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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 22 March 2005, at 3 p.m.

Chairperson: Mr. WIBISONO (Indonesia)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB
TERRITORIES, INCLUDING PALESTINE

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

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/2005/24, 25, 63 and 133; E/CN.4/2005/NGO 21, 71, 78, 90, 101, 113, 134, 143, 188, 189, 240, 242 and 262; E/CN.4/2005/WG.18/2)

1. Mr. YIMER (Ethiopia), speaking on behalf of the African Group, endorsed the statement made by the representative of Malaysia on behalf of the States members of the Non-Aligned Movement and China on behalf of the Like-Minded Group and said that the right to development was a fundamental human right, where international cooperation played a pivotal role. The repeated failure of the international community to meet its obligations in that respect was impeding African countries' efforts to attain the Millennium Development Goals (MDGs). Globalization offered opportunities for growth and development only when certain conditions obtained. If structural obstacles in the multilateral trading system were not removed, they would significantly hamper the continent's efforts to realize its legitimate development aspirations. It should not be forgotten that the vast majority of least developed countries (LDCs) were African.
2. Human rights were indivisible and interdependent; the right to development formed a bridge between economic, social and cultural rights on the one hand and civil and political rights on the other. Hence all national and international obligations had to be fulfilled if all human rights were to be realized.
3. The African Group fully supported the constitution of the high-level task force on the implementation of the right to development and welcomed the conclusions and recommendations of the Working Group on the Right to Development, since they were a true reflection of what global partnership was all about and should therefore be put into practice.
4. An unsustainable debt burden was a major obstacle to achieving the MDGs. Highly indebted poor country (HIPC) initiatives should be launched to supplement flows of bilateral official development assistance (ODA), and consideration should be given to increasing net transfers to developing countries. All States ought to recognize the importance of a successful and timely conclusion of the Doha Round of trade negotiations and the role of special and differential treatment. Trade negotiations should be transparent, inclusive and more focused on development. Market access for developing countries would have to be improved.
5. The African Group was pleased to note a number of positive developments which might contribute to the realization of the right to development and it called on all relevant actors to summon the political will for its realization. Lastly, it affirmed its commitment to the New Partnership for Africa's Development (NEPAD) and urged its development partners to deepen and broaden their support for NEPAD.
6. Mr. TEKLE (Eritrea) said it was an acknowledged fact that human and social development must be based on human values and social goals and that it must satisfy the cultural, social, material and spiritual needs of all human beings, including the poor. It must therefore produce collective social goods to satisfy those needs. The latter were legitimate human rights which must be promoted by people-centred laws and the creation of participatory governmental institutions. The State must be trusted to produce those goods and protect the well-being of all members of society.

7. Since the achievement of those goals could be guaranteed only by a democratic decision-making process, the empowerment of the people was critical to the realization of the right to development. While responsibility for its realization lay essentially with States, it required an international environment where due attention was paid to the predicament of LDCs.

8. Poverty was an unacceptable human tragedy in an age of unprecedented global prosperity; its eradication was therefore the key to the successful realization of the right to development. Although globalization had had beneficial consequences for humanity's progress, it had also acted as a catalyst for the further marginalization of weak States. Women must be empowered and their full participation in governance and development must be ensured, because no society could ever hope to promote the well-being of its members without their active participation.

9. Mr. TAHA (Sudan) welcomed the recommendations of the Working Group on the Right to Development and endorsed the statements made by the representative of Ethiopia on behalf of the African Group, by the representative of Malaysia on behalf of the Non-Aligned Movement and by China on behalf of the Like-Minded Group of States. Fundamental human rights could not be safeguarded without the implementation of the right to development. Since development was a fundamental component of all other rights, paying due heed to it was tantamount to according attention to those rights. The successive affirmations of the High Commissioner for Human Rights that she attached high importance to the right to development were therefore grounds for optimism. Not enough emphasis could be placed on the fact that all rights, including the right to development, were indivisible and interdependent. It was necessary for developing countries to adopt poverty eradication programmes in order to implement the right to development, and it was incumbent upon the developed industrialized States to honour their commitments with respect to international cooperation, multilateral initiatives and unilateral pledges.

10. Boycotts and preventing international financial institutions from lending assistance to a State caused great hardship in a country like the Sudan, where human rights were the final victim. The multilateral trading system should be made more just, so that developing countries and LDCs could gain a foothold in international trade. The developed countries should transfer technology to the developing countries rather than just viewing them as potential markets. The decision of the World Trade Organization (WTO) to facilitate the accession of the developing countries must be put into effect without being made subject to political reservations.

11. In his country great efforts had been devoted to attaining the objectives of comprehensive, balanced development and of sustainable development in rural areas. The peace agreement had reaffirmed that everyone had a right to a share in the country's wealth and to basic services. It had accorded particular attention to the areas affected by the conflict, and funds had been established for them. International assistance for them had also been requested. The Government had likewise allocated significant sums for emergency water and electricity projects in eastern Sudan.

12. Given the importance of free trade, the Sudan had applied for membership of WTO. It called on donor countries to honour their commitments as their contribution to the restoration of peace in his country.

13. Mr. OULD MOHAMED LEMINE (Mauritania) said that the enjoyment of all human rights was predicated on the realization of the right to development. Deliberations in the past had pinpointed obstacles to its full realization and its impact on other human rights. The conclusions and recommendations of the Working Group on the Right to Development had correctly highlighted the link between measures which were the responsibility of national Governments and those incumbent upon the international community.

14. Development was naturally the primary responsibility of any Government, and to that end it must ensure the rule of law and foster participatory democracy. But even then its policies would be successful only if a favourable international economic environment existed. Unfortunately, the international community was incapable of providing such an environment, which was why the gulf between rich countries and the South was steadily widening.

15. The benefits of globalization had not been employed to redress that imbalance, and some developing countries had experienced a painful drop in their standard of living. It was also clear that the MDGs would probably not be achieved unless faster progress were made towards the fulfilment of pledges given at the Millennium Summit. Indeed, in an interdependent world, it was vital to honour commitments in order to lay a sound basis for international peace and security. National measures and the undertakings given by the international community were complementary. Definite action should be taken on those undertakings, for the developing countries could not, by their own efforts alone, surmount the obstacles to the realization of their right to development. The time had therefore come to establish a genuine world partnership consonant with the spirit of the Declaration on the Right to Development.

16. Ms. VADIATI (Observer for the Islamic Republic of Iran) said that, in order to realize the right to development, actors at both the national and the international levels must create an international economic environment guaranteeing participation, accountability, non-discrimination and empowerment. Equitable opportunity for development had to become the guiding principle of international cooperation. Fair access to knowledge and technology and freedom from politically motivated discriminatory treatment in the global economy were essential. Every country must be allowed to join international financial, monetary and trade organizations. There was also a need for a structured multidisciplinary dialogue between Member States, United Nations agencies and financial institutions in order to find ways of furthering the implementation of the right to development. That right should be mainstreamed into the policies of those institutions.

17. Her Government therefore welcomed the convening of the high-level task force on the implementation of the right to development, as well as the recommendations of the Working Group on the Right to Development. It believed that consideration should be given to the role played by national economic policy in the implementation of the right to development and to the possibility of adopting a legally binding international instrument on that right.

18. Ms. AL-SABAHI (Observer for Kuwait) said that the right to development was an inalienable right of all peoples and all countries. Even small countries were entitled to enjoy social, political, cultural and economic rights. Development should be of real benefit to individuals. National Governments bore the primary responsibility for creating a propitious environment for the realization of the right to development, but cooperation among Governments was also needed for that purpose.

19. Her Government had striven to raise the standard of living of its people and to secure decent living conditions by enhancing political, civil, economic, social and cultural rights. At the international level, her country was a leading donor, since it had earmarked 4 per cent of its national income annually, or more than US\$ 1 billion, as assistance to developing countries. After independence in 1961 it had set up the Kuwaiti Fund for Arab Economic Development, since it believed in the value of cooperation between countries. The range of the Fund's activities had been extended, with the result that it was granting assistance to a number of developing countries. However, in the final analysis, international peace and security were necessary in order to create cultural, economic and political conditions such that the right to development could be realized.

20. Mr. MURSHED (Observer for Yemen) said that his country had restored external confidence and strengthened its relations with its development partners and with regional and international funds through its economic, financial and administrative reform programme. It had drawn up a second five-year plan, one of whose objectives was to achieve real gross domestic product (GDP) growth of 5.6 per cent per annum and a rise in non-oil GDP of 8 per cent, in order to improve the standard of living, create more jobs and establish a social security network to support the weaker segments of society. The National Poverty Reduction Strategy (2003-2005) reflected his Government's commitments to citizens in terms of the MDGs. A comprehensive population, housing and infrastructure census had been taken in December 2004 with a view to formulating better strategies in the future. Furthermore every effort was being made to encourage sustainable development within the country and to shoulder national and international responsibilities.

21. Mr. AL-SHANFARI (Observer for Oman) expressed appreciation of the role performed by the Commission on Human Rights in promoting the right to development and of its endeavours to persuade all its members to adopt measures facilitating the realization of that right, which would allow two thirds of the world's population to emerge from poverty. The world was characterized by disparity in living conditions. Despite technological advances and globalization, thousands of people were dying every day from famine, a situation that was hardly conducive to international peace and security. All efforts should therefore focus on creating a more just and transparent economic environment and a development framework that would help the South.

22. At the national level, legislation had been introduced to secure citizens' enjoyment of the right to development, and their lives had indeed been transformed through economic planning. The objectives of human development were constantly evolving and, for that reason, Oman had launched its "Vision for the future" programme (Oman 2020) in 1995. It sought to create an economic environment that would make it possible to keep abreast with the increasing pace of international change.

23. At the international level, his Government fully supported United Nations endeavours to activate processes that would lead to the realization of the right to development, a better balance between North and South and a quantum leap in countries' relations, making it possible to overcome obstacles to development.

24. Mr. BERZINJI (Observer for Iraq) said that the economic, social and cultural policies of the former regime had curbed development and devastated the Iraqi economy. Unemployment

was running at 48.7 per cent. Thirty-five per cent of men and 64 per cent of women were illiterate. The foreign debt burden was enormous, and per capita income was among the lowest in the world.

25. The people and the Government of the new Iraq were making tremendous efforts to restore an economy crippled by the former regime's habit of spending any available funds on military equipment and the armed forces rather than on infrastructure. The current security situation was another major obstacle to development. That problem was not solely the responsibility of the Iraqis, but of the entire international community and of neighbouring countries in particular, because people bent on destruction were infiltrating the country. The reintegration of Iraq into the international system and the adoption of rational economic policies was a whole programme in itself, but it was necessary in order to improve the economy and in order to create a country in which everyone could enjoy their rights and benefit from services. His Government therefore looked forward to receiving the assistance of Governments and international organizations, so that the country could be rebuilt on the new foundations of open-mindedness and mutual respect.

26. Mr. INGRAM (World Bank) said that participation in the work of the high-level task force and in that of the Working Group on the Right to Development had given him a better understanding of certain aspects of the development process. The principles underlying the right to development were the same as those the Bank applied in its support for national poverty-reduction programmes. The observance of those principles ensured that people were involved in the development process, since it was critically important to consult the poor.

27. Creating the actual conditions under which rights could be realized was what the Bank did best. The right to development could be put into practice through the Poverty Reduction Strategy Paper (PRSP) process, without laying down new conditions based on legal obligations. Light had been shed on what needed to be done to enhance the contribution of Poverty and Social Impact Assessments (PSIAs) to development. The recommendations of the task force and the Working Group illustrated the complementarity between development and human rights. The Bank had intensified its collaboration with the Commission on Human Rights and was confident that it could contribute to the future work of the task force. It supported the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

28. Mr. BELO MANGUEIRA (Observer for Angola) said that the full enjoyment of the right to development was related to the general satisfaction of social, economic, cultural, civil and political rights. The Angolan delegation appreciated the conclusions and recommendations of the Working Group on the Right to Development, and wished to emphasize that concrete action must be taken by States in collaboration with the United Nations, international financial institutions and civil society in order to fulfil those recommendations. Priority must be given to the elimination of external debt for developing countries, the reform of the international financial system and the current trade system, conflict prevention and disarmament, control of weapons sales, and respect for fundamental freedoms and State sovereignty.

29. Although Governments were responsible for drafting national policies on the realization of the right to development, the attainment of the MDGs and the declarations of the Doha Round required commitment by the whole international community. Angola's social and economic

infrastructure had been destroyed by 27 years of war. The Government did not have the necessary means to ensure the full development of the economy, and called on the international community for assistance.

30. Mr. MTESA (Observer for Zambia) said that his delegation fully supported the conclusions and recommendations of the high-level task force. Almost 90 per cent of Zambia's foreign exchange earnings were used for debt servicing, which left very little opportunity for the country to pursue development programmes. Zambia was included in the HIPC initiative. The Government had been obliged to take many measures, most of them detrimental to the well-being of the Zambian people, in order to reach the targeted HIPC completion point. Zambia strongly supported the high-level task force's recommendation that HIPC debt should be cancelled and that HIPCs should be provided with additional bilateral ODA. Such assistance was particularly important for enabling developing countries, particularly the LDCs, to embark on genuine economic development programmes, which must be country-oriented. The Zambian delegation welcomed efforts by donor countries and international financial institutions to consider additional ways, including appropriate debt swap measures, to promote sustainability for all heavily indebted poor countries.

31. Zambia welcomed the high-level task force's recommendation on special and differential treatment provisions, and the proposal that had been made in that regard by the delegation of Ghana on behalf of the African Group. Developing countries must be able to protect and nurture their industries, and it was therefore important that the Doha Round should be concluded successfully, addressing the supply constraints faced by developing countries and thus providing effective market access for their produce. Zambia also welcomed the recent initiative of Prime Minister Blair, aimed at increasing the resources available to African developing countries to enable them to meet the MDGs, and hoped that other developed countries would respond positively to that appeal.

32. Although the realization of the right to development was the responsibility of States themselves, he noted with satisfaction that there was an increasing acceptance of the importance of simultaneous action at the national and international levels. In order to fully implement the right to development in developing countries, there must be a balance between national policy space and international cooperation. Since all development issues were interrelated, the Working Group on the Right to Development should be able to discuss any development issues, and it would benefit from following the work of WTO and the United Nations Conference on Trade and Development (UNCTAD).

33. Mr. ALAMEDDIN (Observer for Jordan) said that the high-level task force had an important function in assisting the Working Group on the Right to Development to find practical measures for helping countries to attain the MDGs and to assess the social impact of international trade, both nationally and internationally. The work that had been carried out thus far had been of a theoretical nature, preparing the ground for real, practical results. The high-level task force was paving the way for different States, organizations and bodies to reconcile their different opinions and implement specific measures and activities for development. Jordan welcomed the conclusions and recommendations of the Working Group's sixth session, and understood that some parties had adopted different approaches to certain issues. It was therefore important to continue dialogue under the aegis of the Working Group, and to take the interests of all parties into account in negotiations. The Group's mandate should

therefore be extended. An assessment must be carried out of the implications on States and sustainable development of current multilateral negotiations on economic and trade liberalization.

34. Mr. JAZAIRY (Observer for Algeria) said that since the long process of establishing a universal understanding of rights, including the right to development, had been completed, it was time to make the transition from theoretical debate to examination of the practical measures that would give expression to that understanding. Although societies aspired to peace, security, freedom, justice and social progress, the right to development was a remote target for many countries. Developing countries faced fundamental problems, such as the inability to satisfy the economic and social needs of their ever-increasing populations, the pressure of servicing external debts that drained financial resources for social and economic programmes, increased external financial vulnerability, persistent unemployment that affected an increasing number of young graduates, and increasing poverty.

35. Several countries had undertaken reforms and structural adjustment in order to establish democracy, but their hopes had been disappointed. The efforts of individual States should therefore be accompanied by an international plan consisting of debt management and relief for highly indebted poor countries, promotion of aid for development, reduction of export subsidies, elimination of protectionist policies, promotion of market access, and ensuring that developing countries that were negotiating accession to WTO were not required to make greater concessions than those demanded of existing members. Peace and socio-economic progress could only be achieved through a global approach that took national specificities into consideration and was accompanied by international assistance.

36. Mr. TOMASI (Observer for the Holy See) said that all poverty indicators showed a disturbing gap between developed and developing countries. The work of the Working Group and the high-level task force emphasized the importance of a comprehensive approach to the implementation of the right to development, which would be successful only if it was centred on the human person and human communities. The educational and health-care institutions and relief agencies run by faith-based organizations had proved to be motors of change and empowerment, since they focused directly on an understanding of sustainable development that maintained a balance between the needs of individuals and communities, and between people and the environment.

37. Rich and poor countries alike must take steps in the two principal areas that affected the implementation of the right to development: human rights and trade. The Holy See supported the renewed calls to cancel the external debt of highly indebted poor countries and others, and to honour the commitment to provide 0.7 per cent of GNP for ODA. Development was not a homogenizing process that stifled local cultures and values and removed the creative responsibility of national and local communities. The incorporation of the right to development in the decisions of financial institutions and in financial and trade exchanges would support a global partnership for development. The Holy See had always been an advocate of development, and it supported the inclusion of social development policies in the future agenda of the Working Group.

38. Mr. AL-JA'AFARI (Observer for the Syrian Arab Republic) associated himself with the statements by the delegations of Malaysia and the Libyan Arab Jamahiriya.

39. The right to development was an inalienable right and called for a radical change in the way rich countries treated the poor. Representatives of developing countries should be involved in decision-making on an equal footing with those of industrialized countries in order to promote more humane globalization, transfer of technology and redistribution of wealth.

40. Action to achieve the MDGs had been impeded by threats to peace and security, environmental degradation and the lack of international will to improve the terms of trade for developing countries and to ease the debt burden. Efforts by the developing countries to implement national development programmes had been thwarted by unfair international competition, the hegemonic influence of transnational corporations and the shirking of international development assistance obligations. Furthermore, some States imposed unilateral sanctions on other States for political motives and to compel them to submit to the policies of the powerful.

41. Ms. CLUCKERS (United Nations Development Programme - UNDP) said that UNDP's second biannual report to the Commission (E/CN.4/2005/133) combined information from UNDP country offices and Headquarters bureaux and divisions. In 2004, "Justice and human rights" had ranked as the second largest area of programme support in the field of democratic governance, and 82 out of the 132 UNDP country offices had reported. Human rights and development were inextricably linked, and the right to development should be the significant driver in attaining the MDGs and other development targets. UNDP agreed with the high-level task force that the time had come to move from the conceptual to the operational. UNDP welcomed the conclusion of the Working Group on the contribution that rights-based approaches could make to economic growth and development.

42. UNDP, in collaboration with OHCHR, had recently launched a new pilot programme on human rights-based approaches to poverty reduction in Macedonia, and similar programmes would also be implemented in Bosnia and Herzegovina and 11 other countries. Although such pilot schemes were limited in size, the experience gained from them would be relevant to future discussions on the right to development.

43. Mr. KAFAROV (Observer for Azerbaijan) said that the right to development was universal and inalienable. It was particularly important to identify and analyse obstacles to its full realization at both the national and international levels, and States must therefore formulate international development policies. Azerbaijan supported the view that the full implementation of the right to development could only be achieved through good governance and the rule of law. States' responsiveness to marginalized and vulnerable groups was therefore of central importance. Every effort must be made to overcome the obstacles to the attainment of the MDGs. States should take steps to eliminate massive violations of human rights, such as those resulting from threats against national and international peace and security; promote the establishment, maintenance and strengthening of international peace and security; eliminate obstacles to development resulting from the failure to observe civil and political and economic, social and cultural rights; give equal attention and urgent consideration to the implementation, promotion and protection of all rights; and encourage and strengthen universal respect for and observance of all human rights and fundamental freedoms for all, without any distinction. Such conditions for the implementation of the right to development required the attention of the whole international community.

44. Mr. AL-ARADI (Observer for Bahrain) associated himself with the statements by the delegations of Malaysia and the Libyan Arab Jamahiriya.

45. Bahrain viewed the right to development as the right to comprehensive economic growth and social justice, which laid the basis for a prosperous society in which all citizens enjoyed the whole range of human rights and fundamental freedoms and in which a sense of national solidarity was promoted by ensuring that everyone had a just share of the nation's wealth. As the right to development was a human-centred concept, its success depended on close cooperation between social groups, public institutions and the whole of civil society. The fact that, according to the Human Development Report, Bahrain ranked thirty-ninth in the world and first among Arab States in terms of development testified to its success in that regard.

46. Bahrain strongly supported the work of the independent expert on the right to development and urged the high-level task force to focus on promoting the international partnership for development.

47. Ms. PHUMAS (Observer for Thailand) said that the right to development was the right to a process of empowerment, which enabled people to live a decent life. Thailand supported the continued discussion of the right to development in the Commission, the Working Group and the high-level task force, in order to find methods of attaining the MDGs and implementing the social impact assessment in the area of trade and development. Each country's development needs must be taken into consideration in order for the right to development to be fully realized. The rights to education, health, food and housing were of particular importance. Progress had been made in guaranteeing the right to health in Thailand, and medical care and services were provided to all at a cost of less than US\$ 1 per head. All Thai people also received a basic level of education free of charge. Globalization played an important role in the implementation of the right to development. Coordinated policies and action were required, and partnership must be promoted. Thailand supported the debate on the implications of international economic issues on human rights, and would like to see further action taken by concerned bodies, including international financial institutions.

48. Mr. MANALO (Observer for the Philippines) said that global partnerships had proved to be effective in the past, and a broad representation of stakeholders in development would enrich future discussions on that issue. Core development issues such as trade, finance and debt were the principal concerns of his Government in its efforts to balance and harmonize numerous goals and objectives, with limited resources, in order to achieve full enjoyment of human rights and sustained economic growth and development. Although developing countries had the primary responsibility for their own development, their efforts must be accompanied by a nurturing and conducive international environment. Developing countries must have the required policy space to adopt and pursue development policies in accordance with their needs and priorities. Concrete, practical and action-oriented recommendations for implementing the right to development, and for mainstreaming that right into the policies and activities of relevant international organizations and institutions, had been made. The recommendations of the high-level task force and the Working Group were the result of years of discussions and negotiations. The draft resolution on the right to development was particularly important, especially in the context of the forthcoming Millennium +5 Summit, which would consider the progress made in attaining the MDGs.

49. Mr. BUTOYI (New Humanity, International Young Catholic Students and Organisation Internationale pour le Droit à l'Éducation et la Liberté d'Enseignement) said that, during its sixth session, the Working Group on the Right to Development had emphasized that the right to development depended on economic growth and equity. The realization of the right to development included economic, social, cultural and political development, in the context of the indivisibility and interdependence of human rights. A global partnership for development must be established; however, it must not simply be viewed as an operational instrument but must be imbued with a spirit of brotherhood, not only between individuals, but also between public institutions and private organizations. The concept of brotherhood strengthened equality between all the actors in international relations, by giving an increased sense of solidarity. It also allowed deeper comprehension between cooperating parties, in order that all the required aspects of development could be identified.

50. The importance of the human person, and the principle of brotherhood, must be taken into consideration in future work on the right to development. Human rights, as an approach to development, must focus on the individual as a subject of social, economic, cultural and political rights. It was also important that strategies be developed for achieving the MDGs which took into account cultural and religious values, and the right of populations to participate in their own development.

51. Ms. HIRT (Franciscans International and Dominicans for Justice and Peace) said that the terms “development”, “poverty” and “extreme poverty” were often confused in debate, and she reminded the Commission of the definitions of those terms found in documents A/RES/41/128, E/C.12/2001/10 and E/CN.4/Sub.2/1996/13, respectively. The two organizations that she represented supported the proposal to renew the mandates of the Working Group and the high-level task force and encouraged the active participation of all experts and agency representatives and the broader involvement of civil society in the work of the task force. She welcomed the report of the Working Group, in particular the references to the need for all stakeholders to have a common understanding of the substantive components of the right to development, the need for growth with equity and unsustainable debt burdens, the mapping of the MDGs against international human rights instruments, and examination of the eighth MDG during the forthcoming task force session. The participation and empowerment of vulnerable groups, such as women and indigenous peoples, was of particular importance. An assessment should be made of how the denial of the right to development caused global phenomena such as human trafficking, irregular migration, forced labour, lack of access to land and global spread of disease.

52. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that 2005 could be a decisive year in the fight against poverty, since two major conferences would be held: the Millennium +5 Summit and the WTO Conference on the development cycle. Life was very difficult for many people across the world, and in particular for rural communities. The most recent World Bank study on agricultural trade revealed a serious gap between agricultural economies, predominantly in developing countries, and the economies of rich, industrialized countries. Taxes on imports into the European Union currently stood at 4 per cent for industrial products and 19 per cent for agricultural. Direct subsidies and price support mechanisms had hardly been reduced in rich countries over recent years, which worsened the economic and social situation in cotton-producing developing countries.

53. As the main source of employment and income in many countries, agriculture was a determining factor in their development prospects. The development of a new and equitable international trade system was at the heart of the issue of development, and the right to development must be given priority in multilateral trade negotiations. His Federation supported the initiative of the Working Group to incorporate the right to development into the policies and activities of financial and trade institutions. Studies should be carried out into the social impact of trade and development, taking into consideration the right to development, which was considered to be the driving force behind the current cycle of WTO negotiations. The Federation requested that UNCTAD, continuing to critically observe the consequences of the liberalization of trade and agricultural exchange, should protest more strongly against the current world economic order.

54. Mr. OZDEN (Centre Europe - Tiers Monde) said that it was important not to confuse the MDGs with the right to development, which was an inalienable and non-negotiable human right. Many studies, carried out by United Nations bodies or other institutions, showed the catastrophic situation in the world, caused by the international trade and finance policies currently in effect. The composition of the high-level task force posed a serious problem, since it included representatives of international trade and financial institutions which not only ignored human rights, but were also, directly or indirectly, largely responsible for violations of those rights. The Working Group had rightly recommended that those institutions should take the right to development into consideration in their activities. It was high time that those institutions reformed and developed economic policies in accordance with human rights. The Working Group had identified the obstacles to development at the national level three years previously, and it was therefore necessary to make the transfer from theoretical reflection to practical implementation, by formulating specific proposals for the effective realization of the right to development.

55. Mr. CARMONA (World Federation of Trade Unions) lamented the fact that the 1986 Declaration on the Right to Development was further than ever from implementation. The international environment adversely affected the right to development through unilaterally imposed economic sanctions, threats and even military attacks which violated international norms of peaceful coexistence. Such policies were being spearheaded in the Commission by a party that ironically depicted itself as a monitor of compliance with human rights, while doing everything in its power to obtain advantages for its own transnational corporations, regardless of the suffering their actions entailed. The tragedy of Bhopal in India was just one example.

56. Transnational corporations took advantage of growing unemployment throughout the world to impose unacceptable working conditions, while ignoring hard-won trade union gains for workers. Action must be taken to end the impunity of such corporations which, being ubiquitous, were beyond the reach of national justice systems. His organization supported the proposal set forth in resolution 2003/16 of the Sub-Commission on the Promotion and Protection of Human Rights to set up a working group to review the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights.

57. Ms. HAJJI (Union de l'Action Féminine du Maroc) said that the Moroccan feminist movement had always believed in the interactive relationship between democracy and development, based on equality. Civil, political, economic, and social rights must be applied without discrimination. In that regard, much progress had been made in the situation of

Moroccan women, in particular since the Government had ratified the Convention on the Elimination of All Forms of Discrimination against Women. The reform of the Labour Code and programmes for combating illiteracy and providing schooling for girls had constituted major steps in the rights consolidation process. Progress must still be made in respect of health, the fight against poverty, and combating violence against women.

58. Women from the Saharan provinces contributed actively to the work of the Moroccan feminist movement. Her Union recognized that the process of regional integration constituted a welcome opportunity to allow the people of North Africa to strengthen their development potential, which was being held back by the Sahara conflict. Her Union supported the efforts of the Secretary-General to achieve a peaceful, sustainable and political solution to the problem, which respected the integrity and sovereignty of Morocco. The Moroccan feminist movement was particularly concerned about living conditions for women and others in the refugee camps at Tindouf, and requested the international community to intervene to allow prisoners of war to be released, and people to be reunited with their families.

59. Mr. CASTILLO BARROSO (Movimiento Cubano por la Paz y la Soberanía de los Pueblos) said that, almost two decades after the adoption of the Declaration on the Right to Development, the world still had not realized that the promotion of global development was the best way of achieving international peace and stability. Some parties persisted in aggravating economic problems, thereby promoting instability.

60. For example, Cuban experts had estimated that aggressive United States policies had cost the country some US\$ 79.3 billion by 2003. The Cuban Government and people had been the victims of more than four decades of economic warfare aimed at obstructing socio-economic development and toppling the legally established regime. Since September 2003 the Bush Administration had been hatching new plans to tighten the blockade through trade, monetary and financial measures, including the imposition of fines on banks that had dealings with Cuba, and restrictions on scientific, cultural and sports contacts. The self-styled “champion of human rights” was thus violating the right of the Cuban people to development. The United States was also trying to belittle the importance of that right. Hence the need for strong action to promote its implementation by Governments, international organizations and transnational corporations and to establish a more just and equitable system of international relations.

61. Ms. PÉREZ GUTIERREZ (National Union of Jurists of Cuba) said that for the past four decades the United States Government had sought to strangle Cuba economically and to prevent social improvements, causing a total economic loss of some US\$ 72 billion and direct economic damage of over US\$ 54 billion through sabotage and terrorist acts.

62. The economic blockade was an act of genocide against the Cuban people and a threat to regional and international security. There had never been the slightest ethical or legal justification for what the United States Government and its lackeys euphemistically called the “embargo”, with its body of legal provisions and executive rules and the associated policy of prohibitions and penalties. Every year since 1992 the General Assembly had condemned it, but the United States continued to ignore the resolutions.

63. Cuba and other countries had shown that a better world was possible and that a viable alternative existed if their right to development was respected and they were allowed to follow their chosen path freely.

64. Mr. DIAZ ESTEBANCIO (International Indian Treaty Council) said that the right to self-determination and sovereignty over their natural resources was a prerequisite for the enjoyment by indigenous peoples of the right to development, which was a collective right.

65. In the village of Encuentros in Guatemala, two members of indigenous communities had been killed and many others wounded in January 2005 in a confrontation with the national police force and the army. The Mayan communities had been protesting against the activities of the Montana Exploradora mining company. The Government's unwillingness to engage in dialogue showed that it was in thrall to the interests of transnational mining corporations and deaf to the pleas of the population.

66. The United States Senate was promoting an oil extraction project in the Arctic National Wildlife Refuge in Alaska, a site that was sacred to the Gwi'chin people. The actions of an Administration with close ties to the oil industry was a serious violation of the right to development and the right to food of the Gwi'chin nation.

67. The loss of land and natural resources, including water, affected the habitat and the physical and spiritual subsistence of indigenous peoples. The right to prior and informed free consent was a basic indigenous right, and the lack of full and effective participation by indigenous peoples in projects and programmes that affected their communities led to conflict, with indigenous peoples as the ultimate victims. States should therefore ensure that they were fully involved in strategies, policies and plans at the local, regional and international levels in order to protect their traditional knowledge, food systems and conservation methods.

68. Mr. BUX JATOI (World Peace Council) said that Pakistan was a multinational State consisting of many different ethnic groups. The Sindhi people, who contributed 67 per cent of the State's revenue, were constantly denied ownership rights over their resources. Huge tracts of fertile land were distributed as compensation to non-Sindhi civilian and military bureaucrats, hindering Sindh's growth and development. Proposed mega-projects along the Indus river would further destroy the delta and transform rich Sindhi land into a barren and deserted area.

69. The Sindhi people had been denied the right to oppose existing threats because the Government of Sindh was controlled by the military and was unrepresentative. Most ministers were unable to speak the Sindhi language. Sindhis who spoke out were liable to be arrested and even tortured. The President of a Sindhi political party had died following his recent arrest and torture at the hands of police officers and Pakistani security officials.

70. Unemployment in Sindh had risen sharply, and more than 50 per cent of the population, almost twice the national average, now lived below the poverty line. The suicide rate was also extremely high.

71. The Pakistani Government's reliance on unaccountability and non-participation ensured that the trend would continue unless international pressure was exerted for reform. The Sindhi people must be empowered and guaranteed equal participation in the development process.

72. Ms. TAULI KORPUZ (Tebtebba Foundation) said that all three reports submitted under agenda item 7 stressed the links between poverty and lack of progress in the realization of human rights. They further established that there was a reciprocal relationship between the MDGs and human rights. The Secretary-General, in his report “In larger freedom: towards development, security and human rights for all” (A/59/2005) published the previous day, had confirmed that the promise of the MDGs still remained distant for many and that overall global wealth was less and less evenly distributed within countries, within regions and in the world as a whole.

73. The lack of political will to make the world more equitable was a scandal, and many organizations had confirmed that indigenous peoples were the poorest of the poor. To ensure that a framework for indigenous peoples’ rights was adopted by the United Nations, she called on the Commission to extend the mandate of the Working Group to elaborate a United Nations declaration on the rights of indigenous peoples.

74. She further called on the Commission to make indigenous peoples visible in its reports on the MDGs, for instance by including disaggregated data on indigenous peoples, and recommended that a report on indigenous peoples and the right to development be prepared for the next session.

75. She supported a resolution on the holding of a workshop on the permanent sovereignty over natural resources of indigenous peoples and the recommendation of the high-level task force for rigorous mapping of MDGs to reflect the provisions of relevant human rights instruments. She further supported the recommendation regarding social impact assessments of trade and development programmes and policies, and urged such assessments to place special emphasis on their impact on indigenous peoples.

76. Ms. PONCINI (NGO Committee on the Status of Women of the Conference of Non-Governmental Organizations in Consultative Relations with the United Nations) said that without women’s participation in decision-making in all spheres of life and at all levels of society, poverty could not be eradicated and economic and financial policies that promoted social justice and economic equity could not be formulated.

77. Policy formulation and decision-making were largely founded on traditional male paradigms or couched women’s rights in terms of welfare and vulnerability instead of treating women as agents and beneficiaries of sustainable development. The invisible work of women in the informal sector and unpaid caring work was rarely recognized. She therefore welcomed the recommendation of the Working Group on the Right to Development regarding the active, full and meaningful participation of women in formulating policies and strategies for attaining the MDGs and realizing the right to development, and regarding the building and dissemination of practical means, based on country experiences, of ensuring women’s participation on an equal footing with men in all fields related to the right to development.

78. She recommended that the high-level task force’s mandate should be renewed to give it time to fine-tune approaches to reforming legislation, practices, norms and traditions that curtailed women’s rights and empowerment, and to consider ways of changing attitudes to credit for women and of building women’s educational capacity in key areas of production, management and marketing. She stressed the importance of women’s involvement in the area of information and communication technology as a contribution to closing the digital divide.

Moreover, gender budgeting was essential to shed light on the allocation of social expenditures and to show whether women's reproductive and care-giving responsibilities were being taken into account. The task force should also look holistically at the negative impact on women's human rights and right to development of war, ethnic and religious conflicts, violence against women, harmful customs and traditions, and deprivation of education, especially in the case of the girl child.

79. Ms. AMADOR (Federación de Mujeres Cubanas) said that Western Powers pursuing selfish advantage through the application of neo-liberal policies continued to demand payment of foreign debt from poor countries and to sacrifice human rights to the interests of transnational monopolies. The defence budget of the United States Government stood at more than US\$ 500 billion, an astronomical sum that could be used to vaccinate all the world's children, many of whom died before reaching the age of 5.

80. If there were greater international solidarity, all peoples could exercise the right to development, eradicating poverty and illiteracy and ensuring natural disaster preparedness. In the face of United States threats, the Cuban people had succeeded in developing their own science, with women representing 52 per cent of researchers. Cuba was also carrying out an integrated health programme in 18 countries, offering the assistance of primary health-care personnel free of charge.

81. She called on developed countries to provide development assistance unselectively and unconditionally, respecting sovereign equality and the common interest.

82. Mr. MALUZA (International Committee for the Respect and Application of the African Charter on Human and Peoples' Rights) said that, although the international community had only discovered the right to development in 1986, a great African pioneer, Simon Kimbangu, had made it the focus of a worldwide campaign as early as 1921. He had understood that a people could not enjoy the right to development until it was liberated from slavery, colonization and all other forms of servitude. He had fiercely resisted the European colonial presence in Africa and its pillage of natural resources. But one of the earliest precursors of African independence had been imprisoned for life more than 2,000 kilometres from his home.

83. Mr. USMAN (World Muslim Congress) said that Governments that denied peoples the right to self-determination and sovereignty over their own resources hampered their capacity to achieve the MDGs and thus violated their right to development. In that connection, the plight of the people of Indian-occupied Jammu and Kashmir warranted the Commission's full attention. The illegal occupation had destroyed the socio-economic fabric of Kashmiri society, hampered economic growth and left people living in misery. The Indian Government plundered the natural resources that should be used to further the prosperity of the people of Jammu and Kashmir. The presence of a 700,000-strong Indian military contingent, whose maintenance consumed precious resources needed for development, made Indian-held Kashmir the most heavily militarized zone on earth.

84. The people of Jammu and Kashmir had the right to share the benefits of the global partnership for development. His organization called on the Commission and the international community to condemn the colonial rule in Indian-occupied Jammu and Kashmir, whose perpetuation violated the population's civil, political, economic, social and cultural rights and undermined the prospects for peace and security in the entire region.

85. Mr. KHAN (Afro-Asian Peoples' Solidarity Organization) drew the Commission's attention to the situation in Azad Kashmir and Gilgit-Baltistan, where the Pakistani authorities continued to violate the population's right to development. Pakistan-occupied Kashmir lacked adequate health care, education and employment opportunities and in some areas even basic facilities such as electricity and drinking water. Moreover, funds earmarked for development often fell prey to corrupt government officials. The region's economy relied on agriculture, but farmers received no government support. Government posts were almost exclusively occupied by non-locals, and tourism, which was another major industry in the region, had been actively discouraged by the authorities for "security reasons". Agricultural productivity was in decline and illegal logging activities resulted in the loss of thousands of hectares of forest annually. Government ministers and army officers colluded with the timber mafia in large-scale timber smuggling operations.

86. Mr. MALEZER (Foundation for Aboriginal and Islander Research Action) said that the right to development was an individual as well as a collective right and closely linked to indigenous land rights and the right to self-determination. His organization fully supported the conclusion of the Working Group on the Right to Development that development must be based on economic policies that fostered growth and promoted social justice. The continuation of the Working Group was crucial to ensuring that due attention was granted to the interests of indigenous peoples. The outcomes of both the forthcoming session of the Permanent Forum on Indigenous Issues, which would analyse the MDGs from an indigenous perspective, and the proposed workshop on indigenous peoples and sovereignty over natural resources should be taken into consideration during the Working Group's fourth session. His organization strongly supported the expeditious conclusion of the draft declaration on the rights of indigenous peoples.

87. Recently adopted legislation in Australia and New Zealand extinguished the title of indigenous people to territories and resources, thus curtailing their right to development. Time and time again, aboriginal land had been expropriated and exploited for the benefit of others, while Aboriginal people lived in poverty and disempowerment. Aboriginal people were affected disproportionately by social and economic exclusion; life expectancy was 20 years shorter than that of other Australians, and health standards were lower than those in developing countries. Aboriginal peoples' right to development remained unrecognized, and capacity-building activities aimed at increasing participation by indigenous people in Australian society translated into an obligation to assimilate or remain in poverty.

88. Ms. RUPERCHET (International Institute for Peace) said that the right to development could not be restricted to the creation of material prosperity, but encompassed all facets of existence. Sustained development required a collaborative effort between peoples and nations and the recognition of the equality, inter-linkages and interdependence of diverse communities. The eradication of poverty was crucial to enhancing people's capacity to bring into focus their inherent capacities. Development in South Asia would best prosper in a liberal, tolerant, enlightened, peaceful and democratic society.

89. Indigenous peoples continued to be the most marginalized segment of society. The right to development must also imply indigenous peoples' right to sustain their own development in accordance with their cultural, social and spiritual traditions and their traditional ways of life. Advanced technology did not necessarily equal advanced development. She called on the members of the Commission to recognize the rights of indigenous peoples, whose lands and resources had been used to build the wealth of many nations.

Statement in exercise of the right of reply

90. Mr. PARTHENIOU (Observer for Greece) said that, according to Security Council resolution 817 (1993), the State to which the representative of UNDP had incorrectly referred as "Macedonia" had been admitted to the United Nations "being provisionally referred to for all purposes within the United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State". Settlement of that difference was still pending.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 8)

(E/CN.4/2005/26-28 and 29 and Add.1; E/CN.4/2005/G/5 and 9; E/CN.4/2005/NGO/4, 67, 152, 292, 308, 327 and 347)

91. Mr. DUGARD (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967), introducing his report (E/CN.4/2005/29/Add.1), said that the present was a time for hope in the Middle East: since the recent meeting between the Israeli and Palestinian leaders the level of violence in the region had dropped significantly, while Israel had taken a number of measures to improve the human rights situation in the Occupied Palestinian Territory. However, those changes failed to address the main human rights violations in that Territory - settlements, the construction of the Wall, checkpoints and roadblocks, the imprisonment of Gaza and the continued detention of over 7,000 Palestinians.

92. Israel had decided to evacuate some 8,000 settlers from Gaza, but the issue of settlements remained cause for grave concern. Some 150 settlements in the West Bank and East Jerusalem housed over 400,000 settlers, and settlements continued to expand. On 22 March 2005, the Israeli Government had approved the construction of 3,500 new homes that would link the settlement of Ma'ale Adumim with East Jerusalem. Moreover, the Israeli Government had reportedly colluded in the construction of illegal caravan outposts, which often occurred on privately owned Palestinian land. Although the Israeli Government had undertaken to dismantle a small number of settlements and outposts, the majority were clearly intended to be there to stay, whereas in 2004, the International Court of Justice (ICJ) had found the establishment of those settlements in breach of international law.

93. In its Advisory Opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ had declared the construction of that Wall illegal and called for its dismantlement. Israel had rejected that ruling and continued construction, albeit

marginally changing its course to encroach less on Palestinian land. Recent developments had made it clear that the main purpose of the Wall was the annexation of Jewish settlements in the West Bank to Israel; current building plans foresaw the inclusion of 76 per cent of the West Bank settler population on the Israeli side of the Wall. Israeli settlements in East Jerusalem had been formally, albeit illegally, annexed already.

94. The construction of the Wall, the introduction of an arbitrary permit and gate system and the resulting travel restrictions constituted a serious violation of the rights of some 50,000 Palestinians living in the "closed area" and another 500,000 living within 1 kilometre of the Wall, depriving them of free access to their land, workplace, health care and education and thus destroying the very fabric of their lives. Israel's claim that the Wall was a mere security measure lacked credibility, given that it did not follow the Green Line, but instead had been built to enclose settlements and fertile lands.

95. Checkpoints and roadblocks in the Occupied Palestinian Territory imposed severe travel restrictions on Palestinians. Israel also envisaged the introduction of special permit requirements for inhabitants of East Jerusalem wishing to travel to Ramallah, thus compelling them to either sever ties with Ramallah or give up residence in East Jerusalem. The measure was one of many aimed at entrenching Israel's illegal annexation of East Jerusalem.

96. A system of road apartheid had been established in the Occupied Palestinian Territory whereby highways were reserved for exclusive use by settlers, relegating Palestinians to second-class roads obstructed by checkpoints and roadblocks. Israel had reportedly asked the international donor community to finance upgrading of Palestinian roads, which was yet another attempt to receive outside funding for the occupation.

97. The existence of settlements seriously undermined any prospect for peace in the Middle East. Their protection and advancement determined Israel's policy towards Palestinians and rendered a two-State solution impossible.

98. The detention of over 7,000 Palestinians in Israeli prisons, including 850 administrative detainees and 323 children, was also cause for concern. The recent release of 500 mainly short-term prisoners, or prisoners who had nearly completed their sentences, was insufficient. A bold step was required of Israel in the service of peace.

99. While the Israeli Government's commitment to evacuate 8,000 settlers from Gaza was a brave move which deserved due recognition, such disengagement would not put an end to Israeli control over Gaza or to Israel's role as an occupying Power in terms of the Fourth Geneva Convention. Gaza's external imprisonment and the humanitarian crisis caused by the closure remained unresolved.

100. The continuation of the current ceasefire required commitment from both sides. The Palestinian Authority must exercise control over the militant groups responsible for violent acts against Israelis and suicide bombings within Israel, and Israel must address the issues that had given rise to terrorist acts committed against its people. If it failed to do so, it would forfeit a unique opportunity.

101. Mr. LEVANON (Observer for Israel) said his delegation was pleased that the Special Rapporteur, in his latest report (E/CN.4/2005/29/Add.1), had taken note of the confidence-building measures taken by Israel, including the release of prisoners; the repeal of assigned residence orders; the cessation of security-related targeted killings and demolition of houses; the increase in the number of Palestinian workers and merchants permitted entry into Israel; the removal of checkpoints in the West Bank; the handing over of West Bank cities to Palestinian control; and the rerouting of the security fence. The Special Rapporteur had also acknowledged the significance of Israeli disengagement from Gaza and recognized the need for the Palestinian leadership to take concrete steps to counter terrorism.

102. However, the very nature of the Special Rapporteur's mandate, which only authorized him to consider violations committed by Israel, was problematic. The Israeli delegation objected to the criticism of anti-terrorist measures Israel had taken in self-defence. Many of the allegations made in the Special Rapporteur's report were ill-founded or inaccurate. Israel recognized the challenges arising from its efforts to balance security and human rights and would gladly participate in any open and impartial dialogue on those issues. Unfortunately, the prejudicial mandate of the Special Rapporteur made such dialogue impossible and failed to reflect the understanding that mutual and reciprocal implementation of commitments was the only path towards reconciliation.

103. Israel's handing over of cities in the West Bank and the Palestinian leadership's commitment to confront terrorism highlighted the dissonance between the Special Rapporteur's mandate and the situation on the ground. Reviewing that mandate was imperative and would greatly contribute to restoring the Commission's credibility.

104. Mr. ABU-KOASH (Observer for Palestine), noting that the construction of the so-called "security fence" was in flagrant violation of international law, called on Israel and the international community to implement the provisions of the ICJ Advisory Opinion. The ongoing human rights violations in the Occupied Palestinian Territory needed urgent addressing and rectification. The gentle words of the Israeli leadership stood in stark contrast to the hardship suffered by the Palestinian people under the prolonged Israeli occupation. The recent dispossession of Christian land in occupied Jerusalem was consistent with Israel's attempts to erode the holy city's multi-religious fabric, in blatant violation of international law and relevant General Assembly and Security Council resolutions. The Israeli Government had refused to honour its commitment to supply the United States Government with aerial pictures of Israeli settlements; instead, settlement activities continued. Its recently announced intention to expand major settlements in the West Bank betrayed the spirit of the Sharm el-Sheikh Summit.

105. Ending Israeli occupation of Palestinian and Arab territories, which was breeding extremism throughout the world, was the only solution to the conflict. The positive environment created by the commitments made at Sharm el-Sheikh offered a valuable opportunity for Israel to reverse its colonial policies, instead of continuing endless negotiations that only served to postpone the inevitable and obvious. Palestinians and Israelis needed to join hands to tear down the walls of occupation, hatred and revenge and create a new reality based on human rights, equity, freedom, self-determination and respect for international law for present and future generations.

106. Mr. BERNIS (Observer for Luxembourg) asked the Special Rapporteur to comment on interactive measures needed to create lasting peace. He also wished to learn of the Palestinian people's reaction to the ICJ Advisory Opinion relating to the construction of the Wall.

107. Mr. DUGARD (Special Rapporteur on the situation of human rights in the Palestinian territories occupied by Israel since 1967) said that the Palestinian community had been very pleased with the Court's ruling. However, the failure of the international community to work towards the enforcement of the provisions of the Advisory Opinion had come as a great disappointment.

108. The creation of lasting peace in the region required negotiations on issues such as refugees, occupation and the status of Jerusalem. Prior to such negotiations, however, and in order to prevent a resurgence of Palestinian militancy, Israel needed to urgently address the issues that constituted the major stumbling blocks to peace in the region - settlements, the Wall, checkpoints, roadblocks and prisoners.

The meeting rose at 5.55 p.m.