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**Third Committee****Summary record of the 39th meeting**

Held at Headquarters, New York, on Thursday, 8 November 2007, at 10 a.m.

*Chairman:* Mr. Wolfe ..... (Jamaica)**Contents**Agenda item 70: Promotion and protection of human rights (*continued*)(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)(e) Convention on the Rights of Persons with Disabilities (*continued*)Agenda item 63: Advancement of women (*continued*)Agenda item 67: Indigenous issues (*continued*)(a) Indigenous issues (*continued*)(b) Second International Decade of the World's Indigenous People (*continued*)Agenda item 106: Crime prevention and criminal justice (*continued*)Agenda item 68: Elimination of racism and racial discrimination (*continued*)(a) Elimination of racism and racial discrimination (*continued*)(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (*continued*)\*Agenda item 69: Right of peoples to self-determination (*continued*)\*

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\* Items which the Committee has decided to consider together.

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 70: Promotion and protection of human rights** (*continued*)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/C.3/62/L.29, L.33, L.34, L.42 and L.44)

*Draft resolution A/C.3/62/L.29: Moratorium on the use of the death penalty*

1. **Mr. Makanga** (Gabon), introducing draft resolution A/C.3/62/L.29, said that, since 1948, the number of countries having abolished the death penalty for all crimes had increased from 8 to 130. Only 25 countries had carried out executions in 2006. Many States had declared a moratorium on executions while reviewing the utility of the death penalty, which was a human rights issue. Moreover, the probability that innocent people might be executed was significant. The sponsors did not try to impose their views on other States but rather to reinforce the growing trend towards a phasing out of the death penalty. Burundi, Cambodia, the Dominican Republic, Haiti, Mali, Mozambique and Rwanda had joined the sponsors of the draft resolution.

2. **Mr. Khane** (Secretary of the Committee) said that Côte d'Ivoire and South Africa had also joined the sponsors.

*Draft resolution A/C.3/62/L.33: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms*

3. **Mr. Heines** (Norway), introducing draft resolution A/C.3/62/L.33, said that, as a result of ongoing consultations, a revised text would probably be issued in the following week. Albania, Denmark, Georgia, Micronesia (the Federated States of), Monaco, Montenegro, Nigeria, Portugal, Slovenia and the United States of America had joined the list of sponsors of the draft resolution.

4. **Mr. Khane** (Secretary of the Committee) said that Austria, Bulgaria, the Czech Republic, the Dominican Republic, El Salvador, Greece, Hungary, Iceland, Israel, Jordan, Latvia, Luxembourg, Moldova, Poland, Romania, San Marino, Serbia, Slovakia, the

former Yugoslav Republic of Macedonia, Timor-Leste and Turkey had also joined the sponsors.

*Draft resolution A/C.3/62/L.34: Protection of and assistance to internally displaced persons*

5. **Mr. Valvatne** (Norway), introducing draft resolution A/C.3/62/L.34, said that a revised text to be issued probably after ongoing consultations would not contain the current second preambular paragraph. No changes were proposed regarding the mandate of the Representative of the Secretary-General on human rights of internally displaced persons, since it would be reviewed by the Human Rights Council shortly. Albania, Croatia, Guatemala, Italy, Micronesia (the Federated States of), Montenegro and Ukraine had joined the list of sponsors of the draft resolution.

6. **Mr. Khane** (Secretary of the Committee) said that Angola, Bosnia and Herzegovina, Bulgaria, Cape Verde, the Congo, the Czech Republic, the Democratic Republic of the Congo, Greece, Hungary, Iceland, Latvia, Mexico, Peru, Romania, San Marino, Serbia, Timor-Leste and Turkey had also joined the sponsors.

*Draft resolution A/C.3/62/L.42: Elimination of all forms of intolerance and of discrimination based on religion or belief*

7. **Ms. Martins** (Portugal), introducing draft resolution A/C.3/62/L.42 on behalf of the European Union and the other sponsors, said that education and dialogue were crucial to achieving greater tolerance, respect and mutual understanding. The current draft was a streamlined version of the 2006 consensus text and contained some new elements. Albania, Canada, Georgia, Guatemala, Iceland, Moldova and the United States of America had joined the sponsors.

8. **Mr. Khane** (Secretary of the Committee) said that Andorra, Bolivia, Bosnia and Herzegovina, Cape Verde, Chile, the Dominican Republic, Ecuador, El Salvador, Montenegro, Nicaragua, Nigeria, Panama, Paraguay, Peru, San Marino, Thailand and Timor-Leste had joined the sponsors of the draft resolution.

*Draft resolution A/C.3/62/L.44: Subregional Centre for Human Rights and Democracy in Central Africa*

9. **Mr. Ileka** (Democratic Republic of the Congo), introducing draft resolution A/C.3/62/L.44 on behalf of the Economic Community of Central African States (ECCAS) and the other sponsors, stressed that the

Centre's regional capacities should be enhanced with a view to greater effectiveness and efficiency.

10. **Mr. Khane** (Secretary of the Committee) said that Algeria, Burkina Faso, Ghana, Kenya, Liberia, the Libyan Arab Jamahiriya, Malawi, Mali, Morocco, Senegal, Sierra Leone, the Sudan, Uganda, Zambia and Zimbabwe had joined the sponsors of the draft resolution.

**(e) Convention on the Rights of Persons with Disabilities** (*continued*) (A/C.3/62/L.36)

*Draft resolution A/C.3/62/L.36: Convention on the Rights of Persons with Disabilities and its Optional Protocol*

11. **Mr. Ochoa** (Mexico), introducing draft resolution A/C.3/62/L.36, noted that it was a concise procedural text and that Austria, Belgium, Botswana, Bulgaria, Canada, the Czech Republic, the Dominican Republic, El Salvador, Finland, Germany, Hungary, Iceland, Italy, Jordan, Montenegro, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland and Uruguay had joined the sponsors of the draft resolution.

12. **Mr. Khane** (Secretary of the Committee) said that Algeria, Angola, Armenia, Bolivia, Bosnia and Herzegovina, Cameroon, Cape Verde, Chile, the Congo, Côte d'Ivoire, Croatia, France, Greece, Guatemala, Jamaica, Latvia, Liberia, Lithuania, Mauritius, Morocco, Namibia, Nicaragua, Nigeria, Paraguay, the Philippines, Romania, Senegal, Sierra Leone, South Africa, Tunisia, Turkey and Uganda had also joined the sponsors.

**Agenda item 63: Advancement of women** (*continued*) (A/C.3/62/L.16/Rev.1, L.19/Rev.1, L.58 and L.59)

*Draft resolution A/C.3/62/L.16/Rev.1: Eliminating rape and other forms of sexual violence in all their manifestations, including as instruments to achieve political or military objectives*

13. **The Chairman** invited the Committee to take action on draft resolution A/C.3/62/L.16/Rev.1 and its amendments, contained in documents A/C.3/62/L.58 and A/C.3/62/L.59.

14. **Mr. Khane** (Secretary of the Committee) said that the Secretariat would inform the Committee as soon as information on the programme budget

implications of draft resolution A/C.3/62/L.16/Rev.1 was available.

15. **Mr. Hagen** (United States of America) requested a postponement of action on the draft resolution. He also informed the Committee that Armenia, Austria, Bosnia and Herzegovina, Burundi, Chile, Croatia, Denmark, the Dominican Republic, Georgia, Iceland, Indonesia, Iraq, Japan, Liberia, Lithuania, Malta, the Marshall Islands, Moldova, Monaco, Montenegro, Norway, Panama, and San Marino had joined the sponsors.

16. **The Chairman** said he took it that the Committee wished to defer action on the draft resolution.

17. *It was so decided.*

*Draft resolution A/C.3/62/L.19/Rev.1: Improvement of the situation of women in rural areas*

18. **The Chairman** informed the Committee that draft resolution A/C.3/62/L.19/Rev.1 had no programme budget implications.

19. **Mr. Sodnom** (Mongolia) pointed out that the sixth, eleventh, twelfth and thirteenth preambular paragraphs, and paragraphs 2 (g) and (i) of draft resolution A/C.3/62/L.19/Rev.1 were new and that the words "and violence" should be deleted from the text of paragraph 2 (d). Azerbaijan, Bangladesh, Costa Rica, South Africa, Tajikistan and Uruguay had joined the sponsors.

20. **Mr. Khane** (Secretary of the Committee) said that Afghanistan, Algeria, Angola, Barbados, Cape Verde, Chad, Chile, the Congo, Côte d'Ivoire, Ecuador, El Salvador, Guyana, Iran (Islamic Republic of), Jordan, Kazakhstan, Lebanon, Liberia, the Libyan Arab Jamahiriya, Mali, Namibia, the Philippines, the Sudan, Tunisia, Zambia and Zimbabwe had also joined the sponsors.

21. **The Chairman** said that he took it that the Committee wished to adopt draft resolution A/C.3/62/L.19/Rev.1, as orally revised, without a vote.

22. *It was so decided.*

23. **Ms. Duncan-Lira** (United States of America), explaining her delegation's position on draft resolution A/C.3/62/L.19/Rev.1, said that the Beijing Declaration and Platform for Action presented an important policy framework that did not create international legal rights

or impose legally binding obligations on States under international law. The references to the Declaration and Platform for Action and their periodic reviews did not create rights, or create or recognize the right to abortion. Those instruments could therefore not be interpreted as constituting support for, or endorsement or promotion of, abortion. The United States supported the treatment of women who suffered injuries or illnesses caused by legal or illegal abortion including post-abortion care and did not regard such treatment as abortion-related services. Sexual and reproductive health did not include abortion, nor did it constitute support for, or endorsement or promotion of, abortion or the use of abortifacients.

24. **Mr. Suarez** (Columbia) said that, since the fifth preambular paragraph did not include an express reference to the situation of indigenous women in rural areas, his delegation interpreted it to mean that attention was being paid in general to the improvement of the situation of indigenous women in rural areas.

**Agenda item 67: Indigenous issues** (*continued*)  
(A/62/286 and Corr.1)

(a) **Indigenous issues** (*continued*)

(b) **Second International Decade of the World's Indigenous People** (*continued*)

25. **The Chairman** invited the Committee to resume its consideration of agenda item 67 and suggested that the Committee, in accordance with General Assembly decision 55/448, should take note of the note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/62/286 and Corr.1).

26. *It was so decided.*

27. **The Chairman** said that the Committee had thereby concluded its consideration of agenda item 67.

**Agenda item 106: Crime prevention and criminal justice** (*continued*) (A/62/84)

28. **The Chairman** suggested that, in accordance with General Assembly decision 55/448, the Committee should take note of the note by the Secretary-General (A/62/84) transmitting the report of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime on

its third session, held in Vienna from 9 to 18 October 2006 (CTOC/COP/2006/14).

29. *It was so decided.*

30. **The Chairman** informed the Committee that it had concluded its consideration of agenda item 106.

**Agenda item 68: Elimination of racism and racial discrimination** (*continued*)

(a) **Elimination of racism and racial discrimination** (*continued*) (A/62/306)

(b) **Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action** (*continued*) (A/62/375 and A/62/480)

**Agenda item 69: Right of peoples to self-determination** (*continued*) (A/62/184 and A/62/301)

31. **Ms. Salayeva** (Azerbaijan) said that there was no conflict between the principle of the territorial integrity of States and the right of peoples to self-determination because that right contained important restrictive provisions which prevented it from being exercised in violation of the sovereignty and territorial integrity of States. Major international instruments contained restrictive provisions to the effect that the right to self-determination must not be construed as authorizing or encouraging action that would impair the territorial integrity or political unity of sovereign and independent States acting in compliance with the principle of equal rights and self-determination.

32. However, conflict between the principle of the territorial integrity of States and that of the right of peoples to self-determination arose when attempts were made to apply the principle of self-determination to the protection of the rights of national minorities. Her Government believed strongly that the rights of national minorities should be considered as part of human rights law, and in order to preserve the rights of national minorities, the principle of self-determination might be applied in various forms. Such an approach did not contradict the principles of sovereignty and territorial integrity within which human rights, including minority rights, could be ensured.

33. The principle of self-determination did not confer a right to unilateral secession upon a specific subset of a country's population, which would threaten political unity, territorial integrity and the stability of Member States. The recent adoption of the United Nations

Declaration on the Rights of Indigenous People by the General Assembly had demonstrated the inviolability of the principles of the territorial integrity and sovereignty of States. Self-rule within existing borders was the way to settle the conflict in the south Caucasus.

34. **Mr. Attiya** (Egypt) said that the right to resist occupation was no less sacred than the right to self-defence, especially when facing illegal situations on the ground. Israel continued to prevent the Palestinian people from exercising their undeniable right to self-determination, through the establishment of an independent State on their occupied lands. The report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/62/301) had raised concern about the role of private companies operating in the security field. They had exacerbated conflict situations and undermined international mechanisms aimed at curbing the illicit trade in small arms and light weapons and the illegal exploitation of natural resources.

35. His delegation endorsed the Working Group's recommendations on the need to reinforce the role of the State in regulating the activities of such companies, and to strengthen national mechanisms to monitor their work. At the same time, he highlighted the importance of consolidating efforts to enhance the national capacity of States emerging from conflict to develop their security sectors on the basis of the principle of national ownership and to support the activities of the Working Group in order to enable it to carry out its role.

36. Egypt looked forward to specific recommendations by the Secretary-General on enabling the Human Rights Council to investigate and address the Israeli human rights violations in the Occupied Palestinian Territory. Israel's actions had contributed to the rise in poverty and unemployment to their highest levels in the West Bank and Gaza Strip, including East Jerusalem. Furthermore, the ability of the Palestinian people to exercise their legitimate right to self-determination and to establish an independent sovereign State, with East Jerusalem as its capital, had been severely curtailed.

37. He reiterated the importance of strengthening the United Nations role in dealing with the protection of the human rights of the Palestinian people, along with

other Arab people who were under occupation and systematically subjected to violations and intrusion. Egypt also looked forward to greater engagement on the part of the Organization, through its role in the Quartet, in confidence-building efforts to achieve a just, comprehensive and lasting peace founded on the terms of reference of the peace process and the Arab Peace Initiative. His delegation also hoped for greater United Nations engagement in ensuring the enjoyment of the right to self-determination and other human rights by all people.

38. The voting on the draft resolutions in the Special Political and Decolonization Committee had signalled overwhelming support for granting self-rule and the right to self-determination to territories and peoples under occupation. There was still a minority, however, that felt entitled to control the destiny of others, obliterate their identity and heritage, and force them into subjugation. As the international community approached the end of the Second International Decade for the Elimination of Colonialism, the United Nations should reaffirm its commitment to implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples. Firm steps should be taken to liberate all people from foreign control and to guarantee their enjoyment of the right to self-determination.

39. **Mr. Nikooharaf Tamiz** (Islamic Republic of Iran) said that the first organizational session of the preparatory committee for the Durban Review Conference had been timely considering the unprecedented increase in racism in various parts of the world. There had been an alarming increase in racist violence, xenophobic literature and religious intolerance masquerading as an exercise of freedom of expression, particularly in Western countries. That important freedom should not infringe on other rights, including the right to freedom of religion of Muslim minority populations.

40. Attempts were being made to suppress cultural diversity and expression. Most worryingly, a culture of Islamophobia was entering into political ideologies. The tendency to view differences in world religions as a clash posed a real threat to international peace and security. Insulting religions should be criminalized internationally, and associating the fight against terrorism with individual religions should be seen as a clear manifestation of racism and thus prevented.

41. The gross and systematic violation of human rights in the Occupied Palestinian Territories remained a matter of deep concern. The international community should continue to work to enforce the full implementation of all relevant United Nations resolutions, including Human Rights Council resolution S-1/1. His delegation welcomed the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 on implementation of General Assembly resolution 60/251 (A/HRC/4/17), which described some of the racist activities of the occupying Power.

42. Living conditions in Gaza were bleak. The indiscriminate and excessive use of force against civilians, the destruction of infrastructure and restrictions on freedom of movement constituted a gross form of collective punishment. The Wall currently under construction in Palestinian territory, checkpoints, settlements, house demolitions, targeted assassinations and other violations infringed a wide range of civil and political rights. The General Assembly must speak up for the human rights of the Palestinian people and demand an end to Israel's occupation. Joint action against racism was urgently needed more than ever before. His Government stood ready to cooperate closely with the international community to eradicate that scourge.

43. **Mr. Hijazi** (Observer for Palestine) said that the Palestinian people had been victims of racism for nearly a century. Hundreds of thousands had been forcibly expelled, denied identity cards and stripped of their livelihoods and dignity. Generations had since been born and lived their lives as refugees. Currently, millions were denied the inherent human right of return to their homes, while any person of the Jewish faith born anywhere in the world enjoyed the right of immigration and citizenship. Israeli law guaranteed the right of so-called return based on religion and race, and Israeli politicians shamelessly referred to the supposed demographic danger posed by the indigenous non-Jewish Palestinian population.

44. The 40-year Israeli occupation constituted an illegitimate, institutionalized system of colonization, racial discrimination and apartheid. Israel, the occupying Power, had violated the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid

and other instruments of international human rights and humanitarian law.

45. Nearly 3 million Palestinians in the West Bank, including East Jerusalem, were denied the right to move freely within the Occupied Palestinian Territory. In the meantime, about 460,000 Israeli settlers enjoyed a sophisticated network of Israeli roads to which Palestinians were denied access unless they obtained a permit. The oppressive and often degrading permit system was a morally repugnant replica of the apartheid pass system.

46. Israel continued to construct the illegal separation Wall in the Occupied Palestinian Territory, including East Jerusalem, despite the clear ruling of the International Court of Justice in 2004 that the Wall and the settlements for which it was being built were illegal and must be dismantled. The colonialist Wall reflected the Israeli Government's racist ideology of separation and exclusivity and thwarted the chances for an independent Palestinian State. The decades of oppression and racism experienced by the Palestinian people could be redressed only through the exercise of their inalienable right to self-determination.

47. **Ms. Eilon Shahar** (Israel) said that the Nazi atrocities of the Holocaust had shown the harrowing power and darkness of human hate. The substantial educational work and advocacy undertaken by Member States over time had helped to stem the belief that one race was superior or inferior to another and that different races should remain segregated. The right to freedom of thought, conscience and religion applied equally to all — to theistic, to non-theistic and to atheistic believers alike, no matter their creed or lack thereof. Her delegation therefore welcomed the interim report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/62/306). Israel was committed to implementing the International Convention on the Elimination of All Forms of Racial Discrimination. While the Government recognized that more could always be done to ensure the rights and equality of all people, progress was continuously being made.

48. However, the problem of racism, racial discrimination, xenophobia and related intolerance worldwide, particularly regarding anti-Semitism, remained acute. In 2006, 590 cases of deliberate violence and vandalism against Jews had been registered worldwide, an increase of 31 per cent from

the previous year. Most troubling, the wave of anti-Semitic activity had appeared predominately in Europe and the Middle East. Similarly, the Islamic Republic of Iran had increased its campaign of Holocaust denial and anti-Semitic activities. In December 2006, it had held a conference on Holocaust denial for pseudo-academics and so-called experts. The gathering had been nothing less than a political tirade against the State of Israel and Jews, thinly masked as an exercise in free speech and expression and should serve as a wake-up call for the international community to stand resolutely against that dangerous regime and condemn its racist ideology.

49. In contrast, General Assembly resolution 61/255 sent a clear message to Holocaust deniers that hatred and sheer racism were unacceptable. Her delegation also commended the United Nations Educational, Scientific and Cultural Organization resolution 34 C/49 on Holocaust remembrance of October 2007. Israel shared the concerns of the Special Rapporteur regarding the rise in all types of racism. The deplorable surge in racist activity merited a stronger emphasis on intercultural dialogue and a real commitment on the part of political leaders to combat all forms of prejudice, particularly relating to Islamophobia and anti-Semitism. The vision that all men and women were created in the divine image and must therefore be treated with equality, dignity and respect, had been promoted by the prophets of Israel since antiquity. In order to combat the scourge of racism effectively, there must be a manifest will to put aside political considerations and embrace diversity.

50. **Mr. Qwayder** (Jordan) said that his country had been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1974 and was proud that its citizens enjoyed equality and rights without discrimination as guaranteed by its Constitution. His Government was troubled by the rise in racism and xenophobia in many places in the world, and in particular by attempts to link Islam with terrorism. The 2004 Amman Message had set out the principles of true Islam and called for dialogue among religions and a culture of tolerance.

51. His country had signed and ratified 17 international human rights instruments and welcomed United Nations initiatives against racism, including the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the resulting Durban Declaration and Programme

of Action, the International Convention on the Elimination of All Forms of Racial Discrimination, and the three Decades to Combat Racism and Racial Discrimination. However, more needed to be done, and his country welcomed the upcoming Durban Review Conference, which the Human Rights Council had been making preparations for.

52. **Mr. Vundavalli** (India) commended the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/62/306), which had drawn the international community's attention to the rise in racist political platforms and violence. His delegation concurred with him that the United Nations should strengthen its role in promoting inter-faith and intercultural dialogue and that the commitments made in the Durban Declaration and Programme of Action must be implemented in order to foster social harmony.

53. India also commended the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/62/301). It had maintained unwavering support for and solidarity with the people of Palestine in their struggle to regain their inalienable rights, including the right to self-determination. His country had consistently urged the resumption of a direct dialogue among the main parties through the Quartet principals and supported the Quartet Performance-based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (S/2003/529).

54. Attempts continued to be made at the United Nations and elsewhere to reinvent some of the basic principles of the Charter, such as the right to self-determination, and to apply them selectively for narrow political ends. The right to self-determination must not be abused to encourage secession and harm pluralistic and democratic States. Moreover, it must not be misinterpreted as a right of a group, on the basis of ethnicity, religion or race, to undermine the sovereignty and territorial integrity of a State.

55. His delegation therefore regretted the unacceptable references to the Indian State of Jammu and Kashmir made by the delegation of Pakistan. The Indian State of Jammu and Kashmir was an integral part of the Union of India. Its people had exercised their right of self-determination at the time of India's independence and repeatedly and regularly participated

in free, fair and open elections at all levels. In contrast, Pakistan pretended to be a protector of human rights while denying even a semblance of such rights to the people of Pakistani-occupied Kashmir and to the people of Pakistan itself. Pakistani authorities would do well to listen to their own people, including the judiciary, who were demanding human rights and the rule of law. Some references in the statement made by the representative of Pakistan constituted an attempt to divide the ranks of those who supported the inalienable rights of the Palestinian people to self-determination. It would never succeed in its efforts.

56. **Ms. Halabi** (Syrian Arab Republic) said that it was regrettable that the Third Decade to Combat Racism and Racial Discrimination had failed to achieve its goals, and she hoped that efforts to implement the goals of the Durban Declaration and Programme of Action would be stepped up. Defamation of religions and assertions of cultural supremacism were on the rise, and organized racism directed against Arabs and Muslims in the name of the struggle against terrorism was setting back the struggle against racism.

57. In her own region, Palestinians and Syrians continued to be displaced by settlements based on a racist ideology that aimed to alter the demographic makeup of the occupied territories. The continued construction of the racist separation barrier by Israel displayed flagrant disregard for the very international system that had established it as a State in the first place. Israel behaved like a recalcitrant child towards the United Nations, which had presided over its birth but neglected to educate it properly. Former President Jimmy Carter, Archbishop Desmond Tutu and numerous United Nations reports had covered those issues, and his delegation looked forward to seeing them addressed at the upcoming Durban Review Conference.

58. The right to self-determination had been affirmed by the Charter of the United Nations, numerous General Assembly resolutions and the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights. It was saddening to see the United Nations work diligently to ensure the right of self-determination for remote islands with populations of a few thousand while it failed to hold Israel accountable for depriving millions of Palestinians of that right. Ensuring the Palestinian people's right of self-determination was a political and moral obligation

for the international community that was being flouted daily by Israel and its supporters.

59. **Mr. Schulz** (Observer for the International Federation of Red Cross and Red Crescent Societies (IFRC)) said that IFRC attached great importance to the effective implementation by Governments of the Durban Declaration and Programme of Action, but unfortunately, there did not seem to be as strong a commitment to practical measures and actions as had been expected when the Declaration had been adopted in 2001. Nor were there yet any signs of preparations for the proposed 2009 Review Conference to move from procedural discussions to a more substantive debate. Red Cross and Red Crescent Societies were at work on aspects of the Durban Declaration and the Programme of Action everywhere in the world and reported a need for much more proactive engagement at the national and local levels.

60. In 2003, the IFRC had delivered a pledge at the twenty-eighth International Conference of the Red Cross and Red Crescent entitled "Non-discrimination and respect for diversity". It would be reporting on the implementation of its commitments at the thirtieth International Conference, which would start later in the month in Geneva. One item to be reported on was the establishment of a Diversity Action Group within the Federation's Secretariat in Geneva. Its terms of reference emphasized the value of difference, and called for actions to improve diversity. Promoting respect for diversity also meant inclusion, and accepting marginalized and discriminated groups as actors, not only as victims. They must be part of project design, implementation and evaluation, contributing to the planning stage from their experiences.

61. The Federation's work on non-discrimination and respect for diversity had also been linked to operational activities. Disaster emergency and response programmes could not be considered successful and comprehensive unless they also promoted human dignity through respect for diversity and the rejection of discrimination. Disaster preparedness and response must extend to the entire population, without any distinction based on race, religion or ethnicity. Action must also cater to the specific needs of different communities and persons with different vulnerabilities.

62. IFRC was working to create a new energy to address the existing challenges within the framework



of the Durban agenda. It hoped to build enhanced response mechanisms in cooperation with Governments, international organizations, non-governmental organizations (NGOs), the private sector, national human rights institutions and the Office of the High Commissioner for Human Rights (OHCHR). One vehicle for that would be its thirtieth International Conference, which would consider the adoption of a declaration entitled "Together for Humanity". The draft declaration was centred on the humanitarian consequences of four major challenges facing the world today. Two of those challenges related directly to the Durban agenda, dealing with racism, discrimination and xenophobia. Both called for a much stronger response by Governments and civil society, which should reflect a new commitment to the political will that was essential to making a success of programmes intended to combat racism and discrimination and further promote human dignity and diversity.

63. The fight against discrimination must be waged on all fronts. Stigma and marginalization accompanied all forms of discrimination, but remarkable contributions to the fight against stigma had been made by groups such as people living with HIV/AIDS or persons with disabilities. It was time to offer more opportunities to the victims of racism and racial discrimination to participate in the fight as actors, rather than simply to typecast them as victims. IFRC hoped to see new thinking on the subject as part of the Durban Review process.

64. **Ms. Abdelhak** (Algeria), speaking in exercise of the right of reply, noted that for the second time the Moroccan delegation had exercised a right of reply in relation to statements by her delegation on the subject of Western Sahara, statements that had never referred to Morocco or commented on its positions. Western Sahara was a non-self-governing territory, and the idea of its being Moroccan had been rejected by the International Court of Justice in 1975.

65. In its statement, Morocco had rejected the right of the Algerian delegation to give it moral lessons on self-determination. Algeria was morally qualified to take a strong position on the right of peoples to self-determination since it had itself waged a war of liberation that had cost it a million and a half martyrs and which had culminated in the referendum on self-determination. Since then, it had unceasingly supported the right of all peoples under foreign domination to self-determination.

66. Secondly, Morocco had become indignant at the parallel that it thought had been drawn by her delegation between Palestine and Western Sahara. In its statement of the day before, the Algerian delegation had touched on the right to self-determination by quoting the example of two peoples who were still not able to exercise that right, those of Palestine and Western Sahara, without making any comparison whatsoever. But upon reflection, the comparison between Palestinians and Saharans was apposite, and she thanked Morocco for having drawn attention to the similarities between them: two peoples robbed of their land, resisting through a popular intifada in order to regain their right to self-determination.

67. Morocco had described the Algerian position as cynical since it had allegedly proposed the partition of Western Sahara. What was cynical was the malicious mythomania that Morocco was demonstrating by seeking to impute to Algeria the responsibility for the idea of dividing up Western Sahara. Morocco had accused Algeria of living in the past. Algeria was not ashamed of the past and built the present using the past as a foundation. Since Morocco had failed every time to live up to its commitments, Algeria found it easy to understand that it would wish to erase the traces of the years of effort expended by the international community in the search for a fair and lasting solution to the question of Western Sahara.

68. While recalling the past, the Algerian delegation had evoked the present in quoting Security Council resolution 1754 (2007), which called upon the parties to the conflict, Morocco and the Polisario Front, to enter into direct negotiations. Algeria had also urged the international community to support the efforts of the Secretary-General and his Personal Envoy for the implementation of that resolution so that the negotiations could succeed and a just and lasting solution be found to the conflict over Western Sahara which would be in full conformity with international law.

69. Finally, Morocco, had expressed surprise at Algeria's conception of its status as an observer. She would say it again: Algeria was a neighbouring country and an observer in the matter of Western Sahara. An observer made observations, which in the case of Algeria were constructive. It was with responsibility and calm that her country took on the status of an observer. Morocco would not succeed in sowing doubts as to the implications or the nature of her country's

interest in the issue, an interest which focused exclusively on building a future of peace, stability and prosperity in the region.

70. **Mr. Al-Saif** (Kuwait), speaking in exercise of the right of reply, recalled that at the afternoon meeting on Wednesday, 31 October, the representative of Israel had referred to a situation in Kuwait in 1991. What the Israeli delegate had said was a regrettable and unwise attempt to muffle the support of Kuwait for the Palestinian people and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967. It was notable that the website of the Israeli Ministry of Foreign Affairs referred to the latter only as “a United Nations human rights rapporteur”. A rapporteur for what issue? God and the rest of the world knew — excluding, of course, the Israeli Ministry of Foreign Affairs.

71. Unless Israel acknowledged and put an end to its occupation of the West Bank including East Jerusalem, Gaza and the Golan Heights, it could count on Kuwait and most of the countries of the world to bring its flagrant violations of international humanitarian law and international human rights law to the attention of the Committee and other international forums. Any problems that Israel had with what the Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967 had mentioned in his latest report would not go away with misleading statements by the delegation of Israel.

72. Lastly, he wished to cite the view expressed by a famous Israeli figure about the behaviour of his country. Avraham Burg, the Speaker of the Israeli Parliament from 1993 to 2003, had stated in an article written in 2003: “It turns out that the 2,000-year struggle for Jewish survival comes down to a state of settlements, run by an amoral clique of corrupt lawbreakers who are deaf both to their citizens and to their enemies”.

73. **Mr. Hayee** (Pakistan), speaking in exercise of the right of reply, said that Pakistan rejected the statement delivered earlier by the delegation of India, in particular its assertion that the state of Jammu and Kashmir was an integral part of the Union of India. The state of Jammu and Kashmir was not an integral part of India; it was a disputed territory under United Nations resolutions which were still awaiting implementation.

74. No one should offer lessons in human rights to his country, particularly not the delegation of India, which was itself illegally occupying Jammu and Kashmir, in violation of Security Council resolutions. That occupation was being sustained by an unprecedented and massive concentration of security forces and was characterized by the use of rape as a weapon of State policy to suppress the indigenous struggle of the people for self-determination. India’s systematic human rights violations had been well documented by various international human rights organizations.

75. **Mr. Bouchaara** (Morocco), speaking in exercise of the right of reply, said that he represented a nation with 14 centuries of history, one that was not afraid of Algeria or of anyone, because it knew that its cause was just. The parallel that had been drawn the day before by the Algerian delegation was unacceptable and irresponsible, while at the current meeting Algeria had once again given an astonishing display of its intransigence on the question of the Sahara.

76. Dealing with the issue entailed a need to be objective, to have a sense of measure and moderation. He was not certain that those words meant anything to the Algerian delegation. The matter was in the hands of the Security Council and a process of negotiation was in progress. He had said it before and would repeat it: Morocco energetically supported the process of negotiation. Algeria had said that it was speaking out for the right to self-determination, but there were already negotiations in progress. Algeria could not be an uninvolved observer and try at the same time to prejudice the outcome of the negotiations, by imposing its point of view on the delegations that were negotiating.

77. Furthermore, when one defended a principle and the exercise thereof, as a matter of intellectual honesty one needed to observe a minimum level of standards concerning respect for human rights. He would have liked to hear Algeria address the Committee on a number of questions that concerned its domestic situation, for example the situation of the refugees in the camps of Tindouf, who had been living in lamentable conditions for more than 30 years. The question of the Sahara had to be resolved. It was within the hands of the Security Council and could not eternally be the outlet for Algeria’s domestic problems. Morocco had no problem with Algeria. But he feared

that Algeria had a problem with itself and that there was not very much that anyone could do for it.

78. **Mr. Vundavalli** (India), speaking in exercise of the right of reply, recalled that India and Pakistan were discussing a number of outstanding issues bilaterally in the framework of the Composite Dialogue. Four rounds of the dialogue had been held between 2004 and 2007, and those discussions would continue in future also. The Composite Dialogue, which dealt with a range of subjects, had led to a significant improvement in bilateral relations and was predicated on the commitments made to India by President Musharraf of Pakistan on 6 January 2004 that Pakistan would not permit any territory under its control to be used to support terrorism in any manner.

79. Jammu and Kashmir was an integral part of India. In the course of the Composite Dialogue, a number of confidence-building measures had been introduced, and India was keen to move forward purposefully in normalizing relations with Pakistan. It was India's firm view that progress could only be made in an atmosphere free of terrorism and violence or threats to use them. India was also of the view that bilateral relations should continue to be discussed bilaterally and not raised in multilateral forums.

80. There was also a need to be vigilant against voicing sentiments which were tantamount to supporting terrorists who sought to destabilize a long-established democratic and plural society. India did not therefore consider the sentiments articulated by the delegation of Pakistan to be helpful, as they had the potential to vitiate an atmosphere which had been painstakingly created in the four rounds of the Composite Dialogue held so far.

81. **Mr. Hayee** (Pakistan), speaking in exercise of the right of reply, said that he had been surprised to hear the comments made by the delegation of India regarding terrorism. Pakistan was committed to the elimination of terrorism in all its forms and manifestations, but also held the position that the legitimate struggles of a people for self-determination could not be equated with terrorism. Pakistan therefore continued to support the legitimate and legal struggle of the Kashmiri people for self-determination.

*The meeting rose at 12.45 p.m.*