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on Tuesday, 13 March 2007, at 10 a.m.

President: Mr. de ALBA (Mexico)

later: Ms. BURAYZAT (Jordan)
(Vice-President)

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The meeting was called to order at 10 a.m.

STATEMENT BY THE DEPUTY PRIME MINISTER OF CROATIA

1. Ms. KOSOR (Observer for Croatia) said that the credibility of the Council as an effective instrument for the promotion and protection of human rights in all Member States would depend on the quality of the mechanisms established to implement its mandate. Particular attention should therefore be paid to the universal periodic review mechanism and the review of mandates of the former Commission on Human Rights. The universal periodic review was one of the most important elements of the new Council and should result in reviews of the human rights situations in all countries that were impartial, objective and inclusive.
2. Her Government attached particular importance to the system of special procedures and supported a transparent nomination process for mandate-holders. The criteria for nominating mandate-holders should include expertise, experience, independence and impartiality, and the principle of equitable geographic distribution should be taken into account. Croatia had extended a standing invitation to all special procedures and encouraged other countries to follow suit.
3. As a party to all core human rights treaties, Croatia actively participated in the development of new human rights standards, such as the International Convention for the Protection of All Persons from Enforced Disappearance, of which it had been one of the first signatories. The rights enunciated in that instrument were deserving of universal support. Her Government also welcomed the adoption of the Convention on the Rights of Persons with Disabilities, which it intended to sign by the end of March 2007. A national strategy based on the principles of the Convention and aimed at providing equal opportunities for disabled persons was currently in the process of adoption. Her Government supported the drafting of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to close the protection gap that existed among those rights.
4. As a transit country, Croatia was greatly concerned about trafficking in human beings and had developed strong national mechanisms to address the problem. In a related area, she welcomed the report of the Secretary-General entitled "In-depth study on all forms of violence against women" and commended the recommendations contained therein. The Croatian Government had adopted a wide range of legislation to combat gender-based violence at the national level. As part of the Council of Europe campaign entitled "Stop domestic violence against women" Croatia would host a regional seminar on men's active participation in combating domestic violence in May 2007.

STATEMENT BY THE VICE-MINISTER FOR FOREIGN AFFAIRS OF THE BOLIVARIAN REPUBLIC OF VENEZUELA

5. Mr. VALERO (Observer for the Bolivarian Republic of Venezuela) said that the Venezuelan Constitution recognized the universality and indivisibility of all human rights, and that the President's "socialism for the twenty-first century" was based on equal respect for civil, political, economic, social and cultural rights. The Government's "social missions" to eradicate poverty and the establishment of self-governing municipal councils showed that principle at work. Under the current Government, illiteracy had been eradicated, and poverty and mortality and morbidity rates had all been reduced. Several international organizations had confirmed

those achievements. Furthermore, the Government had proposed the adoption by the Organization of American States of the draft Social Charter of the Americas, an instrument that sought to protect the economic, social and cultural rights of the American peoples.

6. The programme for socialism in the twenty-first century in the Bolivarian Republic of Venezuela reflected the Vienna Declaration and Programme of Action, which recognized the universality, indivisibility, interdependence and interrelatedness of all human rights. The supporters of neoliberal ideologies, meanwhile, claimed to uphold civil and political rights, yet had placed systems and institutions at the service of a small political, economic and social elite. The policies pursued by those so-called “elected democracies” had further exacerbated inequalities, discrimination and exclusion in Latin America and the Caribbean.

7. Poverty was a flagrant violation of all human rights, and measures must be taken to address its root causes. Latin America and the Caribbean were home to more than 240 million poor people, of whom 100 million lived in extreme poverty, a situation that persisted despite global economic growth and sadly illustrated the failure of capitalism. Overcoming poverty was high on the agenda of socialism for the twenty-first century.

8. The Council’s institution-building process must reflect the understanding that the primary responsibility for promoting and protecting the human rights of their citizens lay with States. Genuine tolerance and respect for different models of democracy and development were thus crucial. Successful institution-building was a prerequisite for achieving the aims set forth in the General Assembly resolution establishing the Council.

9. The principles of universality, objectivity and non-selectivity must guide the Council’s consideration of human rights situations. Accordingly, his Government had proposed that universal periodic reviews should be conducted on the basis of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, which were the only instruments that enjoyed universal support.

10. Independence, impartiality, objectivity, equitable geographic representation and gender equality were considerations of paramount importance in selecting mandate-holders. In addition, the Council should engage in dialogue with a view to developing a code of conduct to govern the work of experts. National institutions should be invited to participate actively in the deliberations of the Council.

STATEMENT BY THE MINISTER OF JUSTICE OF MOROCCO

11. Mr. BOUZOUBAA (Morocco) urged members to cooperate in order to ensure that the Council developed into an effective mechanism that enhanced the protection of human rights and remedied the shortcomings of the past. The current session offered an opportunity to lay the foundations for institutions that were based on consensus, and his Government would firmly support that process.

12. Morocco had made considerable progress towards consolidating democratic institutions and becoming a full member of the human rights community. The underlying objective of establishing the rule of law and enacting new legislation had been to ensure a life in dignity for all citizens.

13. Proud to be a founding member of the Council and fully aware of the attendant responsibilities, his Government was engaged in regional and international cooperation efforts to further the objectives of the institution. Through its Permanent Representative to the United Nations, Morocco was also an active participant in the Council's institution-building process. In that connection, it attached particular importance to the potential represented by the universal periodic review mechanism.

14. As a candidate for Council membership, Morocco had withdrawn its reservations to article 14 of the Convention on the Rights of the Child and article 20 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Steps had also been taken towards ratification of the Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Moreover, several domestic and international instruments had been adopted to combat corruption, and as part of efforts to achieve gender equality, the nationality code had been amended to enable women married to foreigners to confer Moroccan nationality on their children.

15. The Royal Advisory Council for Saharan Affairs was currently discussing a proposal to grant substantial autonomy to Western Sahara. The proposal was designed to provide a political solution to the long-standing conflict, in accordance with international law and the relevant Security Council resolutions. A referendum would be held so that citizens could participate in the process. While committed to finding a negotiated solution to the issue, Morocco remained convinced of the legitimacy of its national sovereignty and territorial integrity. Certain sectors had sought to exploit the conflict to fuel tensions in the region, but Morocco was firmly committed to building a strong Maghreb Union characterized by cohesion, democracy and modernity.

16. To address past human rights violations, the Government had recently initiated compensation payments for victims, in accordance with the recommendations of the Truth and Reconciliation Commission. In response to another Commission recommendation, a national plan of action had been adopted to promote a culture of human rights.

17. Social programmes had been made a policy priority. Particular efforts were being made to promote the rights of women and children, as illustrated by the adoption of a national action plan for children, which provided, inter alia, that the principle of the best interest of the child must be incorporated in all national programmes. Other measures included the adoption of a national strategy to combat violence against women, the implementation of a national plan of action to promote the rights and social participation of persons with disabilities, efforts to improve conditions of detention, and programmes for the social rehabilitation and reintegration of prisoners. Civil society organizations participated actively in the implementation of those programmes.

18. Irregular migration placed a heavy burden on Moroccan society. The issue was a growing concern, and the country lacked the resources to deal with its social, economic and cultural outfall.

19. His Government was deeply concerned about the persisting human rights violations in the Occupied Palestinian Territory. Measures must be taken to safeguard the Palestinian people's

right to life and security. Morocco therefore supported regional and international efforts to break the deadlock and bring about a resumption of negotiations with a view to establishing an independent Palestinian State with Jerusalem as its capital. The Judaization of holy places was unacceptable, and he called on Israel to put an end to such practices and respect international law.

The meeting was suspended at 10.40 a.m. and resumed at 11.55 a.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF MALAYSIA

20. Mr. ALBAR (Malaysia) said that Council members had a common responsibility to mould the Council into an effective and credible human rights body and to identify meaningful ways of engagement that would significantly improve human rights situations on the ground. The Council's approach to human rights issues must be constructive, impartial and non-selective. Rather than condemnation, efforts must focus on finding solutions. Human rights concerns should be addressed through dialogue, cooperation, capacity-building and financial and technical support.

21. While the primary responsibility for the promotion and protection of human rights fell to States, it was important for Governments to draw on the expertise of other stakeholders. The future procedures and processes of the Council should reflect that dynamic. All subsidiary mechanisms must be accountable to the Council. In designing processes and procedures the Council must bear in mind the limited capacity of some States, especially developing countries, in order to ensure that national authorities were not overburdened.

22. The universality, indivisibility, interrelatedness and interdependence of all human rights, including the right to development, must be guiding principles underlying the Council's work. The institution's effectiveness would be gauged by its impact on the lives of those who lived in abject poverty or suffered from preventable diseases. The Council's diversity should be its strength, rather than a cause of division. If the Council acted in unison, respecting different values and beliefs and capitalizing on national and regional particularities, its decisions and actions would attract broad support.

23. When building its institutions, the Council must ensure that equal attention was paid to all categories of human rights. A well-structured agenda that reflected that concern should be made available by the time the Council began its second year, and implementation of the universal periodic review should be high on that agenda. The review mechanism must be manageable, operate as a forum for sharing best practices and promote a better understanding of the obstacles confronting States in meeting their human rights obligations. Cooperation and capacity-building should be given precedence over punitive measures.

24. The Council's legitimacy and its capacity to discharge its responsibilities required streamlined, objective and democratic special procedures. Their recommendations must be practical and mindful of the complexity of individual human rights situations. Thematic mandates should be given precedence, while country-specific mandates should be used only as a last resort. Increased cooperation between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Council was crucial to fulfilment of the Council's broader mandate; its decisions should guide the work of the Office.

25. Concrete action must be taken to address the gross and systematic violations of human rights in the Occupied Palestinian Territory. It was members' collective duty to ensure that the Council remained seized of that question until a satisfactory solution was found.

26. His Government's success in improving the quality of life of the Malaysian people was illustrated by its achievement, ahead of schedule, of all but one of the Millennium Development Goals. Sustained efforts had been made to promote racial harmony, people-centred development and public participation with a view to fostering an environment in which human rights could thrive. Malaysia's success in nurturing a harmonious, pluralistic society was the result of mutual tolerance and respect and a readiness to compromise individual rights in the interest of the larger community and the well-being of the nation.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF ARMENIA

27. Mr. OSKANIAN (Armenia) said that during its first year the Council had been refining its procedures in order to meet the expectations of the international community. Those expectations would be high even if the world was not embroiled in conflicts involving gross violations of human rights. The Council's collective commitment must be to the millions of people, whether represented on the Council or not, who needed its help, and its credibility would be judged by whether those people reacted to its decisions with scepticism or confidence. The creation of the Council had been due to the shortcomings of the Commission on Human Rights. It was therefore appropriate that the universal periodic review mechanism had been made broader than previous mechanisms in order to create an environment that honoured human rights. The Council's goal must be a world in which individuals were respected and every place on earth was a safe haven.

28. Paradoxically, religions, languages and ideologies could both divide and unite. Nowhere was that more true than in his region, where, after 15 years of pogroms and ethnic cleansing, the destruction of cultural landmarks and countless other abuses, Governments were trying to put the pieces back together. His own Government had much to contend with. In Nagorny Karabakh alone, 5,000 cultural monuments had been destroyed in order to eradicate all traces of the Armenian presence in that region. Moreover, the exercise by the people of Nagorny Karabakh of their right to self-determination had been crushed by the Government of Azerbaijan, which had thereby lost all moral right to retain control over the area. His Government had also to contend with the denial by Turks of their history, with the result that Turkish citizens were prohibited from speaking out. Hrant Dink, the murdered journalist, who had been both truly Armenian and truly Turkish, had tried to bring about a reconciliation between the two nationalities, to no avail. He urged the Government of Turkey to set aside article 301 of the Turkish Penal Code, under which it was a crime to make negative remarks about Turkishness or the Turkish State.

29. Armenians would shortly be voting on a new Constitution, which had been drafted to meet international standards. The difficulties that the Armenian people had endured over the past decades had, however, shaken their confidence, and it was the task of the Armenian Government and the Human Rights Council to restore that confidence and empower them.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF POLAND

30. Ms. FOTYGA (Poland) said that the process of building the institutional structures of the Human Rights Council, which she believed would help to improve the lives of millions around

the world, was nearing its conclusion. Decisions would shortly have to be taken on issues of pivotal importance for the Council's future, and the principle of international solidarity was crucial in that regard. The focus of the international human rights system should therefore be on the interests of the victims rather than on the political interests of States. A consensual approach to the formation of the Council's structures was of the utmost importance. It would be most unfortunate if, having established the Council as a forum for dialogue and cooperation, the international community was unable to reach agreement on such fundamental issues as the principles on which it functioned.

31. Poland attached particular importance to the universal periodic review mechanism, which must apply to all States, starting with members of the Council. The review should be based on the principles of universality and equal treatment and should be transparent. It was therefore essential to ensure the participation of all stakeholders, including non-governmental organizations (NGOs), representatives of national human rights institutions and independent experts. The universal periodic review should not place an undue burden on the Council itself, but should be conducted within working groups, with consideration by the plenary constituting the final phase. Nor should the review procedure be so burdensome that States were saddled with additional reporting duties. In essence, what was required was an interactive dialogue between the Council and the State concerned, aimed at identifying the main human rights challenges and basic needs. Such a dialogue would form the basis of specific recommendations to be made by the Council meeting in plenary session.

32. Under General Assembly resolution 60/251 the Council would preserve the main achievements of the Commission on Human Rights, including the system of special procedures. The effectiveness of both thematic and country procedures, however, needed to be enhanced. Above all, they should be unbiased, objective and independent and should enjoy the full cooperation of Governments. A lack of cooperation should not lead to the abandonment of scrutiny but, on the contrary, should be treated as a signal that the human rights situation in a given country was cause for concern. The Council must therefore establish further procedures that could be invoked if a Government failed or refused to cooperate. The new institutions - the special procedures, the new expert body and the complaints mechanism that would replace the 1503 procedure - should rely on independent experts, who by virtue of their knowledge, experience and professionalism were best qualified to protect victims' rights, rather than on people selected by States, who were not always willing to look beyond short-term political interests.

33. The Council should be equipped with mechanisms that would permit a rapid response to crisis situations. Despite its best efforts, the international community had been unable to resolve the crisis in Darfur: when, following its fourth special session, the Council had sent a high-level international mission to Darfur, its members had been denied entry. The situation remained tragic. Killings, rapes and forced displacements were commonplace in the region, and the international community must work with the Sudanese authorities to bring about a radical improvement of the situation there.

34. Country resolutions - and, where justified, country mandates - were designed to influence States that persistently violated human rights. States' cooperation with country and thematic rapporteurs was vital to the Council's effectiveness. Country mandates could not be replaced by the universal periodic review procedure mechanism or the holding of special sessions. Taken

together, however, the three approaches would constitute a coherent system of human rights protection. The country mandates were not intended to condemn the State concerned but to bring about an improvement in its human rights situation.

35. The struggle for human rights had always been exceptionally important in the history of Poland, and that struggle had had tangible results: it had allowed the Polish people to discard a totalitarian system and build a free and modern democratic society. Democracy, good governance and the rule of law were essential components of an environment in which human rights were respected and promoted. Those values encompassed efforts to combat corruption, which had an extremely negative impact on the observance of human rights throughout the world. Action by Governments, societies and international institutions should therefore be coordinated. In that connection, she welcomed the report on the United Nations Conference on anti-corruption, good governance and human rights, which had been held in Warsaw on 8 and 9 November 2006.

36. Civil society should play a prominent role in the Council. The presence of NGOs was therefore essential and should not be questioned. Together, the international community should spare no effort in aiming for a state in which, as Pope John Paul II had urged, human rights were the basis of work for the benefit of humanity.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

37. Mr. PÉREZ ROQUE (Cuba) said that, as Cuba currently chaired the Movement of Non-Aligned Countries, of which 27 were founding members of the Human Rights Council, he wished to brief the Council on the results of the Fourteenth Summit of the Movement, held in Havana in September 2006, and on subsequent action taken. Heads of State or Government had rejected selectivity and double standards in the promotion and protection of human rights, as well as any attempt to use human rights as a pretext for pursuing political goals. The Council's legitimacy and credibility would depend on its response to that position. The Summit had also insisted on the need to elevate the right to development to the same level as other human rights. While serving as Chair of the Movement, Cuba would devote a substantial proportion of its efforts to urging the integration of the right to development into all United Nations policies and programmes.

38. In recent months the Movement had adopted common positions on several key issues relating to the Council's institutional structures, including the schedule of work, the rules of procedure for special sessions and procedures relating to the universal periodic review mechanism. It had also drawn up guidelines for the establishment of the expert body, the complaints procedure and the work programme. At the sixty-first session of the General Assembly the Movement had introduced its traditional draft resolutions in the Third Committee on the right to development, on the strengthening of international cooperation in the field of human rights and on human rights and unilateral coercive measures.

39. Speaking as the representative of Cuba, a founding member of the Council and a country committed to international cooperation and genuine dialogue on human rights, he recalled that Cuba had from the outset viewed the establishment of the Council as an opportunity to establish a proper system for the promotion and protection of human rights for all, not just the rich and privileged. It had, however, pointed out at the opening meeting that radical changes were needed

in the concepts and methods that had encumbered the discredited Commission on Human Rights. While his delegation had no illusions about the real willingness of the developed countries to make such historic changes, it had said that it would give them the benefit of the doubt.

40. Nine months later, however, the Council was at risk of being discredited by politicization and double standards even before its mechanisms and methods of work had been established. Some States were seeking to delay the Council's institution-building until after 18 June 2007, in the hope of leaving the final decisions to a new membership and, above all, a new Bureau of the Council that would be more favourable to their interests. Those supporting that course of action most enthusiastically were the same as those who wished to introduce selectivity, political manipulation and double standards to the Council, turning it into a court sitting in judgement against the countries of the South and ensuring impunity for atrocities committed within and beyond their own borders by Powers with imperial pretensions. That formula involved the same cynicism, hypocrisy and criminality that had undermined the Commission on Human Rights. The United States of America, currently sidelined, had become the Council's most scathing critic, echoed by some of its allies. Its aim, however, was not to improve the Council but to frustrate the process: it did not want a Council that was credible and had authority, but yearned for the old Commission. If the hypocrites did not have their way, the Council could become fully operational during its second year of existence. What was required was not time but political will.

41. Cuba hoped that the Council would come to embody genuine cooperation and respectful dialogue and would show its usefulness in fighting for truth and justice and in defending the right to sovereignty, self-determination, peace, development, equality and democracy. It should not be afflicted by the manipulation that had characterized the Commission, with country-specific mandates imposed by force and blackmail leading to a spiral of confrontation that had destroyed the Commission's authority and credibility. Spurious mandates against countries of the South should not be imposed or extended while flagrant, massive and systematic human rights violations were perpetrated with impunity, on the pretext of the so-called war on terror, by the Government of the United States of America and its principal allies.

42. The system of thematic rapporteurs should, however, be strengthened. Never had they been so necessary. A world in which 852 million people were starving needed the Special Rapporteur on the right to food. The services of the Special Rapporteur on the question of torture were essential when an international torture centre existed at Guantánamo Bay and secret flights were conducted in order to kidnap and move people through Europe so that they could be tortured in clandestine jails. Poor immigrants facing racist and discriminatory persecution and dying by the hundreds at a containing wall built by the United States needed the support of the Special Rapporteur on the human rights of migrants. The mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression could not be discontinued in a globalized world in which a few transnational corporations monopolized the flow of information and in which more than 1,000 journalists had been murdered over the past 10 years. The Working Group on Arbitrary Detention was essential for dealing with cases such as that of the five heroic young Cuban men unjustly imprisoned in the United States for challenging the impunity enjoyed by the terrorist groups operating from Miami against the Cuban people. The work done by the Working Group on Enforced or Involuntary Disappearance and the Special Rapporteur on extrajudicial, summary or arbitrary executions was crucial to the

tens of thousands of families still seeking the truth about relatives disappeared or executed during the rule of military dictatorships in Latin America that had been imposed and supported by the United States. Nor would the Council be able to manage without the work of the Special Rapporteur on the situation of human rights in the Occupied Palestinian Territory, so long as the Palestinian people were denied the right to establish their own State and the Israeli occupiers continued to harass the civilian population. Cuba would continue to cooperate fully with all the mechanisms inherited from the Commission that were based on the principles of objectivity and non-selectivity.

43. It was time for a new beginning in the campaign to create a genuine system of human rights promotion and protection for all. If, however, there was a regression to the past and a resumption of confrontation and the pursuit of hegemony, Cuba would fight the battle of ideas, representing a people that had proved capable of resisting and overcoming United States aggression for nearly five decades and, in the process, become a symbol of the fight for true emancipation.

STATEMENT BY THE MINISTER OF JUSTICE, DEFENCE AND SECURITY OF BOTSWANA

44. Mr. SKELEMANI (Observer for Botswana) said that his Government attached great importance to the Council's mandate because it was in line with the expectations of the people of Botswana. During the past year a number of steps had been taken in Botswana to deepen democracy and further human rights. They included the enlargement of the House of Chiefs to take account of the country's demographic composition and the establishment of legal equality between husband and wife, which would go a long way towards empowering women.

45. The promotion of civil and political rights should be balanced with that of economic and social rights. For that reason, his Government had allocated sizeable budgetary resources to education and health, including efforts to combat the HIV/AIDS pandemic, as well as to programmes aimed at advancing gender equality and youth empowerment.

46. While human rights were indeed universal, it was imperative to take account of the context in which that principle was applied. Although the Universal Declaration of Human Rights had been adopted in 1948, colonial systems based on blatant discrimination had not ended until the mid-1990s. Many developing countries were therefore still grappling with nation-building, and the inappropriate application of the above-mentioned principle could easily divide fragile societies. Since human rights were one of the first casualties in strife-ridden communities, there was clearly a need for extensive consultations based on mutual respect if member States were to interpret human rights principles from a common perspective.

47. While the system of special rapporteurs was quite acceptable, the conduct of some rapporteurs in the past had undermined the credibility of their reports. It was therefore necessary to establish operational guidelines for such rapporteurs. Furthermore, unless the practice of finger-pointing and point-scoring which had marred the debates of the Commission on Human Rights ceased, the improvements sought when the Council had been established would not come about. Given the burden imposed by the obligation to submit reports on the same human rights issues to a multiplicity of United Nations bodies, a system must be developed for sharing such reports among those bodies.

48. His Government, which had always been at the forefront of efforts to promote respect for human rights throughout Africa, was concerned about the suffering of internally displaced persons and refugees everywhere, including Darfur. It therefore called upon all those involved to adopt meaningful measures to resolve the problem.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA

49. Mr. RUPEL (Observer for Slovenia), speaking on behalf of the Human Security Network, said that it was to be hoped that the new Human Rights Council, which had been formed in order to put respect for and the promotion of fundamental human rights on an equal footing with security and socio-economic development, would show that it was able not only to react to human rights crises, but to prevent their occurrence. The interactive dialogues within the Council's special mechanisms had been of a high quality, and the close cooperation between the Council and civil society had already proved to be an indispensable tool for promoting and protecting human rights.

50. As the Council's institution-building had reached its most critical phase, it was necessary to concentrate on that task. The universal periodic review should be a mechanism that drew on available expertise and reliable sources of information, thereby ensuring that appraisals of individual countries were objective. Reviews must also be based on dialogue and cooperation with the countries under scrutiny. Those mechanisms of the Commission on Human Rights that had been effective should be retained by the Council.

51. Once institution-building had been completed, the Council should again focus on its primary mission. One crucial issue it should address was the situation of children around the world. Children's rights should be mainstreamed into the work of all special procedures. The Human Security Network dealt with violence against children in a holistic manner and advocated that the same approach should be adopted in United Nations debates on the subject and that support should be given to human rights education at all levels. The Network's forthcoming Ninth Ministerial Meeting would focus on the prevention of violence against children.

52. Speaking in his national capacity, he said that respect for human rights was a major consideration in Slovenia's foreign policy. His Government was firmly committed to securing the universal and indivisible application of all human rights and intended to submit its candidature for membership of the Council for the period 2007-2010.

53. His country would endeavour to protect all human rights, including the right to development, and wished to contribute responsibly to furthering the Council's work. Fact-finding missions like those established in response to the particularly grave situations in the Middle East and Darfur were crucial if the Council was to adopt effective follow-up measures. Slovenia would continue to support the strengthening of OHCHR and intended to increase its voluntary contributions substantially as soon as possible.

54. One very important yet rarely mentioned mission of the Council was to further understanding among cultures and religions, since the Council was perfectly placed within the United Nations system to actively promote a common understanding of fundamental human rights and encourage dialogue and cooperation among nations, cultures and ethnic groups. Slovenia had made intercultural dialogue one of the priorities of its foreign and cultural policies,

and it was particularly eager to foster such a dialogue in the Balkans. Although that region had experienced destructive clashes among ethnic and religious groups in the recent past, it had previously had a good record of mutual respect, and mixed societies were a traditional way of life there. Indeed, people from around the world could learn from the Balkans how to live in a multicultural society. While the future status of Kosovo was in the process of being settled it was imperative to prevent potential instability that could spread through the Balkan region, and intercultural dialogue was central to that exercise. As part of efforts to facilitate such a dialogue, the Slovenian Ministry of Foreign Affairs and the Centre for European Perspective, an NGO based in Slovenia that dealt with issues of peace, security and socio-economic development, had just established a working group on intercultural dialogue.

STATEMENT BY THE DEPUTY PRIME MINISTER FOR HUMAN RIGHTS OF EQUATORIAL GUINEA

55. Mr. EBIACA MOHETE (Observer for Equatorial Guinea) said that he wished to reaffirm his Government's commitment to the promotion, protection and strengthening of human rights in Equatorial Guinea and around the world. His Government would also maintain close cooperation with the United Nations human rights system with a view to achieving sustainable human development with full respect for the principles of equality, justice and peace. Equatorial Guinea was party to many international human rights treaties, which it implemented through its domestic legislation with a view to improving the living standards and welfare of its people.

56. Important changes had taken place in Equatorial Guinea in recent years. The Government had demonstrated its commitment to transforming the social, economic and political sectors of the country. Independent reports confirmed that much had been achieved despite outside interference, most notably an attempted invasion by mercenaries in 2004. Some of those responsible had been given a public trial, protected by legal guarantees, and had received appropriate sentences. In 2005 the Government had addressed letters of request to the authorities in the countries where the other mercenaries were living. Six mercenaries had been pardoned by the Head of State and released in June 2005, while others had been pardoned and released in 2006.

57. Equatorial Guinea, like the rest of the world, was undergoing profound change. Such phenomena as hunger, war, armed conflict, natural disasters, pandemics, AIDS, malaria and other endemic diseases, lack of access to basic social services, the use of terrorists and mercenaries to destabilize legitimate Governments and the international networks of illicit trafficking in migrants, women and children, all of which affected Africa in particular, posed a challenge to the basic principles of the United Nations. The international community must make every effort to eradicate such evils and redouble its work for peace, which was a prerequisite for the enjoyment of human rights. Since the Council's previous session, his Government had concluded human rights agreements with the European Union and the United Nations Children's Fund (UNICEF) as well as other bilateral cooperation agencies; the corresponding action plans were being implemented and financed jointly by the Government and international donors.

58. The Government had improved the country's basic infrastructure, economy and social sector, particularly education and health care. Its highest priority was combating poverty. In response to concerns raised in some quarters, he was pleased to announce that the Government was developing a number of major projects in the areas of public housing, the fight against AIDS

and illicit trafficking in persons. Valuable support had been received from UNICEF in dealing with trafficking in women and children, reinforcing the institutional measures adopted by the Government to strengthen border services and cooperate with neighbouring countries. Seminars on the topic had been held with civil society and foreign nationals living in Equatorial Guinea. Priority was given to programmes of action dealing with women and children.

59. As a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Equatorial Guinea had adopted a law on the prevention and punishment of torture and inhuman or degrading treatment in November 2006. The new law had received unanimous support in Parliament. Nevertheless, despite the progress made, the Government needed support in the form of technical cooperation in the field of human rights to strengthen the capacities and knowledge of civil society and public officials. In that way, it hoped to create a society that did not suffer from political or economic instability or from terrorists or mercenaries, but enjoyed the fruits of peace and democracy.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS OF BURKINA FASO

60. Ms. ILBOUDO (Observer for Burkina Faso) said that the international environment continued to be troubled by serious and repeated human rights violations. The Council would have to devote much attention to the human rights situation in Darfur, Lebanon and Palestine if just and lasting solutions were to be found. For its part, Burkina Faso had resolutely championed human rights and was endeavouring to entrench the rule of law and to create conditions enabling all residents to enjoy their rights while fulfilling their duties. It had taken action to consolidate democracy by regularly holding free elections and had adopted devolution and decentralization measures designed to increase citizen involvement in the management of public affairs. The Government constantly strove to promote a culture of citizenship by informing the population about its rights and duties, by offering human rights courses and by including peace studies in formal and informal education and training.

61. As no country was immune to ethnic and religious intolerance and its attendant ills, her Government had been considering ways of averting conflicts and promoting key values while respecting cultural diversity. That exercise had resulted in the formulation of a national strategy to instil a culture of peace and tolerance. The Government had likewise taken stock of the extent to which certain rights were actually enjoyed, with a view to strengthening the protection afforded to women, children and the disabled. A child protection code had been drawn up and a report on the rights of the disabled had been prepared as a first step towards introducing more effective measures. A programme to combat violence against women had been introduced two years earlier.

62. While her Government was prepared to implement the recommendations contained in the report of the Special Rapporteur on the human rights of migrants on her visit to Burkina Faso (E/CN.4/2006/73/Add.2), the solidarity of the international community would be needed if Burkina Faso and developing countries in general were to introduce effective sustainable development programmes that could bring about significant improvements in their human rights situations. Admittedly, States had primary responsibility for implementing the Council's decisions and recommendations, but the mandate of special rapporteurs should extend beyond making country visits and drafting reports on human rights violations to include monitoring the

implementation of recommendations in close collaboration with the States concerned. Such rigorous follow-up would enhance the credibility of the Council's work and strengthen States' confidence in it.

63. The principles of the universality and indivisibility of human rights meant that the Council must respect the principle of equality between States in its work. A balance must also be struck between civil and political rights on the one hand and economic, social and cultural rights on the other. In order to secure peaceful globalization, development must be seen as the right of every human being to the satisfaction of his or her essential needs. Extreme poverty was not an inescapable fate: it could be eradicated. However, that must be done from a human rights perspective, both at the national and international levels.

64. Her Government welcomed the progress that had been made in reaching agreement on the Council's working methods. What it really hoped to see was the setting up of a credible and effective country review mechanism that focused on the situation of children, women, migrants and displaced persons, the rationalization of mandates and mechanisms and the introduction of a procedure for the confidential examination of complaints received from individuals and groups. Council members should be guided by a concern for objectivity and transparency, and should be prepared to engage in dialogue without ever losing sight of their final goal, which was the protection of fundamental human rights.

STATEMENT BY THE SECRETARY FOR EUROPEAN AFFAIRS OF THE GENERAL
PEOPLE'S COMMITTEE FOR FOREIGN LIAISON AND INTERNATIONAL
COOPERATION OF THE LIBYAN ARAB JAMAHIRIYA

65. Mr. AL-OBEIDI (Observer for the Libyan Arab Jamahiriya) said he trusted that the Council would not only work to promote and protect individual human rights but also give high priority to the rights of peoples to independence, freedom from occupation and self-determination. Its approach should be based in all cases on cooperation and constructive dialogue rather than on confrontation and the use of pressure. Moreover, the Council should avoid double standards, selectivity and politicization.

66. The Council's credibility depended on the extent to which its decisions were implemented. It should not stand idly by as the Palestinian people continued to suffer humiliation and economic strangulation, and as their rights to food, medicine, education, health, housing and freedom of movement were systematically violated by the Israeli occupiers. His country supported the adoption by the Council of a decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. He further called on the international community to provide political, material and moral support to the Palestinian Government of national unity.

67. He drew attention to the suffering of children in the Libyan Arab Jamahiriya who had been injected with the HIV/AIDS virus in the so-called "Bulgarian nurses affair". Unfortunately, global campaigns had been mounted in support of one side against the other. European countries in particular had been campaigning for the accused, while ignoring the tragedy and vile crime that had so far claimed the lives of more than 400 innocent children. The Libyan Arab Jamahiriya had ensured that the accused received a fair and public trial in the presence of ambassadors from European countries and representatives of the local and international media,

international defence groups, civil society associations and national and international human rights organizations. The accused had been given free access to Bulgarian and Libyan defence counsel. The judgement rendered by the Criminal Court was not final but could either be upheld or quashed by the High Court. If it was upheld, the case would be referred to the Higher Council of the Judiciary, which enjoyed broad discretionary powers, including mitigation or annulment of a penalty on humanitarian or social grounds. As a speedy resolution of the case would be in everyone's interest, he trusted that the international community would continue to support the Benghazi International Fund for children infected with the AIDS virus, which had been established jointly by the United States of America, the United Kingdom, the European Union, the Libyan Arab Jamahiriya and Bulgaria to enable the infected children to receive treatment in special centres abroad, to develop the Benghazi Medical Centre and to provide financial aid to the victims' families.

68. The increase in illegal immigration and the associated phenomenon of human trafficking in recent years had led to serious human rights violations, frequently involving loss of life when migrants took to the sea in flimsy boats. It had also destabilized a number of States and societies, including the Libyan Arab Jamahiriya, which was both a destination and transit State. His country had hosted an international ministerial conference of African and European Union States in Tripoli in November 2006 to discuss the matter. The conference had adopted a joint declaration on migration and development as a first step towards ending illegal immigration. The international community should pursue a policy of promoting development projects in source countries in order to create jobs and prevent brain drain. His country currently chaired the Council of the International Organization for Migration, which was developing a five-year strategy to coordinate efforts by that organization and its member States to find appropriate long-term solutions.

69. The Libyan Arab Jamahiriya welcomed General Assembly resolution 61/19 designating 25 March 2007 as the International Day for the Commemoration of the Two-hundredth Anniversary of the Abolition of the Transatlantic Slave Trade. As the date fell within the current session of the Council, he suggested that it should be celebrated in an appropriate way.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF HUNGARY

70. Ms. GÖNCZ (Observer for Hungary) said that the establishment of the Human Rights Council had opened a new chapter in the United Nations human rights system. The Hungarian Government unequivocally supported the new body and its ambitious mandate. While the achievements of the Commission on Human Rights in the form of important norms and standards must be preserved, the major task facing the Council during its first year was to put in place institutions and machinery capable of dealing with twenty-first century human rights challenges through a process of dialogue.

71. The universal periodic review mechanism, together with the treaty body system and the special procedures, had the potential to provide an effective system of human rights protection. However, it could only fulfil its potential if all States showed a genuine willingness to undergo scrutiny by their peers. It was also important to give NGOs, civil society and national human rights institutions an opportunity to participate meaningfully in the Council's activities.

72. One of the Commission's main achievements had been the establishment of a tight web of special procedures covering the whole spectrum of civil, political, economic, social and cultural rights. Every effort should be made during the institution-building phase to improve and, where necessary, rationalize that system. As the former Secretary-General, Kofi Annan, had stressed, the Council should avoid any innovation that eroded or undermined the independence of the special procedures or of the High Commissioner and her staff. Hungary had issued a standing invitation to special procedure mandate-holders, viewing them as the trusted eyes and ears of the international community, and she urged other countries to follow that example. Hungary had been visited in recent years by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Independent Expert on minority issues. The Independent Expert's recommendations were currently being studied. Some were more difficult to implement than others. For instance, a complex set of measures would be needed to address the needs of the Roma minority in Hungary. The work of the Independent Expert and the Working Group on Minorities had real potential to enhance the understanding of, and thus to promote full respect for, the rights of national or ethnic, religious and linguistic minorities.

73. She welcomed the adoption the previous year of the Convention on the Rights of Persons with Disabilities, and hoped that it would rapidly enter into force. Hungary was fully committed to its implementation. The International Convention for the Protection of All Persons from Enforced Disappearance, also adopted in 2006, was a major step forward in the fight against enforced disappearances and for the protection of victims and their families.

74. The foundations of the Council that were now being laid should be able to withstand the test of future challenges. Moreover, it was important during the institution-building process not to lose sight of the plight of victims of human rights violations or to remain deaf to the pleas of the oppressed.

STATEMENT BY THE MINISTER OF JUSTICE, HUMAN RIGHTS AND
REHABILITATION AND OF LAW AND CONSTITUTIONAL AFFAIRS
OF LESOTHO

75. Ms. MAHASE-MOILOA (Observer for Lesotho) welcomed the contribution of OHCHR to the building of the Human Rights Council, particularly through its support for the special procedures and assistance in developing the complaint, expert advice and universal periodic review mechanisms. She also welcomed the establishment of a Rapid Response Unit with geographical desks and the decentralization of OHCHR. One of the remaining challenges was to achieve geographical balance in the staff of the Office without compromising quality.

76. The agenda of the Council should be predictable, transparent, objective, non-selective and conducive to accountability. It should also reflect the interdependence and indivisibility of civil, political, social and economic rights, including the right to development and to the eradication of abject poverty. Agenda items should focus solely on promoting and protecting human rights standards.

77. The universal periodic review mechanism would constitute a milestone if all parties concerned were prepared to cooperate fully. The thematic and country-related special procedures

should be maintained and improved. Human rights reporting obligations should be harmonized and rationalized to eliminate overlapping and duplication of effort. A modified complaints procedure should be used as an early warning mechanism for the universal periodic review.

78. Action should be taken to implement the Durban Declaration and Programme of Action so that tangible results could be achieved in time for the 2009 Review Conference. In particular, the International Convention on the Elimination of All Forms of Racial Discrimination should be strengthened by means of complementary standards.

79. Local and international observers had certified that the elections held in Lesotho in February 2007 had been peaceful, free and fair, further consolidating her country's democracy. Lesotho had established a Gender and Child Protection Unit to protect victims of abuse, and a Child Protection and Welfare Bill incorporating the provisions of the Convention on the Rights of the Child would soon be submitted to Parliament. A free primary education programme had been introduced eight years previously and free secondary education would be implemented as soon as the country's resources permitted.

80. The Government was implementing an HIV/AIDS awareness campaign and a testing and counselling programme and was providing antiretroviral treatment. Steps were being taken to upgrade hospitals and clinics. There were also plans to provide older people with free medical services and to improve the lot of persons with disabilities.

81. Democracy, human rights and the rule of law were the core principles of good governance in Lesotho. There was separation of powers, and independent statutory commissions maintained a system of checks and balances. There was also an ombudsman's office, and a human rights commission was being instituted. One of the remaining challenges was the transformation of the police and correctional services to ensure that they were truly civilian, professional and humane bodies. However, Lesotho required capacity-building and technical assistance, advisory services, infrastructure and equipment to improve its human rights performance, and she invited development partners to assist it in those areas.

82. She concluded by expressing the hope that the current session of the Council would be characterized by constructive attitudes, cooperation, consensus-building, willingness to compromise, flexibility and genuine compassion for the victims of human rights violations.

83. Mr. BURAYZAT (Jordan), Vice-President, took the Chair.

STATEMENT BY THE MINISTER FOR CULTURE, TOURISM AND CIVIL AVIATION OF NEPAL

84. Mr. GYAWALI (Observer for Nepal) said that people around the world hoped that the Council would adopt an even-handed approach to civil and political rights on the one hand and economic, social and cultural rights, including the right to development, on the other. It was important to adopt a holistic approach to the promotion and protection of human rights, shunning selectivity, double standards and politicization.

85. After a decade-long violent insurgency, a full-fledged democracy had been established in Nepal. The Comprehensive Peace Agreement had been signed in November 2006 and a new

interim Constitution based on democratic values and human rights had been promulgated. Women, Dalits, indigenous groups and conflict victims were well represented in the Interim Parliament. The Maoist combatants had been registered and confined to cantonment sites.

86. On behalf of the people and Government of Nepal, he extended heartfelt thanks to the United Nations Mission in Nepal and OHCHR for facilitating the peace process and monitoring the human rights situation in the country. Given the limited resources available, further support from the international community would be needed to provide satisfactory services to remote areas where the State had been weakened during the conflict, to transform a feudal society into a democratic one, and to end a culture of impunity in order to dispense transitional justice. The courts had been made independent, security personnel were receiving increased human rights training, and abusers of authority and human rights were being brought to justice. There were plans to establish a truth and reconciliation commission. The Government was also seeking to address the grievances of women, Dalits, indigenous groups and Madhesis who had been excluded by the feudal regime.

87. The Maoists had already joined the Interim Parliament and would soon join the Cabinet. The Government was asking them to help create an environment conducive to free political activity by reassuring the people about the peace process, halting displays of weapons, extortion and intimidation, and returning seized property. Internally displaced persons were receiving short- and long-term relief. Damaged infrastructure was being restored through increased public expenditure and private investment.

88. The report of the United Nations High Commissioner for Human Rights on the human rights situation and the activities of her Office, including technical cooperation, in Nepal (A/HRC/4/97) had noted some significant improvements in the country's human rights situation and the High Commissioner had visited Nepal in January 2007. He wished to reiterate his Government's total commitment to promoting human rights. Resources had been provided for the implementation of the National Human Rights Action Plan, and progress made under the Plan would be assessed through an annual review. The National Human Rights Commission was now a constitutional body that enjoyed unfettered access to all cases of human rights violations and had the authority to conduct investigations. Separate national commissions dealt with the rights and interests of women, oppressed classes and communities as well as various indigenous groups.

89. The Government of Nepal believed that lasting peace was not possible without dialogue. It further believed that constructive partnership and mutual respect constituted the foundations of inter-State relations. Although Nepal's friends in the international community might still find the situation in the country less than ideal, he appealed to them to take into account the sincere efforts being undertaken to advance a delicate home-grown peace process, and to provide the moral and financial assistance required to build a peaceful and prosperous Nepal where human rights could flourish.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF LATVIA

90. Mr. PABRIKS (Observer for Latvia) said that the world needed an efficient intergovernmental body to deal with human rights, and the United Nations was the only global organization ideally placed to perform such a task. All necessary steps should be taken to ensure

that the Organization commanded respect for adhering to the principle of “responsibility to protect”, endorsed by the Heads of State in the 2005 World Summit Outcome, and that that principle became a powerful international tool for preventing impunity in cases of failure to take action. “Responsibility to protect” meant protection of the vulnerable and not of the political interests of Governments. Tragedies like the one taking place in Darfur showed the urgent need to accord priority to such responsibility.

91. While the protection and promotion of human rights was primarily incumbent on individual States, an effective Human Rights Council also had an essential role to play. The Council must therefore make a concerted effort to achieve the goals it had set for itself upon its establishment. Latvia’s commitment to making the protection and promotion of human rights a priority had had an immediate beneficial impact on national development and security, and his delegation stood ready to share its experiences and lessons learned.

92. With regard to the Council’s working methods and the reform of institutions associated with it, he said that Latvia valued the important innovations that had been introduced in the Council: its standing nature would enable a more rapid response to human rights emergencies and crisis situations, while the universal periodic review mechanism should provide for an objective peer review of the human rights situation in each State through genuine dialogue. However, it was also to be hoped that the best features of the former Commission on Human Rights, namely the system of special procedures, expert advice and the complaints procedure, would be preserved and further developed by the Council.

93. He expressed concern at the Council’s failure during the past year to cooperate with its mechanisms; that failure undermined the Council’s credibility and must be addressed without delay. One option would be to relaunch the practice of extending standing invitations to all mechanisms, and in that connection he wished to confirm that the standing invitation issued by Latvia in 2001 to the special procedures of the Commission on Human Rights was still open to the Council and its mechanisms. He urged the Council to draw up a plan of action relating to standing invitations in order to encourage Member States that had not yet done so to pledge to cooperate fully with the relevant human rights mechanisms. Latvia intended to submit a detailed proposal along those lines in due course and hoped that it would enjoy the support of other Council members.

94. In 2005 world leaders had agreed to double the OHCHR budget over the next five years. Recognizing the paramount role played by the Office in capacity-building and technical assistance activities, his Government planned to double its voluntary contribution to OHCHR and to the Office of the United Nations High Commissioner for Refugees (UNHCR). It hoped that the quality and impact of the work carried out by those Offices would persuade other States to authorize increased financial support for them in the future.

95. Investing in national human rights mechanisms was an important tool for the promotion of human rights. Twelve years previously Latvia had become the first country in Central and Eastern Europe to establish an independent human rights office based on the Paris Principles. In January 2007, building on the achievements of the Latvian Human Rights Office, legislation had been adopted to establish the institution of ombudsman, whose task was not only to monitor the implementation of human rights obligations but also to promote good governance.

96. In the coming months members faced the difficult task of making the Council fully operational. Success hinged on their political will to reach viable and sustainable solutions. None of the Council's members would obtain absolutely everything they wanted from the reform process, but it was surely in the common interest to take an inclusive approach and strive for positive changes that would enable the Council to fulfil its potential.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF NIGERIA

97. Ms. OGWU (Nigeria) said that her Government was committed to advancing dialogue and cooperation with the Council for the promotion and protection of all human rights. Human rights defenders and victims of human rights abuses around the world depended on the Council for appropriate remedies to the systematic violation of their fundamental rights, while the international community demanded concerted action from the Council to prevent such violations. For that reason the Council must remain objective and stand by its principles.

98. It was reassuring to note that the Council had devoted special sessions to the human rights situation in the Middle East and in Darfur, as that signified a commitment to intervene in a timely fashion. It also suggested a paradigm shift from the selectivity and double standards which had characterized the treatment of human rights in the past.

99. The central challenge facing the Council was the development of a mandatory universal periodic review and the displaying of sound judgement in choosing the means for addressing different human rights situations. Africa had already adopted a periodic review process in the form of the African Peer Review Mechanism, which offered a model worthy of emulation by the Council. The Council's review mechanism should be universal and entail the pragmatic censuring of human rights violators. The review process should involve mutual cooperation among States and must avoid any attempt by some States to impose alien practices and values on others.

100. Poverty, discrimination, conflicts and disease were currently the most acute human rights problems, yet they were preventable. Africa had first-hand experience of that preventable suffering and of massive and systematic denials of human rights. While those problems had been attributed to underdevelopment, there was in fact an inseparable link between security and development, and it was therefore imperative to strike a judicious balance between civil and political rights on the one hand and economic, social and cultural rights on the other if the human rights discourse was to have any meaning for the vast majority of the world's people. She called on those countries in a position to do so to increase their net transfers of financial assistance to developing countries so as to enable them to attain the Millennium Development Goals and urged all countries to allocate 0.7 per cent of their gross national product (GNP) for official development assistance (ODA).

101. Creating the right environment for the full enjoyment of all human rights and fundamental freedoms meant establishing durable democracy and the rule of law. To that end, her Government was implementing political and economic reforms to consolidate democracy and improve the living conditions of all Nigerians. It had also embraced a new development agenda which sought to empower its citizens and make them the owners of the process of change. The current campaign against corruption was another important component of the economic and political reform agenda.

102. Her Government had amply demonstrated its commitment to gender equality by signing the relevant international instruments on the subject and by setting up women's empowerment offices in the country's six geopolitical zones. It had also invited four special procedures mandate-holders to Nigeria, thereby demonstrating its will and commitment to improve the human rights environment in the country. She urged States to guarantee the full enjoyment of human rights for all their peoples irrespective of gender or social standing.

STATEMENT BY THE MINISTER FOR HUMAN RIGHTS AND DEMOCRACY OF TOGO

103. Ms. AïDAM (Observer for Togo) said that once again the Council's session was taking place in an international climate marked by armed conflicts and systematic human rights violations. While it was true that the Universal Declaration of Human Rights was perceived as a common standard of achievement for all peoples, its objectives remained difficult to attain, given the vicissitudes of relations between States and the constant contempt shown for human dignity. The world continued to witness bloody battles that exacerbated the situation of refugees and displaced persons, jeopardized the future of young people and children, fuelled criminal activity and terrorism, wiped out development efforts and destabilized entire nations. The conflicts taking place in Africa, the Middle East and elsewhere amply illustrated the absence of peace and security in the world and diminished the value and scope of the purposes and principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights.

104. It was time for the international community to pay attention to matters such as the worsening effects of poverty and HIV/AIDS and the increasing spread of racial and religious discrimination and child trafficking, and to make greater efforts to provide individuals and peoples with economic and social conditions conducive to the full enjoyment of their civil, political, economic, social and cultural rights. In the developing world, the realization of economic, social and cultural rights was of crucial importance in building the rule of law and democracy and establishing relevant institutions. The experience of States, particularly in Africa, showed that attempts to undermine democratically established institutions arose largely when the gains to be derived from democratization were misunderstood or countries were faced with economic difficulties. Successful democratization was no easy task, since in order to discharge their duties to their citizens, States needed to mobilize significant financial resources, which they could not do alone. The lack of resources seriously jeopardized democratization efforts.

105. Development and international cooperation were two of the main purposes of the United Nations, as set out in the Charter. Yet the current economic climate was characterized by a growing North-South divide: with the continuing trade imbalance, the North grew richer while the South grew increasingly poorer owing, inter alia, to the heavy debt burden, declining commodity prices and dwindling ODA. Unless vigorous measures were taken to promote the development of countries in the southern hemisphere, those countries would plunge into anarchy, disorder and instability, which would undermine the peace required for their development. It was the duty of the international community to prevent that from happening. In that connection, she recalled the promises made by the industrialized nations to promote the sustainable development of the developing countries by halving poverty by the year 2015.

106. The fight for human dignity was a daily battle waged in a political, economic, social and cultural context characterized by contingencies, but also by a number of known quantities. Togo faced those challenges with responsibility and resourcefulness. The country's history, both

during and after independence, was fraught with fratricidal conflicts and violence, which had made the journey to democracy a very painful one. Nevertheless, human rights could not be properly implemented unless there was real political will to further the rule of law and the public was aware of its rights and duties. The best way forward was to humbly acknowledge the errors and shortcomings of the past.

107. Cognizant that it was the duty of the State to promote and protect human rights and fundamental freedoms, the Togolese Government had undertaken an extensive process of democratization with a view to establishing the rule of law, in a spirit of reconciliation and renewal. Following a social dialogue, Togo had begun a political dialogue, in accordance with the 22 commitments undertaken with the European Union in April 2004, almost all of which had been fulfilled. The national dialogue launched in August 2006 with the signing of a global political agreement had met with popular support, which had strengthened the Government's resolve to forge ahead with the process of social cohesion. Under that agreement, a National Government of Unity had been established in September 2006, whose duties included the organization of general elections. The Government had taken steps to resolve technical problems relating to the elections and to ensure their transparency, including through the revision of the Electoral Code and the establishment of a national independent electoral commission.

108. The dialogue between political parties and civil society had created favourable conditions for the return of refugees. Two official bodies had been established to ensure the safe return and reintegration of refugees and displaced persons. The national dialogue had also called for a review of the roles and duties of the army, gendarmerie and police. Accordingly, regulations to ensure that action taken by security forces to maintain order was in strict compliance with the law were soon to be adopted and should allow political parties to conduct their activities safely and hold elections free of violence.

109. The Government had taken a number of significant steps with a view to improving the situation of human rights and fundamental freedoms, such as the establishment of a Ministry of Human Rights and Democracy and the signing of an agreement with OHCHR for the establishment of an office in Togo. That office had been operational since November 2006. On behalf of the Head of State, Prime Minister and Government of Togo, she wished to thank OHCHR for its assistance.

110. With the support of the United Nations Development Programme (UNDP), the judicial system was being modernized to make it more independent and efficient. Domestic legislation was being brought into line with international law to make practices such as torture, cruel or inhuman or degrading treatment or punishment criminal offences. The first phase of a programme to make prison conditions more humane had been completed with the renovation of Togo's 12 prisons. An agreement had been signed in March 2006 with the International Committee for the Red Cross (ICRC) to allow its representatives to visit places of detention and meet detainees without restrictions. The mandate and independence of the National Human Rights Commission had been strengthened, and in December 2006 a national plan and programmes to promote and protect human rights and reinforce democracy had been approved. Legislation to protect women against violence, including forced marriages and humiliating rites, and children against trafficking and exploitation had been adopted, while other legal provisions had been amended to guarantee sexual equality.

111. The establishment of the rule of law was a long-term endeavour requiring the education of all sectors of society. Togo was determined to seek ways and means of becoming a State governed by the rule of law and bringing about significant improvements in its human rights situation.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ROMANIA

112. Mr. VIERITA (Romania) said that his country had played an active role in the negotiations relating to the Council's institution-building. The task now facing Council members was to ensure that the outcome of that process was a more responsive human rights body. That meant a body which protected the rights of those most in need and promoted the full range of human rights for all.

113. The universal periodic review mechanism was a key element of the strengthened United Nations human rights architecture, and it should develop into an effective mechanism for helping all States implement their human rights obligations and protect citizens' rights. The mechanism should be universal: it should cover the full range of human rights and all States should be subject to the review process.

114. Romania had had considerable experience working with civil society during its transition to democracy and was therefore convinced of the merits of cooperation with all stakeholders in the human rights field. He expressed support for a consolidated system of special procedures, including country mandate-holders, as the most dynamic mechanism for protecting human rights and promoting respect for human dignity worldwide. However, a better means of ensuring cooperation between States and the special procedures and an efficient process for following up such work were required.

115. He commended the High Commissioner for Human Rights and her staff for their efforts to make OHCHR a more effective part of the United Nations human rights machinery. His Government was committed to the Office's independence and to its efforts to reform its activities, making them more professional and efficient. It was also in favour of closer contact between the Council and OHCHR, which should add value to the substantive work of the former without jeopardizing the autonomy of the latter.

116. The institution-building process must not occur in a vacuum. Human rights problems, which were many, would not find solutions themselves. While he wished to address some of those problems, that did not mean that the others were of lesser importance. The first problem was the death penalty. As a State member of the European Union which had eliminated the death penalty from its legislation, Romania believed that the right to life was at the very centre of the debate on universal human rights and fundamental freedoms. It joined other States in promoting abolition of the death penalty, either by elimination of that penalty from legislation or the establishment of moratoria on executions, and he called upon the Council to accord the matter priority.

117. Another matter of concern was violence against women and children. The Council should study relevant international, regional and national mechanisms with a view to ensuring a more

efficient response to the problem and its ultimate eradication. In addition, the Council should include the right of women and children to dignity and physical and psychological integrity on its agenda.

118. The Council also had the responsibility of dealing effectively with serious and gross human rights violations, particularly when there was consensus among members on the need to assume such a role, as in the case of the High-Level Mission on the situation of human rights in Darfur. By acting on the recommendations of the High-Level Mission, the Council would prove that it was able to be the “springboard of action” that the Secretary-General had described the day before. Soon it would be time to adopt decisions defining the shape of the Council, and it was important that members should make the right rather than the easy choice.

119. Romania wished to associate itself with the statement made by the Secretary for Foreign Affairs of the Philippines on behalf of the Convening Group of the Community of Democracies.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AFFAIRS OF ITALY

120. Mr. CRAXI (Under-Secretary of State for Foreign Affairs of Italy) said that his Government firmly supported the work of the Council and would present its candidature in the forthcoming elections. The Council’s deliberations should be based on mutual respect and international cooperation. Given the interrelatedness of development and human rights, dialogue between continents and civilizations and international solidarity were paramount. Italy’s geographic location was representative of its ambition to be a bridge between different cultures and traditions.

121. The Council’s response to the human rights situation in Darfur illustrated its capacity for action, even if further efforts were needed to ensure the expeditious implementation of its decisions. The establishment of new mechanisms played a central role in that regard, and he therefore called on member States to support the establishment of the universal periodic review mechanism. Respect for human rights could be ensured only if each State adhered voluntarily to the principles it wished to see applied elsewhere. For its part, Italy stood ready to be reviewed under the new mechanism and had extended a standing invitation to all special rapporteurs to visit the country.

122. In view of its candidature for Council membership, Italy would redouble its efforts to promote democracy and the rule of law and combat torture, including in places of detention in so-called “civilized” countries. Italy was also a firm supporter of the abolition of the death penalty. More than half of the States Members of the United Nations had abolished capital punishment, or at least imposed a moratorium on executions, while several countries where the death penalty continued to exist had reduced the number of crimes carrying that punishment. Recent cases in which the death penalty had been applied had illustrated its controversial nature and caused public outcry, making further debate crucial. A universal moratorium on application of the death penalty would provide an opportunity for reflection. Italy had been a sponsor of the declaration on the subject submitted to the General Assembly by the European Union in December 2006 and called on the Assembly to impose a universal moratorium without delay.

123. Human rights violations involving children were the most intolerable. Italy provided financial support for international organizations working with children, including UNICEF, and engaged in bilateral cooperation to combat the forced recruitment of child combatants. It also actively promoted women's rights by such means as providing financial support for international agencies active in that area. As women were often victims of hidden human rights violations, local projects for women's empowerment were particularly effective.

STATEMENT BY THE MINISTER AND HIGH COMMISSIONER FOR HUMAN RIGHTS
AND PEACE PROTECTION OF SENEGAL

124. Ms. NIANG (Minister and High Commissioner for Human Rights and Peace Protection of Senegal) said that her Government attached great importance to the collective effort to establish new mechanisms to ensure the Council's credibility and effectiveness. Strengthening dialogue between civilizations, cultures and religions was also important.

125. As a State party to most international human rights instruments, Senegal had held free and universal elections on 25 February 2007, an event that reflected its belief that the enjoyment of human rights was inherently linked to the consolidation of democracy and the rule of law. As part of the effort to strengthen national human rights instruments, legislation had been promulgated in February 2007 to bring domestic provisions into line with the Rome Statute of the International Criminal Court.

126. The establishment of new Human Rights Council mechanisms, including the universal periodic review mechanism, a complaints procedure, an expert advisory body and more effective special procedures, must be negotiated urgently. The final goal should be the establishment of an effective human rights protection system composed of universal, objective and cooperative mechanisms. Members must put aside all other considerations and engage in cooperative dialogue with a view to meeting the deadline established in General Assembly resolution 60/251. The operational modalities of the universal periodic review mechanism must be defined expeditiously. She commended the facilitators on the progress made thus far and suggested that a review of the results and shortcomings of the new review mechanism should be undertaken in five years' time.

127. The most pressing issues on the Council's agenda included poverty eradication and development; restoration of the human rights and dignity of the Palestinian people; the elimination of racism in a globalized world; universal ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; addressing gender-based violence; and promotion of the rights of women and children in general. In that connection, she noted that the Committee on the Rights of the Child had highlighted the progress made in regard to children's rights in Senegal, especially in the area of education.

128. Mr. Burayzat (Jordan), Vice-President, took the Chair.

Statements in exercise of the right of reply

129. Mr. REZVANI (Observer for the Islamic Republic of Iran) said that it was unfortunate that the Minister for Foreign Affairs of Sweden should use a United Nations human rights forum to engage in a "naming and shaming" exercise, which had been identified as one of the main flaws

of the former Commission on Human Rights. It was ironic that at the present critical juncture, when member States were making a joint effort to eliminate selectivity and polarization from the work of the Council, a minister of a State that had been involved in illegal and illegitimate rendition operations conducted by the United States Central Intelligence Agency should resort to such an unhealthy, unconstructive practice. He called on Sweden to desist from abusing the newly established Council in such a way, and to support international efforts to establish a strong, credible Council free of politicization, selectivity and double standards.

130. France, where growing anti-Muslim sentiment and discriminatory practices and policies were common currency, was likewise in no position to criticize his country. The Governments of Sweden and France, while denouncing alleged human rights violations elsewhere, deliberately turned a blind eye to the systematic violations of the rights of Muslims at home or the violation of the rights of Palestinians by the occupying Power. Such attitudes were a vivid example of selectivity and double standards.

131. Mr. TAHA (Observer for the Sudan) recalled that prior to the establishment of the High-Level Mission to Darfur, his Government had pledged full cooperation with the Council. Unfortunately, the composition of the Mission had been indicative of the pressures that had come to bear. The Sudanese Government had granted visas to all but one member of the Mission, whose impartiality could not be guaranteed, yet the mission had refused to conduct an in situ visit under those conditions. His Government had not objected to the other team members, although the head of the Mission was a citizen of a State not represented on the Council and was known for her hostility towards the Sudanese Government. Although the Mission had not conducted an in situ visit, European members of the Council had called for the Council to discuss and adopt its report. Unless the same procedure was applied in respect of all fact-finding missions established by the Council, such proceedings would be discriminatory. The Council should not consider the report of a mission that lacked legitimacy, whose composition was inconsistent with the requirements of the relevant resolution and that had never set foot in Darfur.

132. No mention had been made of the Sudan's positive engagement with the international community, including through special procedures. When calling Darfur "a forgotten case", the representative of the Netherlands had disregarded the 14 resolutions adopted on the question, the presence of African Union forces on the ground and the deployment of several other fact-finding missions to Darfur. To date, international engagement had produced no results, as it had yet to offer adequate assistance in finding a political solution to the problem.

133. Ms. PÉREZ GÓMEZ (Observer for Colombia), drew attention to the statement made by the Minister for Foreign Affairs of Ecuador at the 2nd meeting and said that friendship, cooperation and dialogue between the two countries must be strengthened further. Bilateral relations provided an ideal forum for addressing different aspects of cross-border issues. The two Governments had recently agreed to establish a joint scientific and technical commission to study the impact of aerial spraying of illicit crops on the Colombian side of the border. The eradication of illicit crops and the development of alternative crops were part of Colombia's national security policy and its implementation of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

134. The Council was not an appropriate forum for discussing issues of a highly specialized, scientific nature. The matter also fell outside the mandate of special rapporteurs who were not qualified to evaluate technical data. She failed to understand why special procedures interfered and took positions on a situation that concerned two countries and was being dealt with bilaterally.

135. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that his delegation rejected the provocative allegations made by the representative of Japan. As a party to the Joint Declaration issued by the Democratic People's Republic of Korea and Japan, his Government had faithfully fulfilled all its obligations, including those concerning the abduction case, which had been completely resolved. Continuous allegations by Japan were merely an attempt to use the issue for political ends. Japan seized any opportunity available to destabilize his country, despite its own pending human rights problems: the abduction by Japan of 8.4 million Koreans, the killing of 1 million more and the military sexual slavery involving more than 200,000 Korean women had never ever been acknowledged. Japan's hands were full of blood from invasion, plundering and killing in Korea and beyond. Its efforts to cast itself as a victim were hardly credible. Japan should settle those past crimes rather than play political games and try to mislead the public about the abduction case.

136. Mr. LOULICHKI (Morocco), replying to the statement made at the 2nd meeting by the Minister for Relations with Parliament of Algeria, said that comparing the situation in Palestine with that in Western Sahara was an affront to Moroccans and to the people of the Maghreb as a whole, who had fought side by side for their independence. With regard to the delays in solving the issue of Western Sahara, he said that since 1975 Algeria had done its utmost to undermine Morocco's legitimate claims to its southern territories. It had created an artificial dispute in order to gain regional hegemony, opposed any solution that did not serve its own ends and claimed observer status to shirk its international responsibilities. The delays in the implementation of the peace plan should come as no surprise, given that the plan did not enjoy universal support. In response to the Security Council's call for a political solution, Morocco had put forward a courageous proposal providing for greater autonomy for the people of Western Sahara. For the sake of the peoples of the Maghreb Union, his delegation hoped that Algeria would join those peace efforts.

137. Mr. ÜZÜMCÜ (Observer for Turkey), replying to the statement made by the Minister for Foreign Affairs of Armenia, said that the events of 1915 were a dark chapter in the common history of Turks and Armenians, who had lived together in peace for centuries. However, without wishing to belittle the suffering of Armenians, it should be noted that the events had taken place in the context of a war in which many had suffered. One could not overlook the fact that 2 million Turks had perished under similar conditions. In April 2005, the Turkish Prime Minister had proposed the establishment of a joint commission of experts to study the 1915 events. Bilateral negotiations on the proposal had thus far been inconclusive, owing to Armenia's apparent reluctance to discuss that controversial period of common history. The proposal had been sincere and remained valid. The establishment of a commission could help clarify different interpretations of history, build confidence between Turks and Armenians, and contribute to the normalization of bilateral relations.

138. The circumstances leading to the closure of the Turkish-Armenian border had not changed. Some 20 per cent of Azerbaijani territory remained under occupation, and any attempt to justify

that aggression with the right to self-determination of Nagorny Karabakh made a mockery of the international community. His Government supported ongoing efforts to find a peaceful solution that respected Azerbaijan's territorial integrity.

139. The death of Hrant Dink had been a great loss to Turkey, the sole consolation being that the killer had been captured within 36 hours. High-level dignitaries had attended the funeral, and it was unfair to use the incident to criticize the Turkish Government.

140. Mr. MOLCHAN (Observer for Belarus) said that the Minister for Foreign Affairs of Sweden and the Minister for the Promotion of Equal Opportunities of France, rather than criticizing the human rights situation in Belarus, would do better to focus on the situation in their own countries. The Swedish Government should consider its position vis-à-vis the illegal transfer of prisoners to secret detention centres operated by the CIA, while France might wish to consider action to appease civil unrest. It could be healthy to accept criticism from those one criticized. Belarus was committed to constructive dialogue on human rights issues, with all participants on an equal footing. The Council had been established for that very purpose and should rise to the challenge.

141. Mr. FUJISAKI (Japan) said that General Assembly resolution 60/173, on the situation of human rights in the Democratic People's Republic of Korea, expressed serious concern at "the unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance" (para. 1 (v)). Not all of the abduction victims were Japanese, and the issue was thus of international relevance. In the absence of any satisfactory explanation concerning the fate of the victims, the issue could not be considered to be resolved. The Democratic People's Republic of Korea should ensure the safety of all abductees, take steps to bring about their immediate return, provide a full account of the events and hand over the alleged perpetrators.

142. Japan's past experience provided the basis for its efforts to promote peace, prosperity and democracy worldwide. The Prime Minister had repeatedly confirmed the position of Chief Cabinet Secretary Yohei Kono, who on 4 August 1993 had extended the Government's sincere apologies and remorse to all those who had suffered immeasurable pain and incurable physical and psychological wounds as "comfort women". However, those events should not be used to justify the failure of the Democratic People's Republic of Korea to respond to the abduction issue. The figures mentioned by the observer for that country had no basis in fact.

143. Mr. SOUALEM (Algeria) said that the statement just made by the representative of Morocco in exercise of the right of reply had been disrespectful to the Algerian Minister for Relations with Parliament. Any attack on the moral authority of States Members of the United Nations was unacceptable. By pointing the finger at Algeria, Morocco was trying to divert attention from the issue at hand.

144. Algeria would not associate itself with any solution that might undermine the right of the people of Western Sahara to self-determination. Western Sahara was a Non-Self-Governing Territory under the responsibility of the United Nations. That status predated 1975, and at the time it had been conferred Morocco had supported that option. To his knowledge, the only body seized of the situation in Western Sahara was the General Assembly's Special Political and

Decolonization Committee. Morocco could not alter reality or impede the self-determination of the peoples of Western Sahara, who had been victims of an arbitrary denial of their internationally recognized right.

145. Mr. NORDANDER (Observer for Sweden), referring to the question of the illegal transport of prisoners, said that United Nations special procedures and other bodies had criticized Sweden for action taken in respect of two specific cases. His Government had taken steps to fully rectify the situation by, inter alia, providing compensation to the victims.

146. Mr. CHOE Myong Nam (Observer for the Democratic People's Republic of Korea) said that the figures concerning Japan's past crimes were based on well-documented information. The abduction case had been resolved. Japan's colonization of Korea, meanwhile, was a history of human rights violations, and its persistent refusal to settle those crimes was unacceptable. Japan frequently referred to the value of the lives of its nationals, but appeared to attach little importance to the value of the lives of millions of Koreans. Japan would do well to deal with its own past, rather than point the finger at others.

147. Mr. LOULICHKI (Morocco) said that he was well known for his politeness, and his exercise of his right of reply should not be interpreted as disrespect towards the Algerian Minister. The representative of Algeria had rightly pointed out that the situation in Western Sahara was before the Special Political and Decolonization Committee of the General Assembly; he therefore failed to understand why the Minister had spoken at length about the political dimension of the issue, especially given that the Human Rights Council was mandated to focus exclusively on human rights.

148. Mr. FUJISAKI (Japan) said that the Government of the Democratic People's Republic of Korea should comply with General Assembly resolution 60/173 in good faith. Concrete action was required to prevent the same issue from being discussed time and time again.

149. Mr. SOUALEM (Algeria) said that the Council was a democratic forum in which every member had the right to speak freely. Algeria had expressed its opinion on issues of international concern, including those relating to Non-Self-Governing Territories administered by the United Nations. In a recently published book, the former head of the United Nations Mission for the Referendum in Western Sahara (MINURSO) had questioned the wisdom of a "peacekeeping" operation that involved the presence of 165,000 soldiers, who far outnumbered the population of Western Sahara.

The meeting rose at 3.45 p.m.