

urged them to make every effort to come up with the best solution in order to achieve the highly desired consensus on the draft provisional agenda at that session.

The regional groups then held consultations in private on the question. As the result of those consultations, the Group of Latin American and Caribbean States indicated that, in a further attempt to try to clear the way, they were submitting formally the Working Paper of the Chairman as a draft decision of the Prepcom, entitled "Provisional agenda for the World Conference and documentations, including the question of the final outcome". The Asian Group submitted to the Prepcom a significantly revised draft provisional agenda for the Conference. In doing so, it stressed that this new proposal had a direct relevance to the questions of human rights. Citing such issues as foreign occupation, racial and ethnic discrimination and self-determination, delegations of the Asian Group considered that an official document lacking those points would be a weak one. A detailed document would ease the task of the Conference and clearly set out the issues it should address. The Group of Western countries also indicated they were considering to submit their own proposal on the provisional agenda. Consequently it seemed that at that time, no compromise could be reached in respect of the subject-matter.

In an attempt to reach consensus, at the final moment, on the provisional agenda for the Conference, it was suggested that the Working Paper submitted by the Chairman be adopted by the Prepcom as the decision of the Prepcom, and that all other proposals made by the regional groups be attached as annexes to the decision. This suggestion was considered by many delegations acceptable. There was, however, significant difference of opinion among the delegations on the importance to be attached to the annexes. The delegations of the Asian Group insisted that the proposal of this Group should have the same weight as the Working Paper of the Chairman. Some others disagreed. No consensus or compromise could be reached. Consequently, the Prepcom decided to submit to the 47th Session of the General Assembly the pending issue for its consideration.

Regional Preparatory Meetings

At its first session, on 13 September 1991, the Prepcom decided, in accordance with the objectives and provisions of the General Assembly Resolution 45/155, to recommend that regional meetings be convened for each region that so desired with the assistance of the regional commissions and that those meetings be financed as part of the preparatory work for the

Conference. The recommendation was endorsed by the General Assembly in its resolution 46/116 of 17 December 1991.

Subsequent to the resolution, the Secretary General of the Conference has been notified of the desire of the three groups of Latin America, Asia and Africa to hold regional meetings respectively in San Jose, Bangkok and Tunis. The Secretary General has also been informed by the groups concerned of their wishes in regard to the dates and duration of these meetings. The regional meetings took place in later part of 1992 and early 1993.

As part of the preparatory process for the World Conference, the regional meetings are expected to focus on ways to enhance the implementation of human rights norms at the international, regional and national levels, bearing in mind the human rights aspects considered to be of particular concern to the respective regions. The provisional agenda of the regional meetings would be expected to include *inter alia* issues which relate to the objectives of the Conference from the perspective of the region concerned.

Preparation of Publications, Studies and Documentations

In its resolution 46/116, the General Assembly requested the Secretary-General to prepare the following documentation as soon as possible and to report to the second session of the Prepcom on the progress made on :

- (a) A limited number of short, analytical and action-oriented studies on issues referred to in paragraph 1 of General Assembly resolution 45/155, Commission on Human Rights resolution 1991/30 and in particular in paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for, as well as statements made at the first session of the Prepcom;
- (b) Reports of meetings that have been organized under the auspices of the UN human rights programme pursuant to General Assembly resolution 45/155;
- (c) A reference guide to all UN studies and reports on human rights or related aspects;
- (d) An update of the publication of United Nations Action in the Field of Human Rights;
- (e) An update of the **Compilation of International Instruments** and the **Status of International Instruments**, including texts of regional instruments on human rights.

An updated report on the status of preparation of publications, studies and documentation for the Conference was presented by the Secretary General

to the Prepcom at its third session held in September 1992. According to the report, as of the date of the report, research and analysis had been initiated to prepare a reference guide to all UN studies and reports on human rights and related aspects, and work on the manuscript of such a reference guide would be completed in the near future. A human rights bibliography has been under preparation by the UN Library at Geneva and the Centre for Human Rights, which would be completed in time for the Conference. The manuscript of the restructured and updated **United Nations Action in the Field of Human Rights** was nearing completion. With regard to **A compilation of International Instruments and the Status of International Instruments**, the collection of materials had been undertaken and was also nearing completion. The new version of the compilation would also include the texts of human rights instruments adopted by regional inter-governmental organizations with institutionalized human rights mechanisms.

Unfortunately, owing to the long deadlock in the consideration of the provisional agenda for the Conference, the studies and documentation related to most substantial objectives of the Conference, including the document of the final outcome have made no great progress.

Public Information Activities Relating to the Conference

In its resolution 46/116, the General Assembly decided that the Secretary General should give the World Conference on Human Rights and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the areas of human rights within the United Nations System.

The Prepcom at its third session had before it a progress report on the subject. The Prepcom was informed that the Centre for Human Rights, the Department of Public Information and the United Nations Information Service at Geneva had been undertaking a comprehensive programme of public information activities, information materials and promotional activities in carrying out the decision of the General Assembly, which included regional and national training courses and workshops, specific information initiatives to enhance public awareness of the Conference and its preparation, elaboration of human rights teaching materials, wide dissemination of legal instruments and other materials related to human rights.

Participation of Representatives of Least developed Countries

To ensure a wide participation by the least developed countries at the

preparatory meetings and the World Conference itself, the General Assembly decided in its resolution 45/155 of 16 December 1990 to establish a voluntary fund for that purpose.

Noting that a number of least developed countries had been unable to send representatives to its first session because of the absence of the voluntary contributions provided for in General Assembly resolution 45/155, on 10 September, 1991, the Prepcom decided to recommend to the General Assembly to reiterate its invitation for contribution of extra budgetary resources to meet the cost of participation of representatives of least developed countries in the preparatory meetings and the Conference itself. It further decided that the General Assembly request the Secretariat to intensify its efforts in this regard.

As of 1 September 1992, the contributions to the voluntary fund were received from the following countries: Australia, China, Czech and Slovak Federal Republic, Denmark, Finland, France, Germany, Ireland, Kuwait, Morocco, Netherlands, New Zealand, Norway, Sweden, United Kingdom. The total amount was US \$492743 and FF 200000. The financial requirements of meeting the costs associated with the fund for the remaining meetings in the preparatory process for the Conference and the outstanding balance was approximately US \$450 000. At the third session of the Prepcom, the Secretary General reiterated his previous appeals to States that might be in a position to do so to contribute to the voluntary fund.

Organization of Future Session of Prepcom

The fourth and final session of the Prepcom is planned to take place from 22 March to 2 April 1993 at Geneva. It would be expected that the Session would concentrate on the substantial items of the provisional agenda for the Conference, provided it would be adopted by the General Assembly at its ongoing 47th Session, and documentation related thereto, including the documents reflecting the final outcome of the conference. The form and content of the final outcome will have to be decided by the Prepcom at the session.

General Observations

The AALCC attaches great importance to the convening by the United Nations of the World Conference on Human Rights in 1993. It recognizes the full worth of work done by the Organization since its inception in the promotion and protection of human rights throughout the world. It has to realize, however, that the full enjoyment by everyone of all human rights

has yet to become a reality. The major obstacles to this goal continue to exist. Gross and other violations of human rights have frequently taken place. In addition to the old problems affecting human rights, there have emerged many new challenges. There is thus urgent need for evaluation of the past progresses, existing obstacles and new challenges in the promotion, realization and protection of human rights, formulation of guidelines and action plans for the further implementation of human rights, and enhancement of the effectiveness of United Nations activities and mechanisms in the area of human rights. It is obvious that the forthcoming World Conference on Human Rights would provide the international community with a valuable opportunity for this challenge. All States should cooperate in preparing for the World Conference and make every effort to ensure that the Conference is a success.

To ensure a successful conclusion of the World Conference, one of the most important tasks is to prepare a well-oriented agenda for it. In this regard the Secretariat of the AALCC is of the view that the proposal made by India on behalf of the Asian Group during the third session of the Prepcom for the Conference, entitled "Provisional agenda for the World Conference and documentation including the question of the final outcome" (A/Conf. 157/PC/L.4), presented a most acceptable provisional agenda. It featured an appropriate reflection on the objective of the Conference as indicated in the General Assembly resolution 45/155, a clear setting-out of the issues that the Conference should address, and made a direct relevance to the question of human rights, as well as a fair balance among the concerns of different states and state groups. Such a proposal deserves wide support. It would be expected that while discussing the subject at its 32nd Session at Kampala early 1993, the Committee might wish to consider inclusion of a paragraph or paragraphs in its decision related thereto, in which the Committee would *inter alia* give its endorsement to the abovementioned proposed provisional agenda for the Conference, and appeal to all its member states to render their full support in favour of the proposal so that it can be adopted by the Prepcom during its fourth session scheduled to be held in March 1993 at Geneva.

With regard to the preparation for the documentation reflecting the final outcome of the Conference, bearing in mind that a declaration of the World Conference will be expected, the Secretariat of the Committee would like to recommend to the Committee that it adopted a number of general principles on the promotion, realization and protection of human rights, which would be incorporated in the Declaration. To provide a useful basis for and facilitate the Committee's deliberation, the Secretariat wishes to

propose the following general principles:

- (1) Human beings are at the centre of the human society. They are, individually and collectively, entitled to enjoyment of all human rights and fundamental freedoms in harmony with the human dignity.
- (2) It is a sacred goal/common cause/common concerns of the entire international community to fully realize all human rights for everyone, without distinction as to race, sex, language or religion. All governments, organizations and peoples should be encouraged to make a contribution to the universal respect for promotion and observation of human rights.
- (3) All aspects of human rights, political, civil, economic, social and cultural rights, are indivisible and inter-related. Each of them is of the same importance and needs equal attention. The promotion and protection of one category of human rights should never exempt or be an excuse from respecting another. In the present situation, it should be emphasized that the economic, social and cultural rights should not be neglected. Without the realization of these rights, the civil and political rights could not be guaranteed.
- (4) Peace and security is a requisite for the full realization of human rights. Efforts should be made to save present and future generations from the scourge of wars and armed conflicts, and to maintain international peace and security in accordance with the Charter of the United Nations.
- (5) Universal realization of the right of all peoples under colonial, foreign and alien domination to self-determination is a fundamental condition for the effective promotion and protection of human rights of such peoples. Thus, the right to self-determination should be reaffirmed as an inalienable human right. The target should be set for the elimination of colonialism, foreign occupation and domination, and effective measures therefore should be taken.
- (6) The right to development is also an inalienable human right. The vital importance of economic and social development to the full enjoyment of human rights should be further recognized and underscored. It is undoubted that the existence of widespread poverty is a main reason causing the insufficient enjoyment of human rights by the majority of the humanity. Therefore all States should cooperate in the essential task of eradicating poverty as an indispensable requirement for universal realization of human rights.
- (7) Democracy and development are intrinsically linked, and should

not be considered in isolation from each other. While there can be no development without democracy neither can there be democracy without development. Democracy cannot be merely an abstract concept, it should be promoted and strengthened through and in the process of social and economic development.

- (8) The promotion and protection of the rights of vulnerable groups such as women, children, refugees, disabled, migrant workers and minorities, should be given special attention and priority.
- (9) The current main obstacles to the further progress in the full realization of all human rights could be identified to include *inter alia* the followings: threat to peace and security, foreign aggression and occupation, colonialism, racism, racial discrimination, apartheid, terrorism, xenophobia, ethnic and religious intolerance and human rights abuse thereof, denial of justice, including torture, unfair and unjust international economic order, widespread poverty and illiteracy, worsening economic situation of many developing countries, including the disastrous heavy burden of external debts. Effective action plans and concrete measures at the international, regional and national levels to overcome such obstacles should be sought, adopted and implemented.
- (10) The promotion and protection of human rights at the international level must conform with the principles enshrined in the Charter of the United Nations, particularly the principles concerning self-determination, sovereign equality and non-interference in the internal affairs of other countries.
- (11) All people have the right freely to determine, without external interference, their social, political, economic and judicial systems, and to pursue their economic development. The systems so determined should be fully respected by others.
- (12) The principle of universality, objectivity and non-selectivity of all human rights should be established, with a view to avoiding politicalization of human rights issues, creating of double-standard, interference in the internal affairs of other countries under the pretext of human rights and use of human rights as a condition for economic aids.
- (13) Human rights standards suitable to one or some countries may not necessarily be applicable to other countries. The application and implementation of human rights standards should take into account the existing conditions of each country, including its specific historical, political, judicial, economic, social, religious and cultural

tradition and reality, as well as the level of economic development. This, however, does not imply the dilution of universal human rights.

- (14) Efforts should be made to improve the universal acceptance of major multilateral human rights treaties, in particular the International Covenants on Civil and Political Rights, and on Economic, Social and Cultural Rights. The World Conference should come out with a clear recommendation that urges all States that have not yet done so to ratify or accede to the Covenants and other international human rights conventions.
- (15) The public awareness and concerns of human rights should be enhanced. Citizens should have appropriate access to information concerning their rights, and opportunity to participate in decision-making process. States should encourage and facilitate the public awareness and participation.
- (16) Non-Governmental organizations in the field of human rights have an important role in the promotion of human rights. Their ideals and activities could be mobilized into the process of realization of human rights.
- (17) With regard to the question of the human rights institutional mechanism, although necessary new and additional financial and other resources might be needed, the importance of the most efficient and effective use of existing resources and mechanisms within the United Nations system could never be over emphasized. The emphasis on the consideration should be put on the improvement of the existing institutional mechanisms and on the enhancement of their better cooperation and coordination.
- (18) Any dispute among States arising from concerns of human rights should be settled through negotiation, consultation or other peaceful means in accordance with the Charter of the United Nations. The instruments to be adopted by the World Conference should include appropriate provisions for the peaceful settlement of disputes.

Since the adoption by the General Assembly of the resolution to convene World Conference on Human Rights in 1993, almost two years have passed. Time is running out. Now time available to the preparatory process of the Conference is very limited. In view of the serious situation as mentioned earlier, States should be urged to speed up their preparation and make every effort to ensure the successful conclusion of the Conference. To this end, political will and cooperation as well as a harmonious atmosphere are of vital importance.

The Kampala Declaration on Human Rights

The Asian-African Legal Consultative Committee

Having held its 32nd Session in Kampala, Uganda, from 1-6, February, 1993;

Recalling the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights as well as other international instruments in the field of human rights;

Mindful of General Assembly Resolution 45/155 of December 18, 1990 which *inter alia* called for the convening of the World Conference on Human Rights in 1993;

Mindful also of General Assembly Resolution 46/166 and appreciative of the work of the Prepcom of the World Conference on Human Rights during the preceding Sessions;

Bearing in mind the forthcoming final Session of the Prepcom preparing for the World Conference on Human Rights to be held in Vienna in June 1993;

Declares That

1. The Universal Declaration of Human Rights proclaims a common understanding of all the peoples of the world in the field of human rights and gives help, guidance and inspiration to humanity in the promotion of human rights and fundamental freedoms.
2. Since the adoption of the Universal Declaration of Human Rights, the United Nations has through the adoption of various international instruments made much progress in defining standards for the promotion, enjoyment and protection of human rights and fundamental freedoms. It is an obligation of the members of the international community to ensure the observance of these rights and freedoms.
3. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Granting of Independence to colonial countries and peoples, the International Convention on the Elimination of All Forms of Racial discrimination, Declaration on the Right to Development as well as other conventions, declarations, proclamations, decisions, principles and resolutions in the field of human rights adopted under the auspices of the United Nations, the specialized agencies and regional intergovernment organizations,

have created new standards and obligations to which all countries should conform.

4. All States that have not yet ratified or acceded to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other international human rights conventions should make every effort to do so.
5. It is the obligation of all members of the international community to ensure that the principles enshrined in the Charter of the United Nations and in other international human right instruments are enforced. All Governments, organizations and peoples should promote the universal respect and observance of human rights.
6. Peace and security are not only Human Rights in themselves but are also a necessary prerequisite for the full realization of all other inalienable and indivisible human rights. Efforts should be made to save present and future generations from the scourge of wars and armed conflicts, and to maintain international peace and security in accordance with the Charter of the United Nations.
7. The validity and universality of human rights, whether civil, political, economic, social or cultural is indispensable and these rights must be protected, upheld and promoted by all. To this end, all governments have a special duty to ensure that the constitutions and laws of their States that relate to human rights are in compliance with international human rights standards and are observed and respected.
8. The right to development is an inalienable human rights. The vital importance of economic and social development to the full enjoyment of human rights, should be further recognized and underscored. It is undoubted that the existence of widespread poverty is a main reason resulting in the insufficient enjoyment of human rights by the majority of humanity. Therefore, all States should cooperate in the essential task of eradicating poverty as an indispensable requirement for universal realization of human rights.
9. Sustainable Development and the Environment are intrinsically linked and should not be considered in isolation from each other. Sustainable Development cannot be merely an abstract concept and should be promoted and strengthened through the process of social and economic development. The human rights to a clean and salubrious environment requires to be progressively developed and codified.

10. The principle of the indivisibility and interdependence of human rights has been recognized and must be given effect in policy formulation and implementation. Civil and political rights cannot be disassociated from economic, social and cultural rights in their conception as well as universality and the satisfaction of economic, social and cultural rights are a guarantee for the enjoyment of civil and political rights. None of these rights should be given precedence over the others.
11. The primary responsibility for implementing and giving effect to human rights is at the national level. Consequently, the most effective system or method of promoting and protecting these rights has to take into account the nation's history, culture, traditions, norms and values. There is no single universally valid prescription model or system. Whilst the international community should be concerned about the observance of these rights, it should not seek to impose or influence the adoption of their criteria and systems on developing countries. It should be sensitive to the unique aspects of each situation and establish impartiality and genuine concern on human rights problems by objective and acceptable factual analysis of events and situations.
12. The promotion and protection of the rights of vulnerable groups such as women, children, refugees, disabled, migrant workers and minorities should be given special attention and priority.
13. The international community should devise effective action plans and concrete measures to overcome the current obstacles to the full realization of human rights, namely, threat to peace and security, foreign aggression and occupation, colonization, racism, racial discrimination, apartheid, terrorism, xenophobia, ethnic and religious intolerance and human rights abuse thereof, denial of justice, torture, unfair and unjust international economic order, widespread poverty and illiteracy, worsening economic situation of developing countries and heavy burden of external debts.
14. The rule of law and the administration of justice in every country shall be inspired by the principles enshrined in the Universal Declaration of Human Rights and other international human rights instruments relating to the administration of justice.
15. The international community recognizes the importance of the rule of law, the independence of the Judiciary and the administration of justice in the development process. To this end, governments, regional and international financial institutions and the donor

community are called upon to give necessary financial resources and assistance to enable those entrusted with the administration of justice to carry out their tasks.

16. The international community affirms that training, equipment and incentives be provided to those State agencies involved in the Administration of Justice within the developing countries on the basis of their need and request. To this end, governments, regional and international financial institutions and the donor community are urged to give the necessary resources.
17. The international community calls upon States to ensure that Law Enforcement Officials shall in the performance of their duties respect and protect human dignity and maintain and uphold human rights of all persons in accordance with international standards enshrined in the Universal Declaration of Human Rights and international human rights instruments regarding arrest, prosecution, detention, imprisonment, protection against torture, cruel, inhuman or degrading treatment or punishment.
18. Cooperation between national, regional and international organizations in the field of human rights should be encouraged by all peoples of the world.
19. Non-governmental organizations in the field of human rights have an important role in the promotion of human rights. Their ideals and activities could be mobilized into the process of universal realization of human rights.
20. The public awareness and concerns of human rights should be enhanced. Citizens should have appropriate access to information concerning their rights, and opportunity to participate in decision-making process. States should encourage and facilitate the public awareness and participation.
21. The United Nations system in the field of human rights is urged to use existing mechanisms and resources effectively and efficiently. The improvement of existing institutional mechanisms and the enhancement of their better cooperation and coordination should be undertaken. All the members of the international community are called upon to contribute additional financial and other resources for human rights activities.