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COMMISSION ON HUMAN RIGHTS

Sixtieth session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 March 2004, at 3 p.m.

Chairperson: Mr. AL-FAIHANI (Bahrain)

later: Mr. SMITH (Australia)

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The meeting was called to order at 3 p.m.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2004/22, 23, 116, 120; E/CN.4/2004/NGO/17, 20, 62, 69, 99, 108, 121, 131, 141, 192, 199, 221, 222, 226, 257; E/CN.4/2004/WG.18/2, 3)

1. Mr. BARREIRO PERROTTA (Paraguay) said that his delegation supported the statement made by Argentina on behalf of the Group of Latin American and Caribbean States (GRULAC). The multiple threats posed to security, stability and democracy impeded the implementation of the right to development. In the light of those threats, the international community must endeavour to promote dialogue, cooperation and solidarity between States. In that context, it was incumbent on the Commission to adopt constructive decisions that excluded no party and fostered harmonious coexistence, respect for democratic principles and the protection of human rights and fundamental freedoms.
2. Protectionism and the distortions in international trade undermined the right to development. Together with the negative effects of globalization, they hampered growth in countries with a relatively low development index, such as Paraguay. His delegation therefore renewed its appeal to developed countries to acknowledge that their discriminatory policies violated economic, social and cultural rights, including the right to development, and to promote cooperation between developed and developing countries and the various parties concerned.
3. Mr. AL-DUHAIMI (Qatar) said that the human being was at the heart of the development process. Human capacity-building through education and knowledge acquisition was crucial. The Vienna Declaration and Programme of Action identified the close link between development on the one hand and democracy and respect for human rights and fundamental freedoms on the other. That principle was reaffirmed in the Millennium Declaration, which enshrined States' commitment to strengthening the rule of law and respect for human rights and fundamental freedoms, including the right to development.
4. Qatar was endeavouring to establish a modern State based on democratic principles. A series of measures had been taken to improve the education system and to associate education and development. An Education City that encompassed branch campuses of the country's oldest universities had been created to facilitate the exchange of ideas and knowledge between lecturers, students and researchers and to promote the construction of a knowledge society. The Qatari Government firmly believed in the need to promote dialogue through extended consultations. It had participated with great interest in the different forums on development, especially the Doha Conference, which had been the first of that kind in the region.
5. Poverty constituted a major obstacle to the implementation of the right to development. The international community must take all necessary steps to overcome that obstacle and enable all countries, especially developing countries and the least developed countries, to exercise that right. Peace and stability were also prerequisites for the enjoyment of the right to development. Unfortunately, many regions in the world were racked by violence and some countries that posed as protectors of fundamental rights continued to disregard all internationally recognized principles and standards.

6. Mr. MNATSAKIAN (Armenia) stressed the importance of international cooperation in support of national development policies and the fight against poverty. He endorsed the conclusions of the Working Group on the Right to Development concerning the direct link between national actions and the international environment. He also agreed with the Working Group on the need to mainstream the right to development in the activities, policies and programmes of development agencies, international financial and trade institutions and Governments. He further supported the Working Group's recommendation to establish a high-level task force with an initial mandate of one year. The emphasis placed in the High Commissioner's report on the need to extend the benefits of the information society to developing countries and countries in transition was commendable.

7. Armenia's recent entry into a phase of economic transformation must be seen in its historic context. In the mid-1990s, Armenia had lost nearly 60 per cent of its economic capacity. Currently, the annual growth rate stood at 13 to 14 per cent. However, economic growth had thus far not translated into a general improvement of the socio-economic situation of the population. The fight against poverty remained a priority of the Government, which to that end had adopted a national strategy aimed at better identifying the main characteristics and manifestations of poverty throughout the country and at formulating pro-poor policies. The measures taken by the Government ranged from economic liberalization and institutional reform to improving the efficiency of public services and curbing corruption. Armenia's experience illustrated the direct link between economic growth and poverty reduction and the need for civil society involvement in the formulation of national development strategies.

8. Mr. MUKHTAR (Sudan) emphasized the need to strengthen inter-agency coordination and cooperation for development. The right to development was closely linked to all other human rights, including the right to life, the right to freedom and the right to live in peace and stability. Millions of persons were mired in abject poverty, which constituted a flagrant violation of that fundamental right. All peoples had a legitimate claim to the right to development and it was high time for the international community to ensure a more equitable distribution of wealth so as to facilitate the universal enjoyment of that right.

9. In order to find adequate solutions, it was not enough to point the finger at the countries of the South. Economic obstacles and the political conditions imposed by the developed countries needed to be taken into account. It would not be useful, either, to formulate new proposals or recommendations. A series of decisions had already been taken under the auspices of the United Nations and other bodies. At present, it was a matter of ensuring their effective implementation. The Monterrey Consensus, for example, set a number of objectives centred around sustainable development. It emphasized the need for a new partnership between developed and developing countries, aimed in particular at guaranteeing good governance and the rule of law; mobilizing national resources; attracting foreign investment; securing foreign debt relief; and strengthening the cohesion of global trading, financial and monetary systems. The commitments made to that effect by developed countries during the previous session of the Working Group were essential and must now be backed up by genuine political will.

10. The Sudanese Government hoped to conclude a peace agreement with the Sudan People's Liberation Movement (SPLM) in the near future. It firmly believed in the close link between peace and sustainable development and had established a relevant plan of action. His Government was committed to leading the country down the path to stability and prosperity and to restoring its place in the region. It appealed to the international community to support its efforts, in particular by helping the country maintain its territorial integrity.

11. Mr. ACHARYA (Nepal) said that the close link between the right to development and the various fundamental human rights principles made the implementation of that right particularly difficult and complex. Sustained dialogue at the national, regional and international levels based on cooperation and mutual understanding was therefore imperative. The Working Group on the Right to Development had been created to serve that very objective. It had endeavoured to take a practical approach. Owing to the work of the Independent Expert, the right to development and the means for its implementation had been more clearly defined. His delegation supported the Independent Expert's proposals to adopt a development compact, create a callable fund and establish a follow-up mechanism. All of those proposals merited serious consideration. His delegation also endorsed the recommendations of the Working Group to establish a high-level task force comprising representatives from trade, finance and development institutions and five experts representing the five regions.

12. His delegation had read with interest the report of the High Commissioner for Human Rights on the right to development and noted with satisfaction that the High Commissioner's Office (OHCHR) was preparing a concept paper on the links between human rights and the Millennium Development Goals. It also supported the efforts of OHCHR to strengthen cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO) and to forge strong partnerships with civil society organizations, the private sector and national human rights institutions. His delegation welcomed the emerging consensus on the need to develop a global partnership to promote the implementation of the right to development through international, multidimensional and multi-pronged cooperation. Such cooperation must focus essentially on better and effective market access, support for poverty alleviation and intensification of debt relief programmes. While Governments played a primary role in the development of countries, the implementation of a right as complex as the right to development required concerted action on the part of the international community.

13. Mr. ALSISI (Bahrain) said that instability constituted a major obstacle to the realization of economic and social rights. The current situation made it impossible for Israelis and Palestinians to enjoy those rights. The fact that in spite of international efforts poverty was worsening worldwide and many children in developing countries were forced to beg for a living was cause for great concern. In that respect, he drew attention to the plight of Palestinian children, who were among the poorest in the world.

14. The Bahraini Government had taken a series of measures to improve public services, especially in the areas of health and education. Based on the belief that the prosperity of peoples was closely linked to knowledge acquisition and technological progress, efforts had been made to increase the resources available to schools. The Government had reaffirmed the principle of free education for all, equipped schools with computers and Internet connections and provided

training for teachers and administrative staff in using those tools. Regarding health, substantial progress had been made in the area of training. In addition, the Government had undertaken to establish a social security system free of charge to all. Its policies, which aimed at guaranteeing equality and justice, also placed emphasis on the family as the cornerstone of society. As pointed out in particular in the Human Development Report of the United Nations Development Programme (UNDP), Bahrain had taken a series of measures to promote the rights of women and to strengthen protection of the most vulnerable groups, especially orphans, elderly persons, persons with disabilities and the unemployed.

15. Mr. TEKLE (Eritrea) said that the rights-based approach to development that integrated the values, principles and standards of the human rights system had been received with enthusiasm by the international community. The need for a people-centred approach to implementing the right to development and the critical role of people's empowerment and their participation, in particular at the grass-roots level, had become widely recognized. Poverty eradication was the key to realizing the right to development. Around one third of the world's population lived in abject poverty, with the lack of food as the single most-defining characteristic. But poverty also meant limited access to social services and the prevalence of preventable diseases, as well as the HIV/AIDS pandemic with its devastating effects. Globalization, the debt burden and current trade arrangements hampered the efforts to eradicate poverty and hunger. It was important to remember that the rich countries must share the responsibility in that respect.

16. On the other hand, rich countries had willingly and sincerely assumed that responsibility. It would be unfair, even irresponsible to blame them for poor developing countries' calamities. It was absurd to hold donor countries responsible for famines caused by Governments that spent billions of dollars on armaments. Making others bear the responsibility for one's own problems created a culture of dependency with all its attendant problems. Good governance was a *sine qua non* for development. Poverty and hunger were results of human decisions. Those decisions concerned the organization of the State, the system of government, economic and social policies, the distribution of land and other resources and public services and infrastructure. Among the worst follies of decision makers was the decision to engage their countries in conflict. Military expenditures represented an enormous economic and social burden; unlike investment in the education and health sectors and infrastructure, they did not create wealth, and the resulting loss of productive manpower had catastrophic social consequences.

17. Mr. MENGESHA (Ethiopia) associated himself with the statement made by the delegation of Malaysia on the behalf of the Non-Aligned Movement concerning the right to development. His delegation also shared the views of most of the participants who had re-emphasized the complementary nature of national action and international cooperation in the implementation of that right. The creation of an enabling environment for development at the national level through implementing measures that conformed to the human rights norms of participation, accountability, transparency, equity and non-discrimination was crucial.

18. The Federal Constitution of Ethiopia of 1995 specifically provided for the right to development. In recognition of the fact that human rights were meaningless in the face of poverty, hunger, illiteracy and disease, Ethiopia had embarked on a poverty eradication strategy based on Agricultural Development Led Industrialization (ADLI) and human resources development and integrating women in all aspects of development.

19. At the international level, Ethiopia had reconfirmed its commitment to poverty reduction in the framework of macroeconomic stability. In conformity with the sustainable development poverty reduction strategy of the International Monetary Fund (IMF) and the World Bank, Ethiopia had undertaken reforms to foster economic growth and had engaged in dialogue with business on ways to boost private-sector development. However, the impact of the droughts that Ethiopia had experienced the previous year had slowed down the reform programme and the country was therefore in dire need of continued support from the international community. Ethiopia was among the least developed countries, and the overwhelming majority of the population lived on less than \$1 a day. It was thus heavily dependent on international partnership and needed concrete commitments from its international partners in areas such as debt relief and market access in order to exercise its right to development.

20. Mr. RILMANIA (Indonesia) said that, particularly in the light of the insidious increase in poverty, which constituted a denial of the right to development, concerted international efforts aimed at ensuring the progressive implementation of that right were more important than ever. He commended Mr. Sengupta, Independent Expert on the right to development on his work over the past six years. Thanks to his efforts, international organizations working in the areas of trade, finance and development had become increasingly aware of the need to integrate the right to development in their programmes and activities.

21. The Indonesian delegation was heartened by the fact that the Working Group on the Right to Development had reaffirmed the need for an international environment that was conducive to the realization of that right; placed emphasis on the principles of equality, non-discrimination, transparency and accountability; and underscored the importance of international cooperation involving partnership and commitment. The debate surrounding the right to development and related issues should not be characterized by the divide between the national and international dimension of that right but instead show that those two dimensions were inseparable. Both the Declaration on the Right to Development and the Vienna Declaration and Programme of Action recognized that fact.

22. His delegation was therefore pleased that the Working Group on the Right to Development at its fifth session had explored new possibilities by adopting an action-oriented approach and looked forward to the relevant work that the Sub-Commission on the Promotion and Protection of Human Rights would present to the Commission in the coming year. His delegation was hopeful that the constructive spirit that had prevailed in the Working Group would also apply to the deliberations on the right to development during the current session of the Commission and endorsed the Working Group's recommendation to create a high-level task force to assist it in fulfilling its mandate.

23. Mr. CERDA (Argentina), speaking on behalf of the Group of Latin American and Caribbean States (GRULAC), said that the high-level seminar on the global partnership for development had given rise to some deliberations and discussions that had proved to be very useful, clearly identifying the weaknesses of the current system, the requirements to be met and the mechanisms to be established in efforts to achieve the economic objectives while at the same time endeavouring to implement human rights, two areas that were inextricably linked. Thus, GRULAC supported the idea of establishing a task force, as proposed by the Working Group on

the Right to Development in its conclusions and recommendations (E/CN.4/2004/23), with a view to promoting regular and open dialogue between those responsible for policies relating to the promotion of human rights and those responsible for economic, financial and trade-related matters.

24. Moreover, GRULAC fully endorsed the recognition that, as each State had the primary responsibility for the implementation of the right to development, all States had a duty to cooperate with each other in ensuring development and eliminating the obstacles to development. That would require national and international bodies to adopt a new way of thinking and decision-making and all parties to agree to place the human person at the top of their priorities.

25. The participants at the high-level seminar had recalled just how minimal the progress in achieving the Millennium Development Goals had been, and had underlined how necessary it was to redouble efforts to attain those goals. What was relevant was not pinpointing the inconsistencies in the current system but reflecting in a constructive way on how to improve it, bearing in mind that poverty was the ultimate denial of human rights. In that regard, GRULAC considered that a compilation of best practice might offer an interesting response to the substantive questions being raised.

26. Mr. PURI (India) said that only democracy and a form of governance based on transparency, accountability and participation could ensure that the measures taken by Government were in the best interests of the people. Prescriptions imposed from the outside were counterproductive and contrary to the principle of the sovereign authority of States. The realization of the right to development required above all the existence of equitable economic relations, a favourable environment and international cooperation.

27. The Indian delegation attached great importance to the work of the Working Group on the Right to Development. Encouraged by the greater engagement and broader participation of delegations at the Group's previous session, it hoped that the debates on the right to development at the sixtieth session of the Commission on Human Rights as well as in other relevant United Nations forums would be marked by the same constructive spirit. Furthermore, it looked forward to the first meeting of the high-level task force whose establishment had been recommended by the Working Group. As a member of the Non-Aligned Movement and the Like-Minded Group, India associated itself with the statements made by those two groups on the question of the right to development.

28. Mr. RIMDAP (Nigeria) said that his country fully associated itself with the statement on the current agenda item made by Malaysia on behalf of the Non-Aligned Movement and China. Nigeria looked to the Commission on Human Rights to make the right to development truly meaningful, particularly for destitute populations, minorities and indigenous peoples, people who could be saved from the ravages of AIDS and the millions of children who were dying from preventable diseases.

29. The Nigerian delegation welcomed the spirit of dialogue and political good will demonstrated by all regional groups during the high-level seminar and at the meetings of the Working Group on the Right to Development. The fifth session of the Working Group had provided an opportunity for a general exchange of views on the report of the High Commissioner

for Human Rights on the activities undertaken by his Office with regard to the implementation of the right to development (E/CN.4/2004/22) and on the report of the Independent Expert, Mr. Sengupta. The statement of the High Commissioner had also contributed significantly to the activities, and the discussions had highlighted further points of convergence that would be useful in the future. The Working Group and its follow-up mechanisms had decided to focus their activities primarily on mainstreaming the right to development in the United Nations system, thereby opening the way to the realization of the Millennium Development Goals. That could only be welcomed. The Nigerian delegation also welcomed the preparation, within the context of the Working Group, of a concept document and the establishment of a high-level task force.

30. The National Economic Empowerment and Development Strategy (NEEDS programme) prepared by the Nigerian Government was aimed at laying a solid foundation for sustainable social and economic reform and poverty eradication. It was an important contribution to the attainment of the Millennium Development Goals and the goals of the New Partnership for Africa's Development. Recognizing the importance of the right to water, food and shelter, the Nigerian Government had created some ministries that were specifically responsible for those issues. Lastly, the Nigerian delegation asked the Commission to renew the mandate of the Working Group on the Right to Development for another year and to adopt by consensus the draft resolution on the right to development that would be presented by the Non-Aligned Movement and China.

31. Mr. AL-SALAH (Observer for Yemen) said that his country had taken a number of measures to promote its development. Since 1995, the Government had been implementing a decentralization policy, which consisted of delegating power to local authorities. Similarly, the Government encouraged civil society to participate in policy formulation and implementation. The strategies adopted at the national level were aimed primarily at poverty eradication. A social development fund had been created with a view to helping rural areas to improve their health services, water supply and sanitation systems. Furthermore, public works programmes had been launched in the fishing and agricultural sectors.

32. Under the second five-year development plan, absolute priority was given to social development, and statistical data, disaggregated by sex, were collected with a view to preparing the appropriate strategies. The Government promoted the participation of women in all sectors of activity, in order to reduce the gender gap and to improve the status of women.

33. Yemen needed the support of the international community in its development efforts and the Yemeni delegation hoped that the appeal to that effect launched by its country would be heeded.

34. Mr. FATHALLAH (Observer for Iraq) said that the Iraqi economy, damaged by the large-scale destruction that had been caused by the wars waged against its neighbours, was characterized by rising unemployment, widespread illiteracy and a high infant mortality rate. In Iraq, which was nevertheless a rich country, the per capita income had become one of the lowest in the world. Better use should be made of available resources in order to improve the living conditions of the population. Iraq now required new development policies in the economic, social and political fields and therefore needed the assistance of international organizations and Governments. However, none of that would be possible without a stable and safe environment, which depended not only on the Iraqi people but also on the whole of the international

community. Iraq continued to be the target of attacks that prevented its reconstruction. It therefore called on its neighbouring States to prevent any attempts to infiltrate its borders from their territory. The Madrid Conference, which had determined the assistance that was needed for the reconstruction process, was in that respect one of the most important conferences that had ever been held, but the process should be based on good faith and mutual respect in international and bilateral relations.

35. Mr. REZA ALBORZI (Observer for the Islamic Republic of Iran), recognizing that States had the primary responsibility for their own economic and social development, said that there would be no lasting progress towards the implementation of the right to development without effective national policies and a favourable economic environment at the international level, which meant that all States had a duty to cooperate.

36. The global economy was still characterized by the gap between developed and developing countries. Developing countries continued to confront the same problems - difficult market access, lack of capital and technology - and many were still grappling with the institutional reforms necessary for integration into the world economy. Despite the numerous opportunities offered by globalization, the benefits it brought with it were very unevenly shared and its costs unfairly distributed. Iran considered that international cooperation should be governed by the principle of equity and that access by all countries to financial, monetary and trade organizations should be facilitated, free from any political consideration. It was important to promote good governance, through democratization, transparency and accountability in all international decision-making bodies and all economic and financial organs at all levels, and to ensure the full and effective participation of developing countries, so that their interests were fully taken into account.

37. His country welcomed the consensus reached at the fifth session of the Working Group on the Right to Development. The increased involvement of partners in the area of trade and development was a step in the right direction.

38. Mr. EL AMRI (Observer for Oman) welcomed the efforts being made within the United Nations to mobilize the international community around the right to development. Implementing that right should enable two thirds of the world's population to emerge from hunger and poverty. Convinced of the fundamental nature of that right, Oman had adopted a strategy aimed at bringing about the changes needed to ensure its realization. Thus, the Oman 2020 Programme was specifically designed to create the economic conditions needed to guarantee the prosperity of the Omani people.

39. At the international level, Oman was participating in the efforts to make the right to development a reality. At the World Summit on Sustainable Development held in Johannesburg, Oman had contributed \$2 million to support Africa's development. He recalled that, since 1999, Oman had been calling on the General Assembly to promote the adoption of fair international trade rules, without which the word "development" would remain meaningless.

40. Mr. A'ALA (Observer for the Syrian Arab Republic) said that his delegation associated itself with the statement made by Malaysia on behalf of the Non-Aligned Movement and China. The right to development was a universal and inalienable right that alone could guarantee equal opportunities for all. Regrettably, the international community continued to be divided on that

issue. Some claimed that the right to development concerned individuals and not peoples, which was contrary to the text of the Declaration on the Right to Development. In any event, it should be recognized that the resolve to implement the right to development was now beginning to weaken. Moreover, the inequitable nature of the world trade system was doing very little to help create conditions conducive to development. It was also worth noting the adverse impact of sanctions imposed for political reasons and the equally damaging effects of foreign occupation.

41. Mr. IBARRA MARTINEZ (Observer for Venezuela) said that President Hugo Chávez had placed the right to development among the Government's priorities, which had led to a commitment towards the most disadvantaged sectors of society. The strategies adopted were designed to eradicate poverty and improve the systems of health and education and the administration of justice. Recently, a social programme entitled "Misión Vuelvan Caras" had been launched to provide swift and efficient training to approximately 100,000 people who would then be able to become integrated into the labour market very quickly.

42. At the international level, the Venezuelan Government had reaffirmed its commitment to development by holding, under the auspices of the Organization of American States (OAS), a high-level meeting on poverty, equity and social inclusion, which had been held on Margarita Island in October 2003. The Margarita Declaration adopted on that occasion had breathed new life into the social programme of OAS, demonstrating the firm determination to move towards the establishment of a regional strategy to combat poverty, exclusion and inequality. Accordingly, the delegation of Venezuela could only associate itself with the statement made by the delegation of Argentina on behalf of GRULAC.

43. Ms. ANDRIANJAKA (Madagascar) noted that it had taken some time for the interest of countries in the implementation of the Declaration on the Right to Development to materialize. Her delegation nevertheless welcomed the awareness, albeit belated, of the importance of that right and the new impetus generated in the Working Group on the Right to Development.

44. It was true that the responsibility for each country's development lay primarily with its Government and should give rise to the adoption of appropriate policies, particularly with regard to good governance. However, it was unrealistic to hope that the efforts of poor countries alone would be enough to overcome the obstacles to the realization of the right to development posed by the debt burden or the catastrophic consequences of natural disasters. That had been clearly highlighted by the Working Group, the Independent Expert and, more recently still, the seminar of high-level experts that had been held prior to the fifth session of the Working Group. Her delegation welcomed the emphasis placed in the Working Group's report (E/CN.4/2004/23) on the importance of partnership and international cooperation in the realization of the right to development. Having participated in the activities of the Group at its fifth session, her delegation fully supported the Group's recommendations, including with regard to the establishment of a high-level task force.

45. Mr. SOUALEM (Algeria) congratulated Mr. Ibrahim Salama of Egypt, whose competence and vision had made it much easier to create a relaxed atmosphere within the Working Group on the Right to Development. Africa, which had held the chair of the Working Group since its creation, through Algeria, Zambia and now Egypt, was fully aware of what was at stake and of the importance of the right to development for African societies. In that context, NEPAD (the New Partnership for Africa's Development) embodied the new vision of

an Africa that had decided to draw above all on its own potential and complementarity and assume its own responsibilities in the fight against poverty and underdevelopment, which had long been the reasons for its marginalization.

46. He also congratulated Mr. Sengupta on his report, which showed that, for the majority of developing countries, globalization had not brought about the expected economic growth. Worse, in the majority of cases globalization had accentuated the inequalities both between and within countries. If that trend continued, there was a risk that the effective enjoyment of the right to development would be compromised for millions of human beings living for the most part in countries in the South. That conclusion had just been reinforced by the study carried out by the World Commission on the Social Dimension of Globalization, under ILO auspices. The Commission had been co-chaired by Ms. Halonen, President of Finland, and Mr. Benjamin William Mkapa, President of Tanzania.

47. The Algerian delegation hoped that the high-level task force, whose establishment had been proposed by the Working Group on the Right to Development, would be able to develop new approaches to the right and propose action plans for the United Nations system and for the countries themselves.

48. He concluded by recalling that the year 2004 marked the tenth anniversary of South Africa's transition to freedom, following a long and heroic campaign to end the notorious system of separate development of races. The current debate on the right to development was an opportunity to celebrate that anniversary and the achievements of the new South Africa, at a time when democracy had replaced tyranny and exclusion and participatory development had replaced apartheid.

49. Mr. AL-BADER (Kuwait), after thanking Mr. Ibrahim Salama for his excellent work as Chairperson of the Working Group on the Right to Development, said that Kuwait was taking part in the international community's efforts to ensure the realization of the right to development. Kuwait had created an economic development fund to provide financial assistance to developing countries. A hundred or so countries had already benefited from the fund's assistance. The aid provided to those countries amounted to \$1 billion, which represented approximately 4 per cent of the country's GNP.

50. Development required the existence of a favourable environment. In that regard, the invasion of Kuwait by Saddam Hussein's forces in 1990 had served only to hinder the country's progress towards prosperity. Now that the danger posed by Saddam Hussein had been removed, the country could step up its development efforts, but it could only do so in a framework of international cooperation.

51. Mr. TOMASI (Holy See) said that the current debate on the right to development was particularly timely as the gap between the richest and the poorest countries was constantly widening. Globalization had at least had the merit of giving rise to a true planetary conscience in the face of injustice, poverty, discrimination and environmental degradation. It had also created greater expectations and had highlighted the need for synergy between economic growth, which increased the well-being of societies and individuals, and the development of the individual in the full enjoyment of his or her rights.

52. The Declaration on the Right to Development adopted by the General Assembly in 1986 was unique in that it identified the individual as the beneficiary and the State as having the primary responsibility for the realization of that right. At the same time, the Declaration established a formal link between the right to development and international cooperation. It was that interdependence of rights and responsibilities that was a constant theme in the teachings of the Holy See and was increasingly featuring in debates on the impact of globalization. That interdependence should not conceal a certain hierarchy. The Holy See considered that the primary responsibility for promoting the right to development lay with States and that was why even the poorest States should have a say in the decisions affecting their future taken by the international organizations and institutions. Given the novel nature and the very broad scope of the right to development, the debate on the issue within the United Nations community was set to be difficult. Nevertheless, the previous session of the Working Group had demonstrated that the right to development took on a more concrete nature when States, development agencies, human rights protection bodies, international financial institutions and representatives of civil society participated in the debate. In that regard, the continuation of activities in the framework of the proposed task force looked encouraging.

53. Mr. ELKADIRI (Morocco) noted that while the industrialized countries were managing to implement the right to development, the same could not be said of the so-called developing countries. The failure of that undertaking was due less to a lack of will on the part of those States than to insufficient means, financial resources and appropriate assistance. In that context, the policies advocated by the IMF and the World Bank in the early 1980s, such as the Structural Adjustment Programme or budgetary austerity, had not had the desired effects.

54. The Kingdom of Morocco, as an African country, was aware that Africa was the region of the world most seriously affected by such problems and that globalization had not helped the continent to emerge from its crisis. In that regard, it was appropriate to promote programmes such as the New Partnership for Africa's Development (NEPAD), which should make it possible to save the lives of millions of human beings living on less than \$2 a day. It was clear that, despite the efforts made, many countries were experiencing a marked decline in several sectors. The inequalities between the North and the South were constantly increasing, leading to the resurgence of high-risk mass migration. Morocco was well placed to note the scale of that phenomenon. In the area of health, the spread of certain serious diseases such as HIV/AIDS and malaria threatened to decimate entire populations and made any human development impossible. Some African countries, among the most at risk, would continue to be threatened unless the international community took swift and effective action.

55. Mr. MTESA (Observer for Zambia), after associating himself with the statement made by the representative of Malaysia on behalf of the Non-Aligned Movement and China, expressed appreciation for the friendly atmosphere in which the Working Group on the Right to Development had met and welcomed the recommendations contained in the Group's report on its fifth session. Although those recommendations did not go far enough to meet the expectations of the Zambian people, his delegation was, in a spirit of compromise, willing to accept them. His delegation welcomed in particular the Working Group's intention of giving priority to mainstreaming the right to development, since that right was universal, inalienable and an integral part of fundamental human rights. Moreover, the time was ripe for the establishment of a high-level task force to examine the issues identified at the third and fifth sessions of the Working Group. The Zambian delegation was in favour of the Chairman of the Working Group

on the Right to Development being a member of that task force. It also wished to thank the Office of the High Commissioner for Human Rights for organizing the high-level seminar on "Global partnership for development" held on 9 and 10 February 2004. One of the positive outcomes of that seminar had been the conclusion that the international financial institutions, namely the IMF and the World Bank, which prescribed programmes for developing countries, should be held accountable when such programmes failed. Currently, it was the developing countries that took the blame when the prescriptions of the IMF and the World Bank led to hardship, misery and massive unemployment. Ironically, it was sometimes the same institutions that had prescribed the failed programmes which laid the blame on the recipient countries. Although the international financial institutions were important partners in economic development, they should reform the way they behaved towards developing countries. Zambia strongly supported another of the seminar's conclusions, which was that the programmes prescribed by the IMF and the World Bank must be country-oriented.

56. Ms. SONGHO-MARLINIER (United Nations Development Programme) said that the recent discussions about the implementation of the right to development had made progress in terms of coherence and cooperation; that change for the better could be seen in the results of the high-level seminar. UNDP was following with interest the proposal to set up a high-level task force within the Working Group on the Right to Development, and would cooperate in that framework if so desired.

57. Positive changes could be detected within UNDP, and within the United Nations system in general, in particular in the three key areas of poverty reduction, a rights-based approach to programming within the United Nations, and attainment of the Millennium Development Goals. UNDP had been emphasizing for many years, notably in the Human Development Report, the self-evident truth that poverty was a denial of human rights. The Human Rights Strengthening (HURIST) programme, a joint project of UNDP and the Office of the High Commissioner for Human Rights, provided an operational framework for a joint approach to tackling poverty reduction and human rights issues. The resultant methodology formed an integral part of UNDP directives and served as a guide for all field offices. She paid tribute to the High Commissioner's Office for having been a driving force for the introduction of a rights-based approach to the United Nations programming mechanisms. The credit for the development and adoption of the plan of action of the United Nations Development Group and of the Executive Committee for Humanitarian Affairs also belonged to the High Commissioner's Office. In conjunction with UNICEF and UNDP, the High Commissioner's Office had also organized the Stamford Workshop which had resulted in the adoption of a Statement on a Common Understanding of a Human Rights Based Approach to Development Cooperation.

58. It had to be recognized that, with regard to the right to development, the processes were as important as the results. Situations in which a national objective was achieved without there being any improvement in the status of women, minorities and indigenous peoples should be avoided. In that context, she welcomed the initiative of the Special Adviser on the Millennium Development Goals to become more involved in the discussions about the Millennium Development Project with which UNDP was closely associated.

59. Mr. MANSOUR (Tunisia) bemoaned the continual procrastination about the content of the right to development and the modalities of its implementation, which he said risked being seen as apathy on the part of the international community in the face of the extreme poverty and

deprivation which many countries struggled against. It should be noted that, in a world increasingly characterized by globalization and interdependent interests, the gap between the countries of the North and those of the South was only widening. In signing up to the Millennium Declaration, the international community had made eradicating absolute poverty and social exclusion a priority objective. Unfortunately, that commitment was a long way from being translated into concrete action. Although implementation of the right to development was, of course, a responsibility of States, it was also a collective responsibility that must lead to the adoption of a strategy for cooperation based on the imperative of global development and a genuine partnership, and on the principles of solidarity and fairness. In that regard, he recalled that, at the Millennium Summit, Tunisia had called for developing and developed countries to conclude a contract for co-development and for debt to be redirected into development projects. In the same vein, Tunisia had worked for a World Solidarity Fund to be set up, an initiative that the international community had endorsed. It hoped that Fund would become operational without delay. Lastly, he wished to underline the importance that should be attached to the construction of a world information society. Information and communication technologies were a real medium for sustainable global development, the fight against poverty and bringing peoples together. That objective would not be attained without the involvement of all the relevant actors.

60. Mr. MANGUEIRA (Observer for Angola) said that his delegation wished to associate itself fully with the statement made by the representative of Malaysia about the right to development. Realization of that right would require access to adequate funding, the establishment of fair trade regulations at the global level, access to information technologies and effective participation in economic decision-making at the international level. As the Deputy Minister for Foreign Affairs of Angola had underlined in the high-level segment, international cooperation and aid were vital in order to tackle problems such as poverty, illiteracy and the AIDS pandemic. Of course, efforts to that end could only be effective if countries enjoyed a climate of peace: there could be no development without peace.

61. Mr. Smith (Australia) took the Chair.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Consideration of the draft decision for a special sitting on the situation in the Occupied Palestinian Territory resulting from the assassination of Sheikh Ahmad Yassin (E/CN.4/2004/L.3)

62. Mr. UMER (Pakistan), speaking on behalf of the Organization of the Islamic Conference (OIC), introduced draft decision E/CN.4/2004/L.3, whereby the Commission on Human Rights would decide to hold a special sitting, on an urgent basis, to consider the situation in the Occupied Palestinian Territory resulting from the assassination of Sheikh Ahmad Yassin on the morning of 22 March 2004. The OIC, like the European Union, the Russian Federation and other lovers of peace around the world, was deeply shocked by that violent attack by Israeli forces against a non-military target. The attack was a serious violation of international humanitarian law and had been universally condemned. Mr. Jack Straw, the British Foreign Secretary, had said that he did not see what Israel had to gain from assassinating an 80-year-old man in a wheelchair. Mr. Javier Solana, the European Union High Representative for the Common Foreign and Security Policy, had described the

assassination as “bad news” for the Middle East peace process. The Secretary-General of the United Nations had strongly condemned the assassination of the spiritual leader of Hamas, Sheikh Ahmad Yassin, and eight other people, recalling that extrajudicial killings were in contravention of international law. He had appealed to the Israeli Government to put an immediate end to such acts. The Acting High Commissioner for Human Rights had expressed the same views.

63. The assassination of Sheikh Yassin was the latest in a long list of crimes that jeopardized the prospects of achieving peace in the region. He hoped that the Commission would support the OIC’s request to hold a special sitting on an urgent basis to consider the situation in the Occupied Palestinian Territory resulting from the assassination of Sheikh Yassin.

64. Ms. GABR (Egypt) recalled that her country had been the first State in the Middle East, 25 years previously, to have chosen the path to peace. It was a matter of a strategic choice in favour of the peaceful coexistence of all those in the region, including Palestinians and Israelis. Egypt condemned the assassination of Sheikh Yassin. By killing an elderly disabled person, Israel had killed the peace process and murdered hope. The Commission should therefore hold a special sitting as requested by Pakistan.

65. Mr. MUKHTAR (Sudan) emphasized that the assassination of Sheikh Yassin was a most serious act. The arrogance with which the Israeli authorities had boasted about the assassination was particularly disquieting. The Commission must assume its responsibility in the face of that act, which was completely unlawful.

66. Mr. REYES RODRIGUEZ (Cuba) expressed his indignation and described the assassination of Sheikh Yassin, the spiritual leader of the Islamic resistance movement, as a cowardly crime. Israel was trying to muzzle the Palestinian people and its leaders by carrying out targeted killings, in violation of the Fourth Geneva Convention. The Cuban delegation considered the Commission to be the appropriate body to consider the situation in the Near East resulting from that repugnant act, and therefore supported the proposal for a special sitting.

67. Mr. AL-DUHAIMI (Qatar) said that his delegation was in favour of holding a special sitting. The assassination of Sheikh Yassin had been directly organized and supervised by the Israeli authorities; the Commission must react swiftly.

68. Mr. ATTAR (Saudi Arabia) associated himself with previous speakers. The assassination of Sheikh Yassin was a most serious act, condemned by all heads of State and Government, and was proof that Israel remained deaf to calls for peace, despite the resumed contacts with a view to achieving peaceful settlement of the conflict. The attack on Sheikh Yassin was a flagrant violation of international humanitarian law, which the Commission, as the voice of the global conscience, must condemn.

69. Mr. WILLIAMSON (United States of America) said that Israel had a legitimate right to defend itself against the attacks committed by Hamas and other terrorist organizations. The United States was however troubled by the assassination, which did not further the peace process. The United States was opposed to the draft decision introduced by the OIC because the

text distracted the Commission from its agenda and also because it was a form of discrimination against a single country, Israel. Such politicization worked against the peace efforts in the Middle East and did nothing to advance the important work of the Commission in the area of human rights.

70. Mr. HARIYADHI (Indonesia) said that he shared the feelings expressed by previous speakers. Violence begot violence and destroyed all efforts to achieve peace. The policy of systematically eliminating Palestinian leaders must be strongly condemned by the Commission.

71. Mr. AL-FAIHANI (Bahrain) said that the assassination of Sheikh Yassin, a blind, elderly, disabled man, was a contemptible crime that had undoubtedly been premeditated. The assassination, which showed once again that Israel respected neither the right to life nor international law, would heighten tensions in the Occupied Palestinian Territory and in the Middle East in general. Bahrain supported the OIC's proposal to hold a special sitting on the issue.

72. Mr. SHA (China) noted that history was repeating itself: in 2002, at the fifty-eighth session of the Commission, when violence had broken out in the Middle East and dozens of innocent civilians had been killed, the United States had voted against holding a special sitting to consider the situation. The present circumstances were identical. Bloody events were an every day occurrence in the Middle East, and the attack of 22 March only aggravated tensions. It was more urgent than ever to hold a special sitting. The Chinese delegation therefore supported the draft decision introduced by Pakistan.

73. Mr. MENGA (Congo), speaking on behalf of the African Group, said that it had been deeply shaken by the news of Sheikh Yassin's assassination and was extremely worried about the possible repercussions of that abhorrent act. The African Group therefore supported draft decision E/CN.4/2004/L.3.

74. Mr. LEMINE (Mauritania) said that his country wished to support the proposal made by Pakistan on behalf of the OIC. Mauritania had formally condemned the assassination of Sheikh Yassin, which it considered to be a most serious act, and believed that it was necessary to hold a special sitting.

75. Mr. LEVY (Observer for Israel) said that if the Commission voted to hold the special sitting, it would be the first time in the history of the United Nations that a sitting was dedicated to supporting and glorifying a major leader of a terrorist organization, namely Hamas. He recalled numerous killings of innocent civilians by terrorists acting under the orders of Sheikh Yassin. Nobody had spoken out to call for a special sitting when those people had been killed. The proposal for such a sitting was merely a new manifestation of the bias and lack of objectivity which the Commission had demonstrated since it had begun discussing agenda item 5.

76. He recalled that Sheikh Yassin had founded Hamas, whose clear goal was to establish, through a Jihad, an Islamic Palestine extending from the Mediterranean to the Jordan River - by eliminating the State of Israel. The military apparatus of Hamas, funded by Iran and Syria, was deployed not just in Gaza but throughout the world. Ahmed Yassin had personally approved dozens of suicide bombings. Inspired by him, the leaders of Hamas had incited hatred in the

mosques and the schools. The so-called “spiritual leader” had been nothing but a cynical manipulator. He urged the members of the Commission to vote against the proposal to hold a special sitting, which was a pretext for distorted standards, wild accusations and inflammatory statements.

77. Mr. RAMLAWI (Observer for Palestine) said that nobody could deny that the despicable crime committed the day before was a flagrant violation of human rights. It was however only the most recent, because for more than 35 years Israel had been condemned for the serious violations of human rights that it committed in the Occupied Palestinian Territory. Israel had no respect and paid no heed to the resolutions adopted by the international community. The draft decision addressed the abhorrent crime committed by the State of Israel and its intention, cynically reiterated on the radio following the assassination, of continuing to eliminate Palestinian leaders. The Israeli Prime Minister, Ariel Sharon and Minister of Defence, Shaul Mofaz, had personally congratulated the perpetrators of the attack on Sheikh Yassin. Those were the facts that had motivated the proposal to hold a special sitting, so that the Commission, which expressed the conscience of humanity, could make its voice heard. The Commission’s dignity and credibility were at stake.

78. Ms. WHELAN (Ireland), speaking on behalf of those members of the European Union who were also members of the Commission on Human Rights, recalled that the Council of the European Union had condemned as unlawful the extrajudicial killing of Sheikh Yassin. The European Union had repeatedly condemned the terrorist attacks committed by Hamas against Israeli civilians. Israel was entitled to defend itself, but not by carrying out extrajudicial killings. She recalled that item 8 on the Commission’s agenda concerned the violation of human rights in the occupied Arab territories, including Palestine, and would therefore provide an opportunity to discuss the issues referred to in draft decision E/CN.4/2004/L.3. She also recalled that the matter of extrajudicial killings had long been on the agenda of the Commission. For those reasons, the European Union would abstain if the draft decision was put to the vote.

79. Mr. TEKLE (Eritrea) emphasized that his country categorically rejected recourse to assassinations as a political method. Moreover, Eritrea firmly supported the Palestinians’ right to self-determination. However, he did not see what would be gained by holding a special sitting. His delegation would therefore oppose the draft decision if it was put to the vote.

80. At the request of the United States representative, a recorded vote was taken on draft decision E/CN.4/2004/L.3.

<u>In favour:</u>	Argentina, Armenia, Bahrain, Bhutan, Brazil, Burkina Faso, Chile, China, Congo, Costa Rica, Cuba, Dominican Republic, Egypt, Ethiopia, Guatemala, India, Indonesia, Mauritania, Mexico, Nepal, Nigeria, Uganda, Pakistan, Paraguay, Peru, Qatar, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.
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<u>Against:</u>	Australia, Eritrea, United States of America.
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Abstaining: Austria, Croatia, France, Germany, Honduras, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland.

81. Draft decision E/CN.4/2004/L.3 was adopted by 34 votes to 3, with 14 abstentions.

82. Mr. PARSHIKOV (Russian Federation) explained that his country had voted in favour of holding a special sitting to consider the situation in the Middle East because that situation had greatly deteriorated following the assassination of Sheikh Yassin, thus imperilling the peace process in the Middle East.

83. Mr. PURI (India) said that he was appalled by the assassination of the spiritual leader of Hamas, which would exacerbate the violence in the region. Since gaining its independence in 1947, India had always resolutely supported the Palestinian cause, and believed that the Palestinian people deserved the full support of the international community in claiming their right to national independence. India did not believe that the Middle East problem could be resolved through the use of force.

84. Terrorism could not be justified on any grounds, whether religious, ideological or political. India, which had itself been the victim of terrorism for many years, was well placed to confirm that there could be no compromise on that matter. However, while States did have the right to defend themselves against terrorism, they also had an obligation to respect international law. Such were the reasons that had led his delegation to vote in favour of draft decision E/CN.4/2004/L.3.

The meeting rose at 6 p.m.