decided.

Ms. SCHWARZ (Inter-Parliamentary Union (IPU)) said that IPU was the world organization of parliaments and currently comprised 135 of them. It had, on several occasions, encouraged parliaments to set up specific bodies to promote and protect human rights and had published a World Directory of Parliamentary Human Rights Bodies, providing data on some 88 human rights bodies established by national parliaments.

IPU, aware of the important role which national institutions could play for the promotion and protection of human rights had placed that question on the agenda of the ninety-second Inter-Parliamentary Conference in September 1994. The Conference had given full support to the "Principles relating to the status of national institutions", adopted by the United Nations Commission on Human Rights in 1992, and had called on States to ensure that such institutions were independent of Governments, provided with adequate funding, pluralistic and represented those in society involved in the promotion and protection of human rights.

Parliaments shared with Governments special responsibility for social development and human well-being. IPU had contributed to the World Summit for Social Development by a message containing its basic views and a number of its recommendations on the subjects discussed at the Summit. It called for a "20-20" compact setting out essential and minimum targets for human development over a 10-year period and at its forthcoming conference in October 1995, would consider strategies for the effective implementation of the national and international commitments adopted at the Summit.

IPU had also tackled a human rights question which was of increasing importance, namely, bioethics and its world-wide implications for human rights protection. It had stressed the urgent need to prohibit all financial gains from the human body or parts thereof and to ban the patenting of human genes and had urged States to set up national ethics committees to monitor protection and respect for human dignity in that area.

Lastly, she mentioned that IPU also acted through its Committee on the Human Rights of Parliamentarians which, over the past two decades, had dealt with the cases of more than 700 parliamentarians whose human rights had allegedly been violated in some 30 countries of the world. Most of the cases had been satisfactorily resolved.

Mr. AHMAD (World Muslim Congress) said that the growing lack of will to act in the face of persistent massive violations of human rights had given rise to the notion of the national "vital interest", whereby a State might act to put a stop to massive human rights violations only if its own national interests were at stake. Otherwise, it would content itself with mere moral declarations.

Bosnia, Kosovo, Chechnya and Kashmir represented four real-life examples of the international community's lack of political will to act in the face of persistent massive violations of human rights and crimes against humanity. Bosnian Muslims were being systematically decimated while the world stood by and watched, the Security Council's arms embargo having impaired their ability to defend themselves, and the United Nations had been guilty of trading heavy weapons for hostages.

The world was witnessing what might well be the last stage of the final solution of the "Bosnian Muslim problem". The Albanians of Kosovo were next in line to pay the price of Serbian ethnic and religious purity.

The Indian Government's response to the demand of the people of the Jammu and Kashmir for self-determination was massive, ferocious and ruthless repression. It was actively modifying the demographic map of Jammu and Kashmir and destroying the cultural and spiritual heritage of the Kashmiris.

Mrs. SABHARWAL (India), speaking in exercise of the right of reply, said that she wished to reiterate that Jammu and Kashmir was an integral part of India and would remain so. Her delegation rejected all the baseless allegations made by the representative of an NGO noted for its malicious propaganda.

Mr. HASHMI (Pakistan) said that Jammu and Kashmir was not a part of India, except by forcible occupation. Security Council resolutions, United Nations maps and United Nations documents all made it clear that Jammu and Kashmir was a disputed territory.

Mrs. SABHARWAL (India) said that the representative of Pakistan had once again abused a United Nations forum to advance his country's political agenda of territorial aggrandizement. His attempt to describe Jammu and Kashmir, an integral part of India, as a disputed territory was tantamount to a call for secession. Statements by Pakistani leaders had made it quite clear that their ultimate objective was the annexation of the Indian State of Jammu and Kashmir.

Mr. HASHMI (Pakistan) said that, over the past 47 years, India had successfully swallowed up a number of territories, such as Goa, and had illegally occupied Jammu and Kashmir throughout that entire period. It was not a question of territory but of a people's right to freedom. Kashmiris should be allowed their right to self-determination and, in accordance with Security Council resolutions, be enabled to make their own decision.

The meeting rose at 1.25 p.m.