

and adopted *ad referendum* by the PREPCOM for the Conference at its final session in April 1993, had more than 200 brackets, which the Conference itself had to iron out before reaching consensus on a far reaching final document.

While there was disagreement over quite a few issues, the main areas of contention were largely concentrated on the following substantial issues:

- (a) The creation of a High Commissioner for Human Rights;
- (b) Universality versus particularity of human rights;
- (c) The right to development as a human right;
- (d) Linkage between human rights and development assistance;
- (e) The right of self-determination: its definition and implementation; and
- (f) Financing the United Nations Centre for Human Rights.

All those issues were highly sensitive and complicated. Fresh efforts were made to reach compromise solutions that would be acceptable to all parties concerned. A summary analysis on the subject of contention is given below.

The Creation of a High Commissioner for Human Rights

The most burning debate in the final drafting process of the final document of the World Conference at Vienna was on the proposal concerning the creation of a High Commissioner for Human Rights.

The proposal was first launched in the 1940s by Uruguay and Costa Rica and kept resurfacing at the United Nations but was never given much consideration. It was relaunched during the preparation for the World Conference on Human Rights by the United States, which suggested that the Conference call upon the international community to establish the position and office of a High Commissioner for Human Rights, whose responsibility should include, *inter alia*, the coordination and facilitation of activities related to the promotion and protection of human rights within the United Nations system. The proposed High Commissioner would have the authority to bring to the attention of the Security Council serious violations of human rights threatening international peace and security, and have independent authority to dispatch special envoys on fact-finding missions and to undertake other initiatives to promote human rights. The proposal was included, under the title of Under Secretary General/High Commissioner for Human Rights, in the draft final document within brackets.

At the World Conference, the creation of a High Commissioner for Human Rights was supported by the countries from the North, but strongly opposed

by many African and Asian countries. While the countries in favour advocated that setting up of the High Commissioner's post would "provide a breakthrough in the endeavours to reach and assist the individual victims of human rights violations", those opposed feared that such an institution could be used as a political tool by Western countries in interfering in their internal affairs and constitute a threat to their sovereignty. Many of them also believed the proposed post of High Commissioner, if created, would be just another bureaucratic United Nations institution. A delegate from a Latin American country pointed out that "it makes no sense creating new bureaucracies with the false hope that they would resolve problems which, basically, are more complex".

As expected, it proved that such a sensitive issue could not be easily resolved during the two-week conference. In this context, the Latin American group came out with a compromise resolution proposing the establishment of a group to analyse the creation of the proposed High Commissioner post. On the basis of this proposal consensus was eventually reached among the delegations that the whole question of the establishment of a High Commissioner for Human Rights should be left to the General Assembly for its consideration. For this purpose, the World Conference recommended to the General Assembly that when examining the report of the Conference at its Forty-eighth Session, it should begin as a matter of priority the consideration of the question. Subsequently, the original text in the draft final document concerning the creation of the High Commissioner was totally deleted.

Universality versus particularity

This was another major contentious issue. Because the universal character of human rights was beyond question, the essence of the contention was whether or not, and to what extent, the national and regional particularities/specifications and various historical, cultural and religious backgrounds should be taken into account in the implementation and observance of human rights. The answers were diverse.

Most Asian countries consistently maintained their earlier attitude reflected in the Bangkok Declaration which emphasized that while human rights are universal in nature, they must be considered in the context of dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds. This idea was also shared by many African countries. During the general debate, some countries further pointed out that "..... the concept of human rights is a product of historical development. It is closely

associated with specific social, political and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural background also have different understanding and practice of human rights. Thus, we should not and cannot think the human rights standard and model of certain countries as the only proper ones and demand all other countries to comply with them". It was also said that the universal recognition of the ideal of human rights could be harmful if the concept was used to mask the reality of diversity.

On the other hand, the Western countries, led by the United States, took the opposite approach. They accused the developing countries of coming to Vienna to advocate an alternative concept of human rights, and said that they could not yield on the essential principle of universality of human rights, and they must oppose statements justifying deviations from the internationally accepted norms on the basis of historical cultural, or regional diversity, relativism or particularities. For the accusation of the West, the South dismissed it as "erroneous" and "counter-productive", adding that "any approach to human rights which is not motivated by a sincere desire to protect these rights but by disguised political purposes, or, worse, to serve as a pretext to wage a political campaign against another country, cannot be justified.

Under the issue of universality of human rights, another important aspects was involved, namely, the relationship between different sets of human rights (civil and political, economic, social and cultural rights). While all agreed that all human rights are universal and indivisible, there was some disagreement on whether they were also interdependent and inter-related. One argument advocated by Western Countries was that civil and political rights and economic, social and cultural rights are not interdependent, and promotion and protection of civil and political rights doesn't depend on progress in achieving economic, social and cultural rights. The others could not, however, accept it. They believed that all human rights were interdependent. After intense negotiation, the West relaxed their position.

The final version of the Vienna Declaration in respect of the issue regarding universality of human rights is a compromise and balanced approach which reads as follows :

All human rights are universal, indivisible and interdependent and inter-related. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds

must be borne in mind, it is the duty of states, regardless of their political, economic and cultural system, to promote and protect all human rights and fundamental freedoms.

Right to Development as a Human Rights

Before the World Conference, the issue of development as a human right had been a subject of controversy for a long time. The United States and some others had consistently refused to recognise the right to development as a human right, even after the Declaration on the Right to Development was adopted by the General Assembly in 1986.

During the World Conference, the right to development attracted great attention. There were extremely strong demands for reaffirming and realizing the right to development. Some significant evolution has been emerging mainly due to a change in the United States' position by the Clinton Administration in this regard. The American new position is that they can accept reference to the right to development as it has been identified in the 1986 UN Declaration, but they oppose any implication that the right to development implies a legal right to demand or receive resource transfer, debt relief, termination of structural adjustment programmes required by donors and international financial institutions or other mandatory steps to redress imbalance of wealth. In addition, they have no objection to call in upon the international community to assist states with heavy external debt burden in order to help them attain the full realization of economic, social and cultural rights. They also have no objection to reference to extreme poverty, under-development or social exclusion as inhibiting the full and effective enjoyment of human rights or as violations of human dignity coupled with a generalized call upon states to put an end to them.

Consensus has been reached on this important right and incorporated in the final document. The right to development is reaffirmed as a universal and inalienable right and an integral part of fundamental human rights. The human person is the central subject of development. States should cooperate with each other in ensuring development and eliminating obstacles to development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. However, a sub-paragraph concerning the human right to a safe and social environment originally proposed by the AALCC in the Kampala Declaration and contained in the draft final document within brackets, was deleted because of the objection by the United States delegation on the ground that nothing in customary or conventional international law currently supports the existence of such a right as an individual human right to a clean environment .

Aid Conditionality

The question is whether financial or economic assistance should be linked to respects of human rights. In other words, this is a question of political conditionalities of development aid.

Although developing countries were divided on the need for the creation of a High Commissioner for Human Rights, they were unanimous in their rejection of aid conditionalities. In Vienna Conference, they said that they would not accept any conditions-human rights or otherwise-on development assistance. In their opinion, just as underdevelopment should not be used to justify violation of human rights or the suppression of democracy, neither should development assistance be subject to conditionalities tied to national implementation of civil and political rights. The rejection of aid conditionalities was also shared by the United Nations Development Programme, the largest single multilateral development assistance agency.

The major donor countries, however, insisted on the aid conditionalities. The United States said that they rejected any claims of entitlement to bilateral or international assistance without regard to human rights performance or that the imposition of conditions was unlawful or improper. It was entirely legitimate for donors to promote certain objectives such as improved human rights performance through the provision of bilateral assistance to recipients who agreed with those objectives. In case of Japan, the second largest donor country, the link between human rights and development aid has been spelled out in Japan's Official Development Assistance Charter adopted in June 1992.

The controversial issue was eventually resolved by the inclusion of the two inter-related provisions into the final document. One is that in the framework of the purposes and principles of the United Nations, the promotion and protection of all human rights is a legitimate concern of the international community. The other states that the promotion and protection of human rights and fundamental freedoms at the national and international level should be universal and conducted without conditions attached.

The Right of self-determination

The Right of self-determination was one of the most contentious issue at the Vienna Conference. The issue involved complex political implications. The focus of the controversy was concentrated on the following elements : What is self-determination? Do all peoples have the right of self-determination? What is the distinction between an act of terrorism and the legitimate struggle

for the right to self-determination? Could such a right be construed as authorizing or encouraging any action that could justify the dismemberment of a sovereign state?

The relevant paragraph in the draft final document prepared by the Prepcom for the Conference was all within brackets. The Text was as follows:

"[The right {to}/[of] self-determination [is a right of all peoples and]/[of peoples under alien or colonial domination and foreign occupation] is an inalienable human right which should be given attention on a [top] priority basis [calling for the greatest attention] within the system of the United Nations. The denial of this right constitutes a [grave]/[serious] violation of human rights. The international community is called upon to ensure its effective realization.]"

In order to iron out the disagreement and work out a new formulation that could meet the apprehension of all the countries concerned, a small task force under the Drafting Committee was set up, composed of Algeria, India, Pakistan, Peru, Sri Lanka, Syria, Turkey, Yemen and some others. The debate in the task force was fierce, and pitched the United States against Syria and Yemen, Pakistan against India, backed by Sri Lanka and Peru.

The American delegation was willing to go along with the concept of self-determination, but it had strong reservations about "struggle for self-determination" primarily because "struggle", could be interpreted as "armed struggle". The U.S. therefore wanted to qualify it by saying that the "struggle" if any, should be "legitimate and peaceful" in accordance with the U.N. Charter. Pakistan delegation implicitly gave its political blessings to "armed struggle" as it expressed reservations over the condemnation of "terrorism" on the ground that one man's terrorist was another man's freedom fighter. On the other hand, India, Sri Lanka and Peru were insisting that World Conference take a strong stand condemning all acts, methods and practices of "terrorism". Syria and Yemen wanted a clear distinction between "terrorism" and "the legitimate struggle of people under colonial domination, foreign occupation and racist regimes". Both Arab nations, who strongly support the Palestinian struggle against Israel in the occupied territories, insisted that "terrorism" and "self-determination" would not mix.

The deadlock was finally broken when a fresh compromise formulation was worked out and considered by all as acceptable. The new formulation consists of three sub-paragraphs. The first one declares that all people have the right to self-determination and by virtue of that right they freely determine their political, status, and freely pursue their economic, social and cultural

development. The second states that the World Conference recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The last sub-paragraph emphasizes that this shall not be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind.

Financing the Centre for Human Rights

The need for increased financial resources to the United Nations Centre for Human Rights based at Geneva was one of the core issues before the World Conference. The Conference was mandated to make recommendations for securing the necessary financial and other resources for United Nations activities in the area of human rights.

The Centre for Human Rights has been in a difficult financial situation as only one percent of UN's regular budget and about 0.75 percent of UN personnel are earmarked for the Centre. In view of its difficult financial situation and the increasing workload there was unanimous agreement among delegations on the need for the provision of increased funds to the Centre. The question was how this money should be raised. For that there was a division of opinion.

Some countries were of the view that any increase in funding the Centre should come from new and additional resources, not from existing funds, because the UN regular budget had been at zero percent growth, and if the Centre were to get the increased resources for this budget, it would be at the expense of other existing programmes. Since the Western countries had been doing a lot of talking and preaching about human rights, they should put their money where their mouth were. Opposing this idea, the Western countries argued against raising funds from outside the United Nations budget. They claimed that funds from outside might be tied to agenda of donors. They were thus insisting that any increased resources should come from the UN budget, with some coming from voluntary contributions.

As the drafting process moved into the final stage, the problem was resolved by providing that

"The World Conference, concerned by the growing disparity between the activities of the Centre for Human Rights and the human, financial and other resources available to carry them out, and bearing in mind

the resources needed for other important United Nations programmes, requests the Secretary General and the General Assembly to take immediate steps to substantially increase the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extra-budgetary resources".

AALCC's VIEWS ON HUMAN RIGHTS

It should be recalled that at the 32nd Session of the AALCC held in Kampala from 1 to 6 February 1993, the item "Preparation for the World Conference on Human Rights" was placed on the agenda and an open-ended working group was established to prepare a draft declaration on human rights. The draft Kampala Declaration so prepared by the Working Group was formally adopted by the Committee on 6 February 1993. Later, the Kampala Declaration was submitted to the Fourth Session of the Prepcom for the World Conference and subsequently reproduced by the Conference Secretariat in the document No.A/Conf.157/PC/62/Add.9. During the World Conference, the representative of the AALCC, the Secretary General Mr. Frank X. Njenga participated at the general debate. His statement properly reflected the ideas of AALCC on human rights which have explicitly been incorporated in the Kampala Declaration. The essence of the main points are excerpted below.

Human rights, development and international peace are interdependent. Peace and security both at the national and international level remain the condition *sine qua non* for the realization and enjoyment of all indivisible and inalienable human rights in full and substantial measure. Members of the international society must therefore reaffirm their desire to save the present and succeeding generations from the scourge of wars and armed conflicts, both international and domestic, as well as to maintain international peace and security in accordance with the purposes and principles of the Charter of the United Nations.

In the developing countries poverty is one of major obstacles hindering the enjoyment of human rights. The fact that almost three-fourth's of the Planet's population suffer from malnutrition, disease and poverty should be a matter of concern for all of us. The poor socio-economic conditions resulting partly from the transfer of resources to the servicing of external debts and from the disparity in the terms of international trade, hinder both the process of development and the realization of human rights in the developing and least developed countries. We believe that development is not merely a means to economic growth but a process to enlarging people's choices. We also believe that the right to development is an inalienable human right, and the vital

importance of economic and social development to the full enjoyment of human rights should be further recognized and underscored. All states therefore must cooperate in the essential task of eradicating poverty for the universal realization of human rights.

The development and the environment are intrinsically linked and should not be considered in isolation from each other. Development should not be pursued in a manner as would endanger the environment. In this context, the right of an individual or human right to a safe and sound environment as incorporated in the Kampala Declaration needs to be emphasized. This may at the first blush appear to be a novel concept. But it is far from being so since the roots and basis of both concepts viz. international environmental law and sustainable development is inter-generation equity. The right to a safe and healthy environment may therefore require to be progressively developed and codified.

The indivisibility and inter-dependence of human rights have 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. The satisfaction of economic, social and cultural rights are a major factor for the enjoyment of civil and political rights.

The primary responsibility for implementing 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, tradition, norms and values. Whilst the international community should be concerned about the observation of human rights, it should not seek to impose or influence the adoption of the criteria and system that are only suitable to some countries on developing countries. On the other hand, no states should manipulate its sovereignty to deny the inalienable rights of its citizens and expect silence from the international community.

The international cooperation is vital to the promotion of human rights. It is therefore important that states reaffirm their commitment to the principle of universality, objectivity and non-selectivity of all human rights as a just and balanced approach in this regard. Politicization of human rights, application of double standards, interference in the internal affairs of others are a challenge to the international cooperation in the field of human rights, and must be avoided.

The rule of law in the administration of justice is a pre-requisite to full enjoyment of human rights. The international community should reaffirm the significant role that administration of justice should play in the promotion and

protection of human rights as well as in the development process, and training, equipment and incentives should 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 necessary resources.

All states that have not already ratified or acceded to the international human rights convention should endeavour to do so in the course of the United Nations Decade of International Law. In doing so such states would be promoting the objectives of acceptance and respect for the principles of international law and also would ensure universal adherence to the international instruments which have set up norms covering a broad spectrum of human rights. This is of vital significance since despite the fact that most of the international conventions on human rights issues are in force, their status in terms of the number of states parties can scarcely be considered as widespread or universal. Regional human rights instruments should be employed to supplement concepts and norms enumerated in the universal instruments.

In every society, there is a class of persons who may require special consideration. The promotion and protection of human rights of vulnerable groups such as women, children, refugees, disabled, migrant workers, minorities and indigenous people should be given special attention and priority.

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 co-operation 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 both at national and international levels.

FINAL OUTCOME OF THE WORLD CONFERENCE

The World Conference on Human Rights adopted a three-part final document including a Preamble, a Declaration and a Programme of Action, as its final outcome. The document reflects the consensus of all member states participating in the Conference on a wide range of human rights issues and provides a worldwide programme of action for the promotion and protection of human rights in the years ahead. This document has been reproduced in this Chapter.

FOLLOW-UP TO THE WORLD CONFERENCE

The World Conference has recommended that the General Assembly, the Commission on Human Rights and other organs and agencies of the UN system relating to human rights should consider ways and means for the full implementation, without delay, of the recommendations contained in the final document of the Conference, including the possibility of proclaiming a United Nations Decade for Human Rights. The World Conference further recommended that the Commission on Human Rights should annually review the progress towards this end.

The World Conference also recommended to the General Assembly that while examining the report of the Conference at its forty-eight session, it should begin as a matter of priority consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights.

The World Conference requested the Secretary General of the United Nations to invite on the occasion of the Fiftieth Anniversary of the Universal Declaration of Human Rights all states, all organs and agencies of the UN system related to human rights, to report to him on the progress made in the implementation of the final document to the Conference and to submit a report to the General Assembly at its fifty-third session, through the Commission on Human Rights and the Economic and Social Council. Likewise, regional and, as appropriate, national human rights institutions, as well as non-governmental organizations may present their views to the Secretary General of the United Nations on the progress made in the implementation of the final document of the Conference. Special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the UN system.

Promotion of the Universal Acceptance of International Conventions on Human Rights

Since the adoption of the Universal Declaration of Human Rights by the General Assembly in 1948, remarkable progress has been made in the codification and development of international law in the field of human rights. Now there exist a large number of international human rights conventions on various subjects both at the global and regional levels. Among them are universal human rights standard—setting instruments such as International Covenant on Economic, Social and Cultural Rights, and International Covenant on Civil and Political Rights.

However, despite the fact that most of these conventions are in force, their status in terms of the number of states parties can scarcely be considered as universal. In many cases, the process of ratification or accession to the various conventions has been very slow. The latest information shows that among all the 24 human rights conventions adopted under the framework of the United Nations, as on 1 May 1993, there was only one whose number of States parties was more than 70 per cent of the total states in the world. Thirteen conventions were ratified by less than 50 per cent of the member States. Reference to the member states of the AALCC indicated that in many cases the percentage of the ratification or accession is even below the global percentage. For details see the annex II to this brief.

Therefore the vital importance of the promotion for the universal acceptance of international human rights conventions cannot be overemphasized. All states who have not already ratified or acceded to the human rights conventions are encouraged to do so in the implementation of the final document of the World Conference on Human Rights and in the course of the UN Decade of International Law. For this purpose, fresh efforts should be made to seek ways and means of overcoming them.

It should be recalled that during the World Conference on Human Rights special attention was paid to the universal ratification of international human rights treaties. The text of final document of the conference contains a number of provisions and recommendations in this regard, the reference of which could be found at :

- (i) Para 14 part II
- (ii) Para 4 Section I, Part III
- (iii) Para 4 bis, Section 3, Part III
- (iv) Para 12 Part II
- (v) Para 3, Section II, B ter, Part III
- (vi) Para 4, Section II, C, Part III
- (vii) Para 1 and 8 Section II, D Part III
- (viii) Para 2, Section VI, Part III

The member States of the AALCC may wish to address themselves to these urges, appeals, calls and recommendations of the World Conference in the implementation of the final document of the Conference.

It is the view of the Secretariat that the AALCC as a unique intergovernmental organization whose *raison d'être* is the progressive development and codification of international law should respond to the call for the promotion of the universal acceptance of international human rights

**WORLD CONFERENCE ON HUMAN RIGHTS
(Vienna, 14-25 June 1993)**

VIENNA DECLARATION AND PROGRAMME OF ACTION

Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner,

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person, and that the human person is the central subject of human rights and fundamental freedoms, and consequently should be the principal beneficiary and should participate actively in the realization of these rights and freedoms,

Reaffirming their commitment to the purposes and principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action, placing proper emphasis on developing effective international cooperation for the realization of the purposes set out in Article 55, including universal respect for, and observance of, human rights and fundamental freedoms for all,

Emphasizing the responsibilities of all states, in conformity with the Charter of the United Nations, to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling the Preamble to the Charter of the United Nations, in particular the determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, and in the equal rights of men and women and of nations large and small,

Recalling also the determination expressed in the Preamble of the Charter

conventions and play an important role in this regard. It is therefore suggested that the issue be taken up either under the item concerning the World Conference on Human Rights and its follow-up or the item of the UN Decade of International Law. It is further suggested that while considering the issue, the priority should be accorded to the following conventions: International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966) and its two Optional Protocols (1966) (1989), International Convention on the Elimination of All Forms of Racial Discrimination (1966), Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (1984), Convention relating to the Status of Refugee (1951) and its Protocol (1967), Convention on the Elimination of All Forms of Discrimination against Women (1979), and Convention on the Rights of the Child (1989). The special attention needs to be paid to identify obstacles and seek ways and means of overcoming them so as to promote the universal acceptance of international human rights conventions.

of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Emphasizing that the Universal Declaration of Human Rights, which constitutes a common standard of achievement for all peoples and all nations, is the source of inspiration and has been the basis for the United Nations in making advances in standard setting as contained in the existing international human rights instruments, in particular the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Considering the major changes taking place on the international scene and the aspirations of all the peoples for an international order based on the principles enshrined in the Charter of the United Nations, including promoting and encouraging respect for human rights and fundamental freedoms for all and respect for the principle of equal rights and self-determination of peoples, peace, democracy, justice, equality, rule of law, pluralism, development, better standards of living and solidarity,

Deeply concerned by various forms of discrimination and violence, to which women continue to be exposed all over the world,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Having taken into account the Declarations adopted by the three regional meetings at Tunis, San Jose and Bangkok and the contributions made by Governments, and bearing in mind the suggestions made by intergovernmental and non-governmental organizations, as well as the studies prepared by independent experts during the preparatory process leading to the World Conference on Human Rights,

Welcoming the International Year of the World's Indigenous People 1993 as a reaffirmation of the commitment of the International community to ensure their enjoyment of all human rights and fundamental freedoms and to respect the value and diversity of their cultures and identities,

Recognizing also that the international community should devise ways

and means to remove the current obstacles and meet challenges to the full realization of all human rights and to prevent the continuation of human rights violations resulting thereof throughout the world,

Invoking the spirit of our age and the realities of our time which call upon the peoples of the world and all States Members of the United Nations to rededicate themselves to the global task of promoting and protecting all human rights and fundamental freedom so as to secure full and universal enjoyment of these rights,

Determined to take steps forward in the commitment of the international community with a view to achieving substantial progress in human rights endeavours by an increased and sustained effort of international cooperation and solidarity,

Solemnly adopts the Vienna Declaration and Programme of Action.

I

1. The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question.

In this framework, enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations.

Human rights and fundamental freedoms are the birthright of all human beings; their protection and promotion is the first responsibility of Governments.

2. All peoples have the right of self-determination. By virtue of that right they freely determine their political status, and freely pursue their economic, social and cultural development.

Taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, the World Conference on Human Rights recognizes the right of peoples to take any legitimate action, in accordance with the Charter of the United Nations, to realize their inalienable right of self-determination. The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right.