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**CONSULTATIONS IN PREPARATION FOR THE
SECOND SESSION OF THE PREPARATORY COMMITTEE OF
THE WORLD CONFERENCE ON HUMAN RIGHTS**

MARCH 26, 1992

**CONSULTATIONS EN PREPARATION DE LA DEUXIEME SEANCE
DU COMITE PREPARATOIRE DE LA
CONFERENCE MONDIALE SUR LES DROITS DE L'HOMME**

LE 26 MARS 1992

External Affairs and
International Trade Canada
Affaires extérieures et
Commerce extérieur Canada



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THE WORLD CONFERENCE ON HUMAN RIGHTS**

3.

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DU COMITE PREPARATOIRE DE LA

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Informal Discussion
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9. - Resolution 1992/37 on the World Conference adopted by the 48th UNCHR
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10. - Resolution adopted by the 36th CSW, calling for the Secretary General to integrate in the scope of the World Conference issues relating to women's rights
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11. - Study Proposal by North-South Institute.
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- Facsimilé daté du 23 mars 1992 de Disabled Peoples' International (version française non disponible)

13. - Notes for an address by the SSEA to the Fourth René Cassin Lectureship in Human Rights at McGill University
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Consultations in preparation for the Second Session of the Preparatory Committee of the World Conference on Human Rights - Thursday, March 26th, 1992

AGENDA

1. Report on the 48th CHR.
2. Issues for second session of Prepcom:
 - a. NGO participation/role;
 - b. Procedural issues: dates, bureau, site;
 - c. Provisional agenda of World Conference (needs of special groups):
 - Disabled;
 - Indigenous;
 - Women;
 - d. Report on Studies and Documentation for the World Conference (study on link between human rights, democracy and development);
 - e. Regional preparatory meetings.
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Consultations en préparation pour la deuxième séance du Comité préparatoire de la Conférence mondiale sur les droits de l'homme - Jeudi, le 26 mars 1992

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1. Rapport sur la 48e Commission sur les droits de l'homme.
2. Questions pour la deuxième séance du Comité préparatoire:
 - a. Rôle et participation des ONG;
 - b. Questions de procédure: dates, bureau, site;
 - c. Ordre du jour provisoire de la Conférence mondiale (besoins de groupes particuliers):
 - handicapés;
 - autochtones;
 - statut de la femme;
 - d. Rapport sur les études et la documentation à établir pour la Conférence mondiale (étude sur le lien entre les droits de la personne, la démocratie et le développement);
 - e. Réunions régionales préparatoires.
3. Conférence de l'UNESCO sur l'éducation en matière des droits de la personne et de la démocratie (Montréal).
4. Consultations futures.
5. Varia.

WCCP9/21 January 1992

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PROVISIONAL AGENDA OF 2nd PREPARATORY COMMITTEE

1. Opening of session
2. Election of Officers & Adoption of Rules of Procedure
3. Adoption of agenda
4. Organization of work
5. Provisional agenda for the World Conference and the documentation related thereto
6. Draft rules of procedures for the World Conference
7. Dates of the World Conference
8. Report of the S.G. of the Conference on Public Information Activities relating to the World Conference and the preparatory process
9. Participation of representatives of I.N.C.'s in the preparatory meetings and the Conference itself
10. Regional Meetings
11. Report on Documentation for the World Conference
12. Organization of future sessions of the Preparatory Committee
13. Adoption of the report of the Preparatory Committee



Assemblée générale

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Min. des Affaires extérieures

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FRANCAIS
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CONFERENCE MONDIALE SUR LES DROITS DE L'HOMME

Comité préparatoire
Deuxième session
Genève, 30 mars - 10 avril 1992

ORDRE DU JOUR PROVISOIRE

1. Ouverture de la session
2. Election du Bureau et adoption du règlement intérieur
3. Adoption de l'ordre du jour
4. Organisation des travaux
5. Ordre du jour provisoire de la Conférence mondiale et documentation y relative
6. Projet de règlement intérieur de la Conférence mondiale
7. Dates de la Conférence mondiale
8. Rapport du Secrétaire général de la Conférence sur les activités d'information relatives à la Conférence et à ses préparatifs
9. Participation de représentants des pays les moins avancés aux réunions préparatoires et à la Conférence elle-même
10. Réunions régionales
11. Rapport sur les études et la documentation à établir pour la Conférence mondiale
12. Organisation des sessions futures du Comité préparatoire
13. Adoption du rapport du Comité préparatoire.



General Assembly

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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
Second session
Geneva, 30 March-10 April 1992

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General of the
World Conference on Human Rights

These annotations to the provisional agenda of the Preparatory Committee at its second session have been prepared by the Secretary-General of the World Conference on Human Rights and are circulated as an official document in accordance with General Assembly resolutions 45/155 and 46/116. Their purpose is to bring to the attention of the Preparatory Committee at its second session those paragraphs of General Assembly resolutions 45/155 and 46/116 which are considered relevant to the agenda items of this session of the Preparatory Committee.

Item 1. Opening of the session ⁶

1. The second session of the Preparatory Committee of the World Conference on Human Rights will be opened by the Secretary-General of the World Conference, the United Nations Under-Secretary-General for Human Rights. The session is scheduled to be held from 30 March to 10 April 1992. It may be recalled that at its forty-sixth session the General Assembly had decided that the Preparatory Committee would meet for three further sessions at Geneva and that the next session would last two weeks.

Item 2. Election of officers and adoption of rules of procedure

2. It may be recalled that the Preparatory Committee at its first session adopted, as its own rules of procedure, the rules of procedure of the functional commissions of the Economic and Social Council.

3. In accordance with these rules the Preparatory Committee is called upon to elect a chairman, three vice-chairmen and a rapporteur, with due regard to equitable geographical distribution.

Item 3. Adoption of the agenda

4. The provisional agenda has been drawn up by the Secretary-General of the Conference based on the decisions of the General Assembly at its forty-fifth and forty-sixth sessions and is contained in document A/CONF.157/PC/14.

Item 4. Organization of work

5. A provisional programme of work (A/CONF.157/PC/15) has been drawn up by the Secretary-General of the Conference taking into account the time available. It may be recalled that the General Assembly, in resolution 46/116, decided that no more than two meetings should take place simultaneously during the sessions of the Preparatory Committee and that no inter-sessional working group should be established.

6. Taking the provisional agenda into account, the Committee may wish to set up two working groups of the whole to address specific agenda items. The two groups may meet simultaneously if necessary.

7. In view of the limited time available to the Preparatory Committee at its second session, the Committee may wish to establish time-limits on the length and/or number of statements made at the meeting. The Committee may also wish to encourage participants to make joint statements, to the extent possible, as well as statements addressed to more than one item of the agenda.

Item 5. Provisional agenda for the World Conference and related documentation

8. The attention of the Preparatory Committee is drawn to paragraph 4 I (a) of General Assembly resolution 46/116 in which the Assembly decided that the Preparatory Committee at its second session should take up the provisional agenda for the World Conference and the documentation related thereto. The Assembly also decided that the elaboration of the provisional agenda for the World Conference should be based on paragraph 1 of resolution 45/155. In that regard, the Committee may wish to consider the recommendations of the Commission on Human Rights contained in the annex to resolution 1991/30 of 5 March 1991. The Committee has before it document A/CONF.157/PC/16 containing the draft provisional agenda for the World Conference.

Item 6. Draft rules of procedure for the World Conference

9. The attention of the Preparatory Committee is drawn to paragraph 4 I (b) of General Assembly resolution 46/116 in which the Assembly decided that the Preparatory Committee at its second session should take up the draft rules of procedure for the World Conference. In that regard, the Preparatory Committee may also wish to bear in mind paragraph 10 of Commission on Human Rights resolution 1991/30 in which the Commission recommended that the Preparatory Committee prepare the draft rules of procedure for the World Conference on the basis of the standard rules of procedure for United Nations conferences. In this connection, the Preparatory Committee has before it document A/CONF.157/PC/8 containing the draft provisional rules of procedure for the Conference.

Item 7. Dates of the World Conference

10. The attention of the Preparatory Committee is drawn to paragraph 4 I (c) of General Assembly resolution 46/116, in which the Assembly decided that the World Conference should be convened in Berlin for a period of two weeks in 1993. The Preparatory Committee is called upon to adopt a recommendation concerning the dates of the World Conference, in consultation with the Government of Germany, the host country.

Item 8. Report of the Secretary-General of the Conference on public information activities relating to the World Conference and the preparatory process

11. The attention of the Preparatory Committee is drawn to paragraph 4 I (d) in which the Assembly decided that the Secretary-General should give the Conference and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system.

12. The Preparatory Committee at its second session will thus have before it document A/CONF.157/PC/17 containing a comprehensive report on public information activities relating to the World Conference and the preparatory process.

Item 9. Participation of representatives of the least developed countries in the preparatory meetings and at the Conference itself

13. It may be recalled that, further to General Assembly resolution 45/155 and Commission on Human Rights resolution 1991/30, a voluntary fund had been established to meet the costs of participation by representatives of the least developed countries in the preparatory process and the World Conference itself. A number of contributions to the fund have been received.

14. The attention of the Preparatory Committee is drawn to paragraph 4 III of General Assembly resolution 46/116 in which the Assembly reiterated its invitation for contributions of extrabudgetary resources to meet the costs of participation of representatives of the least developed countries in the

preparatory meetings, including regional meetings, and the World Conference itself, and requested the Secretary-General to intensify his efforts in that regard. The Preparatory Committee has before it document A/CONF.157/PC/18 on the status of the voluntary fund.

Item 10. Regional meetings

15. The attention of the Preparatory Committee is drawn to paragraph 4 IV of General Assembly resolution 46/116 in which the Assembly decided that, in accordance with the objectives and provisions of General Assembly resolution 45/155, regional meetings should be convened for each region that so desired within the institutional framework or with the assistance of the regional commissions, and that those meetings should be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30.

16. The Secretary-General of the Conference has been notified of the desire of the Latin American and Caribbean Group to hold a regional preparatory meeting at San José from 6 to 10 July 1992, of the Asian Group to hold a regional preparatory meeting at the headquarters of the Economic and Social Commission for Asia and the Pacific at Bangkok from 17 to 21 August 1992 and of the African Group to hold a regional preparatory meeting at Tunis from 2 to 6 November 1992. The Preparatory Committee has before it document A/CONF.157/PC/19 regarding the status of preparation of these regional preparatory meetings.

Item 11. Report on studies and documentation for the World Conference

17. The attention of the Preparatory Committee is drawn to paragraph 4 V (a)-(e) of General Assembly resolution 46/116 in which the Assembly requested the Secretary-General to prepare the following documentation as soon as possible and to report to the Preparatory Committee 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, paragraph 2 of the annex thereto, and also bearing in mind documentation prepared for and statements made at the first session of the Preparatory Committee; (b) reports of meetings organized under the auspices of the United Nations human rights programme pursuant to General Assembly resolution 45/155; (c) a reference guide to all United Nations studies and reports on human rights or related aspects; (d) an update of the publication United Nations Action in the Field of Human Rights; and (e) an update of the publications Human Rights: A Compilation of International Instruments and Human Rights: Status of International Instruments. The progress report with respect to paragraph 4 V (a) of General Assembly resolution 46/116 is contained in document A/CONF.157/PC/20; the progress report with respect to paragraph 4 V (b)-(e) of General Assembly resolution 46/116 is contained in document A/CONF.157/PC/21.

Item 12. Organization of future sessions of the Preparatory Committee

18. The attention of the Preparatory Committee is drawn to paragraph 4 II of General Assembly resolution 46/116 in which the Assembly decided that the Preparatory Committee should meet for two sessions in 1992 and one session in 1993, each session to last one to two weeks each, if that was agreed to be necessary. The Preparatory Committee may wish to take up the question of its future sessions, including the duration of its third session.

Item 13. Adoption of the report of the Preparatory Committee

19. In accordance with paragraph 8 of General Assembly resolution 46/116, the Preparatory Committee will adopt a report on the progress of its work for submission to the General Assembly at its forty-seventh session.



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CONFERENCE MONDIALE SUR LES DROITS DE L'HOMME

Comité préparatoire
Deuxième session
Genève, 30 mars - 10 avril 1992

ANNOTATIONS A L'ORDRE DU JOUR PROVISOIRE

Etablies par le Secrétaire général de la
Conférence mondiale sur les droits de l'homme

Les présentes annotations à l'ordre du jour provisoire de la deuxième session du Comité préparatoire ont été établies par le Secrétaire général de la Conférence mondiale sur les droits de l'homme et sont distribuées en tant que document officiel, conformément aux résolutions 45/155 et 46/116 de l'Assemblée générale. Elles ont pour but de porter à l'attention du Comité préparatoire, à sa deuxième session, les paragraphes des résolutions 45/155 et 46/116 de l'Assemblée générale jugés pertinents pour l'examen des points de l'ordre du jour de cette session.

Point 1. Ouverture de la session

1. La deuxième session du Comité préparatoire de la Conférence mondiale sur les droits de l'homme sera ouverte par le Secrétaire général de la Conférence, qui est le Secrétaire adjoint aux droits de l'homme de l'ONU. La session se tiendra du 30 mars au 10 avril 1992. On se rappellera que, à sa quarante-sixième session, l'Assemblée générale avait décidé que le Comité préparatoire tiendrait trois autres sessions à Genève et que la prochaine session durerait deux semaines.

Point 2. Election du Bureau et adoption du règlement intérieur

2. On se rappellera que, à sa première session, le Comité préparatoire a adopté comme règlement intérieur, le règlement intérieur des commissions techniques du Conseil économique et social.

3. Conformément à ce règlement, le Comité préparatoire devrait élire un président, trois vice-présidents et un rapporteur, compte dûment tenu d'une répartition géographique équitable.

Point 3. Adoption de l'ordre du jour

4. L'ordre du jour provisoire a été établi par le Secrétaire général de la Conférence sur la base des décisions adoptées par l'Assemblée générale lors de ses quarante-cinquième et quarante-sixième sessions et figure sous la cote A/CONF.157/PC/14.

Point 4. Organisation des travaux

5. Un programme de travail provisoire (A/CONF.157/PC/15) a été établi par le Secrétaire général de la Conférence, compte tenu du temps limité imparti. On se rappellera que, dans sa résolution 46/116, l'Assemblée générale a décidé qu'il n'y aurait pas plus de deux séances simultanées pendant les sessions du Comité préparatoire et qu'il ne serait établi aucun groupe de travail intersessions.

6. Compte tenu de l'ordre du jour provisoire, le Comité voudra peut-être créer deux groupes de travail pléniers qui examineront des points spécifiques de l'ordre du jour. Les deux groupes pourront, le cas échéant, se réunir simultanément.

7. Etant donné le temps limité imparti au Comité préparatoire à sa deuxième session, celui-ci voudra peut-être fixer des limites à la longueur et/ou au nombre des déclarations qui seront faites à la session. Il voudra peut-être aussi encourager les participants à faire, dans la mesure du possible, des déclarations communes ainsi que des déclarations portant sur plusieurs points de l'ordre du jour.

Point 5. Ordre du jour provisoire de la Conférence mondiale et documentation y relative

8. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 I a) de la résolution 46/116 par laquelle l'Assemblée générale a décidé que le Comité préparatoire examinerait à sa deuxième session l'ordre du jour provisoire de la Conférence mondiale et la documentation y relative. L'Assemblée a également décidé que le Comité préparatoire se fonderait, pour élaborer l'ordre du jour provisoire de la Conférence mondiale, sur le paragraphe 1 du dispositif de la résolution 45/155. A cet égard, le Comité voudra peut-être tenir compte des recommandations qui figurent à l'annexe de la résolution 1991/30 de la Commission des droits de l'homme en date du 5 mars 1991. Le Comité est saisi du document A/CONF.157/PC/16 qui contient l'ordre du jour provisoire de la Conférence mondiale.

Point 6. Projet de règlement intérieur de la Conférence mondiale

9. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 I b) de la résolution 46/116 dans lequel l'Assemblée générale a décidé que le Comité préparatoire examinerait, à sa deuxième session, le projet de règlement intérieur de la Conférence mondiale. A cet égard, le Comité préparatoire voudra peut-être aussi tenir compte du paragraphe 10 de la résolution 1991/30 de la Commission des droits de l'homme, dans lequel la Commission avait recommandé au Comité préparatoire d'élaborer un projet de règlement intérieur pour la Conférence mondiale, sur la base du règlement intérieur type pour les conférences des Nations Unies. A cet égard, le Comité préparatoire est saisi du document A/CONF.157/PC/8 qui contient le règlement intérieur provisoire de la Conférence.

Point 7. Dates de la Conférence mondiale

10. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 I c) de la résolution 46/116, dans lequel l'Assemblée générale a décidé que la Conférence mondiale se tiendrait à Berlin pendant deux semaines en 1993. Le Comité préparatoire est invité à adopter une recommandation concernant les dates de la Conférence mondiale, en consultation avec le gouvernement du pays hôte, l'Allemagne.

Point 8. Rapport du Secrétaire général de la Conférence sur les activités d'information relatives à la Conférence et à ses préparatifs

11. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 I d) dans lequel l'Assemblée a décidé que le Secrétaire général donnerait la publicité la plus large possible à la Conférence mondiale et à ses préparatifs et assurerait la pleine coordination des activités d'information dans le domaine des droits de l'homme au sein du système des Nations Unies.

12. A sa deuxième session, le Comité préparatoire sera donc saisi du document A/CONF.157/PC/17 contenant un rapport détaillé sur les activités d'information relatives à la Conférence mondiale et à ses préparatifs.

Point 9. Participation de représentants des pays les moins avancés aux réunions préparatoires et à la Conférence elle-même

13. On se rappellera que, en application de la résolution 45/155 de l'Assemblée générale et de la résolution 1991/30 de la Commission des droits de l'homme, un fonds de contributions volontaires avait été créé pour financer la participation de représentants des pays les moins avancés aux réunions préparatoires ainsi qu'à la Conférence mondiale elle-même. Plusieurs contributions à ce fonds ont été reçues.

14. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 III de la résolution 46/116 dans lequel l'Assemblée générale a invité à nouveau au versement de ressources extrabudgétaires pour financer la participation de représentants de pays les moins avancés aux réunions préparatoires, y compris les réunions régionales, ainsi qu'à la Conférence mondiale elle-même, et prié le Secrétaire général d'intensifier ses efforts à cet égard. Le Comité préparatoire est saisi du document A/CONF.157/PC/18 concernant la situation du fonds de contributions volontaires.

Point 10. Réunions régionales

15. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 IV de la résolution 46/116 dans lequel l'Assemblée générale a décidé que, conformément aux objectifs et aux dispositions de la résolution 45/155 de l'Assemblée, des réunions régionales seraient organisées pour chaque région qui le souhaite, dans le cadre institutionnel des commissions régionales ou avec l'aide de celles-ci, et que ces réunions seraient financées au titre des activités préparatoires de la Conférence mondiale, comme recommandé par la Commission des droits de l'homme au paragraphe 8 de l'annexe à sa résolution 1991/30.

16. Le Secrétaire général a été notifié du désir du Groupe des Etats d'Amérique latine et des Caraïbes de tenir une réunion préparatoire régionale à San José du 6 au 10 juillet 1992, du Groupe des Etats d'Asie de tenir une réunion préparatoire régionale au siège de la Commission économique et sociale pour l'Asie et le Pacifique à Bangkok, du 17 au 21 août 1992 et du Groupe des Etats d'Afrique de tenir une réunion préparatoire régionale à Tunis du 2 au 6 novembre 1992. Le Comité préparatoire est saisi du document A/CONF.157/PC/19 concernant l'état des préparatifs de ces réunions préparatoires régionales.

Point 11. Rapport sur les études et la documentation à établir pour la Conférence mondiale

17. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 V a) à e) de la résolution 46/116 dans lequel l'Assemblée générale a prié le Secrétaire général d'établir dès que possible la documentation ci-après et de rendre compte au Comité préparatoire des progrès accomplis à cet égard : a) un nombre limité de brèves études analytiques et concrètes sur les questions mentionnées au paragraphe 1 de la résolution 45/155 de l'Assemblée générale et dans la résolution 1991/30 de la Commission des droits de l'homme, en particulier au paragraphe 2 de l'annexe à

cette résolution, compte tenu de la documentation établie pour la première session du Comité préparatoire et des déclarations faites à cette session; b) les rapports des réunions qui ont été organisées dans le cadre du programme des Nations Unies relatif aux droits de l'homme conformément à la résolution 45/155 de l'Assemblée générale; c) un ouvrage de référence concernant tous les rapports et études de l'Organisation des Nations Unies sur les droits de l'homme ou des aspects connexes; d) une mise à jour de la publication intitulée Activités de l'ONU dans le domaine des droits de l'homme; et e) une mise à jour du Recueil d'instruments internationaux et du Status of International Instruments. Le rapport intérimaire établi conformément à l'alinéa a) du paragraphe 4 V de la résolution 46/116 de l'Assemblée générale est publié sous la cote A/CONF.157/PC/20; le rapport intérimaire établi conformément aux alinéas b) à e) du paragraphe 4 V de la résolution 46/116 de l'Assemblée générale est publié sous la cote A/CONF.157/PC/21.

Point 12. Organisation des sessions futures du Comité préparatoire

18. Il y a lieu d'appeler l'attention du Comité préparatoire sur le paragraphe 4 II de la résolution 46/116 dans lequel l'Assemblée générale a décidé que le Comité préparatoire tiendrait deux sessions en 1992 et une session en 1993, et que chacune de ces sessions durerait de une à deux semaines, selon ce qui serait jugé nécessaire. Le Comité préparatoire voudra peut-être examiner la question de ses sessions futures, y compris la durée de sa troisième session.

Point 13. Adoption du rapport du Comité préparatoire

19. Conformément au paragraphe 8 de la résolution 46/116 de l'Assemblée générale, le Comité préparatoire adoptera un rapport sur l'état d'avancement de ses travaux qui sera soumis à l'Assemblée générale lors de sa quarante-septième session.



General Assembly

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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
Second session
Geneva, 30 March-10 April 1992
Item 5 of the provisional agenda

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE
AND THE DOCUMENTATION RELATED THERETO

Letter dated 30 January 1992 from the Permanent Representative of
Venezuela to the United Nations Office at Geneva addressed to
the Under-Secretary-General for Human Rights

As Coordinator of the Latin American and Caribbean Group (LACG) for matters relating to the Preparatory Committee for the World Conference on Human Rights, I have pleasure in requesting you to ensure that the attached annex containing a preliminary draft agenda for the World Conference on Human Rights prepared by the LACG is considered as an official document of the second session of the Preparatory Committee.

(Signed) Horacio Arteaga
Ambassador
Permanent Representative

Preliminary draft agenda for the World Conference on Human Rights

1. Opening of the Conference.
2. Election of the President.
3. Adoption of the rules of procedure.
4. Election of the other officers of the Conference.
5. Appointment of the Credentials Committee.
6. Establishment of working committees.
7. Adoption of the Agenda.
8. Commemoration of the International Year for the World's Indigenous Peoples.
9. Evaluation of the results achieved and the obstacles existing in the promotion, full realization and protection of all human rights and fundamental freedoms, with emphasis on the implementation of the relevant human rights standards and instruments and on the effectiveness of the methods and procedures of the United Nations system.
10. Consideration of the relationship between development, democracy and the universal enjoyment of economic, social, cultural, civil and political rights, recognizing the importance of establishing conditions in which the whole of mankind may fully enjoy these rights in conformity with the purposes and principles of the Charter of the United Nations.
11. Consideration, in conformity with the basic principles guiding the action of the United Nations in this area, of contemporary trends and new challenges in the full realization of all human rights, and in particular those of ethnic, national, religious and linguistic minorities, indigenous peoples, migrant workers and other vulnerable groups.
12. Formulation and recommendation of guidelines, at the international, regional and national levels, to ensure the effective enjoyment of all human rights, including practical measures to enhance the effectiveness of United Nations activities and mechanisms and to secure the financial and other resources necessary for United Nations activities in the area of human rights.
13. Adoption of the final documents and report of the Conference.



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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
Second session
Geneva, 30 March-10 April 1992
Item 10 of the Provisional Agenda

REGIONAL MEETINGS

Note by the Secretariat

1. The General Assembly, in paragraph IV of its resolution 46/116 decided that, in accordance with the objectives and provisions of its resolution 45/155, regional meetings should be convened for each region that so desired within the institutional framework or with the assistance of the regional commissions and that those meetings should be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30.
2. Subsequent to the adoption of this resolution, the Secretary-General of the Conference was notified of the desire of three regional groups to hold regional preparatory meetings for the World Conference on Human Rights.
3. The Secretariat has been informed by the groups concerned of their wishes in regard to the date and duration of these meetings. In accordance with General Assembly resolution 40/243, entitled "Pattern of conferences" in which the General Assembly decided that United Nations bodies may hold sessions away from their established headquarters when a Government issuing an invitation for a session to be held within its territory has agreed to defray, after consultation with the Secretary-General as to their nature and possible extent, the actual additional cost directly or indirectly involved, the regional meetings will take place according to the following schedule:

(a) The regional meeting for Latin America will take place at San José from 6 to 10 July 1992;

(b) The regional meeting for Asia will take place at the headquarters of the Economic and Social Commission for Asia and the Pacific at Bangkok from 17 to 21 August 1992;

(c) The regional meeting for Africa will take place at Tunis from 2 to 6 November 1992.

4. As part of the preparatory process for the World Conference on Human Rights, these regional meetings are expected to focus on means of enhancing 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 region.

5. The parameters for the provisional agendas for the regional preparatory meetings would include issues related to the protection and promotion of human rights, including the implementation of international and regional human rights instruments. In addition, each regional meeting would consider issues of particular importance to the region which related to the objectives of the World Conference from the perspective of that region. The final report of each regional preparatory meeting would be considered by the World Conference itself.



Assemblée générale

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Comité préparatoire
Deuxième session
Genève, 30 mars - 10 avril 1992

Point 10 de l'ordre du jour provisoire

Dept. of External Affairs
Min. des Affaires extérieures

MAR 18 1992

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REUNIONS REGIONALES

Note du Secrétariat

1. Au paragraphe IV de sa résolution 46/116, l'Assemblée générale a décidé que, conformément aux objectifs et aux dispositions de sa résolution 45/155, des réunions régionales seraient organisées pour chaque région qui le souhaitait, dans le cadre institutionnel des commissions régionales ou avec l'aide de celles-ci, et que ces réunions seraient financées au titre des activités préparatoires de la Conférence mondiale, comme la Commission des droits de l'homme l'avait recommandé au paragraphe 8 de l'annexe à sa résolution 1991/30.
2. Après l'adoption de cette résolution, le Secrétaire général de la Conférence a été informé que trois groupes régionaux désiraient tenir des réunions régionales préparatoires en vue de la Conférence mondiale sur les droits de l'homme.
3. Les groupes concernés ont informé le secrétariat de leurs souhaits quant aux dates et à la durée de ces réunions. Conformément à la résolution 40/243 de l'Assemblée générale, intitulée "Plan des conférences", dans laquelle l'Assemblée générale a décidé que les organes des Nations Unies pouvaient tenir des séances ailleurs qu'à leur siège lorsqu'un gouvernement, en invitant l'un d'entre eux à tenir une session sur son territoire, acceptait de prendre à sa charge, après consultation avec le Secrétaire général quant à leur nature et à leur montant probable, les dépenses supplémentaires effectives qui en résultaient directement ou indirectement, les réunions régionales auront lieu selon le calendrier suivant :

a) La réunion régionale pour l'Amérique latine se tiendra à San José du 6 au 10 juillet 1992;

b) La réunion régionale pour l'Asie se tiendra au siège de la Commission économique et sociale pour l'Asie et le Pacifique, à Bangkok, du 17 au 21 août 1992;

c) La réunion régionale pour l'Afrique se tiendra à Tunis du 2 au 6 novembre 1992.

4. Dans le cadre des préparatifs de la Conférence mondiale sur les droits de l'homme, ces réunions régionales devraient porter essentiellement sur les moyens de renforcer le respect des normes relatives aux droits de l'homme aux niveaux international, régional et national, en tenant compte des aspects des droits de l'homme qui sont jugés particulièrement importants pour la région concernée.

5. Au nombre des paramètres retenus pour établir les ordres du jour provisoires des réunions préparatoires régionales, figureront des questions liées à la protection et à la promotion des droits de l'homme, y compris la mise en oeuvre des instruments internationaux et régionaux relatifs à ces droits. En outre, chaque réunion examinera, sous l'angle régional, des questions particulièrement importantes pour la région qui se rapportent aux objectifs de la Conférence mondiale. Le rapport final de chaque réunion préparatoire régionale sera examiné par la Conférence mondiale elle-même.

World Conference on Human Rights

Studies and Documentation

Pursuant to decision PC/5, paragraph 1, adopted by the Preparatory Committee of the World Conference on 13 September 1991, the Secretary-General of the Conference submits the following proposed list of analytical studies and documentation to be prepared for future sessions of the Prep Comm and for the Conference.

The list sets out in Part I to be undertaken by the Secretariat of the Conference. The list is organized in the order of objectives set out in General Assembly resolution 45/155, operative paragraph 1, sub-paragraphs (a) to (f). It should be noted that the annotations are indicative only and not exhaustive in terms of topics which will eventually be covered by the said studies.

Other studies will be prepared by other parties concerned, i.e., other components of the UN Secretariat and the family of organizations, and inter-governmental and regional institutions, national institutions and non-governmental organizations. It is proposed that these studies be carried out in close cooperation with the Centre for Human Rights and with the Secretariat of the Conference. The list of these other studies focussing on topics which are handled by the said organizations, is presented in Part II of this document.

PART I

1. OBJECTIVE

"(a) To review and assess the progress that has been made in the field of human rights since the adoption of the Universal Declaration of Human Rights and to identify obstacles and ways in which they can be overcome to further progress in this area."

Annotation: The study should build on the wide range of standards, implementation efforts and United Nations reports relating to the impact of the international instruments on domestic laws and practices. One area of particular attention could be the various aspects of justice and the rule of law, including the administration of justice. The study could examine the substantive provisions of the United Nations Charter relating to human rights, with regard to future priorities of the Organization. Further progress could be achieved by a

focus on article 1 of the Charter which lists, among the purposes of the Organization, maintenance of international peace and security, international economic and development cooperation and the promotion and respect for human rights and fundamental freedoms. In addition, the study would analyse threats, impediments and obstacles in the political, economic and social spheres, including threats to democracy through military coups and terrorism, in the context of the systematic undermining and destruction of constitutional and human rights guarantees inherent in a democracy.

2. OBJECTIVE

"(b) To examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights."

Annotation: The overall relationship between human rights, democracy and development would be the subject of an examination in this study, in particular the relationship between development and the enjoyment by everyone of civil, political, cultural, economic and social rights, as well as the right to development. The study could scrutinize the relationship between certain basic human rights components of democracy [equality, expression, association, assembly, information etc.] and development [equality, dignity, adequate standard of living, food, shelter, health, education, social security, etc.]. The study could analyze the contribution to the strengthening of democratic societies by UN technical assistance in connection with national elections and referendums, as requested by the States concerned. Furthermore, the study could address the question whether democracy and development constitute human rights by themselves. The study would look into the right to development as a human right, the degree to which it has been accepted and implemented, and further United Nations and national and international action towards possible realization. The study could also focus on the so-called Four Freedoms (freedom of speech, belief, and from fear and want), as well as the impact of poverty on the enjoyment of human rights and fundamental freedoms.

3. OBJECTIVE

"(c) To examine ways and means to improve implementation of existing human rights standards and instruments."

Annotation: It is obviously a principle objective of all standard setting to see the rules and recommendations put into national legislative, judicial and administrative practice. This goal flows already from the United Nations Charter. To this end, the study would include an examination of the means of promoting and encouraging universal adherence to the full range of existing instruments and the possible disincentives to the widest participation therein. It would also analyse available and new practical measures to facilitate adherence as well as implementation at the national and local levels, and ways of mitigating local difficulties in ratification, accession and implementation.

Another aspect of the study would aim at streamlining implementation procedures set up under existing international human rights treaties and resolutions, and at introducing methods of follow-up to findings and recommendations made by the various implementation organs. These suggestions include those emanating from the joint meetings of the persons chairing the human rights treaty bodies, from the Special Rapporteurs of the Sub-Commission and from the oral and written statements to the Preparatory Committee. Further, the study should prepare a comprehensive analysis of the present system of treaty-based reporting obligations of States Parties and how this could be improved. The study should focus on possible methods for implementation of and reporting on international human rights standards, including the possibility of creating favourable conditions for implementation of international human rights standards. The study should also look into existing responses to alleged or real violations, such as fact-finding, good offices, etc., and examine ways and means of strengthening these procedures, of better co-ordination between them, and of the reduction of overlap.

The study could also focus on equality as the fundamental rule of international human rights law [as spelt out in the United Nations Charter, the Universal Declaration and the two International Covenants, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Apartheid and a large number of other instruments, including those emanating from the International Labour Organisation, UNESCO and the two World Conferences to Combat Racism and Racial Discrimination.] With particular reference to racism, racial discrimination and discrimination against vulnerable groups, the study should address a number of phenomena which cause and flow from breaches of this fundamental rule, in particular discrimination against groups and methods of combatting new and evolving manifestations of such discrimination. The groups in question would include minorities and indigenous and tribal peoples.

CEDAW

women

4. OBJECTIVE

"(d) To evaluate the effectiveness of the methods and mechanisms used by the United Nations in the field of human rights."

Annotation: The study should contain an inventory and assessment of the existing modalities of the United Nations in the field of human rights, including the role and functions of the various bodies working in the field and their future potential, together with other critical components of the human rights programme, including technical assistance and technical co-operation, public information, education and other promotional activities in the field of human rights. The study should analyse ongoing activities of the Centre for Human Rights and within the United Nations system, including co-operation with national institutions, as well as guidelines for the formulation, execution and evaluation of particular projects. The study could draw on available reports of the Centre to the Commission on Human Rights in connection with, for example, the advisory services and technical assistance programme of the Centre. In addition, the study could lay the foundation for the development of manuals for use in training courses for public officials held under the auspices of the United Nations.

5. OBJECTIVE

"(e) To formulate concrete recommendations for improving the effectiveness of United Nations activities and mechanisms in the field of human rights through programmes aimed at promoting, encouraging and monitoring respect for human rights and fundamental freedoms"

Annotation: This study would review measures designed to enhance adherence to international human rights instruments, as well as measures for improving procedures concerning reporting obligations and for increased ratification and accession to treaty based communication procedures and strengthening of these and other communication procedures. (Please also see the annotations to study recommended under 3).

The study should include an examination of technical assistance relating to amendments or additions to national constitutions, legislative acts, administrative regulations and reporting obligations. The study should also compare and analyse existing reporting and communication procedures.

It should seek ways of improving co-ordination within the United Nations system and co-operation between these and

other procedures, and explore possible methods of strengthening them. Furthermore, the publication programme and other promotional activities of the Centre and of other relevant organizational components could be the subject of study.

6. OBJECTIVE

"(f) To make recommendations for ensuring the necessary financial and other resources for the United Nations activities in the promotion and protection of human rights and fundamental freedoms."

Annotation: Keeping in mind article 1 of the United Nations Charter, the study should include an examination of ways and means to strengthen the position of human rights as one of the future priorities of the United Nations system with an emphasis on co-operation between all the relevant organs and agencies. In this respect, the study would look at the role of the United Nations Centre for Human Rights as a coordinating unit and focal point of human rights activities in the entire United Nations system. The Commission on Human Rights, in several resolutions, has called on the Centre to assume the role of the coordinating unit and focal point in the human rights field. The study should, inter alia, analyse the Centre's existing mandates and activities under the triangular approach to human rights, as well as its present and future coordinating role. Furthermore, the study should spell out the human and financial resources necessary to achieve this objective.

VIEWS OF MEMBERS OF THE HEOG ON THE INFORMAL DISCUSSION DRAFT
ON STUDIES AND DOCUMENTATION

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GENERAL COMMENTS

THERE SHOULD BE NO MORE THAN SIX STUDIES, WHICH SHOULD CORRESPOND TO THE SIX CONFERENCE OBJECTIVES SET OUT IN GENERAL ASSEMBLY RESOLUTION 45/155,

- ANY ADDITIONAL THEMES SHOULD BE SUBSUMED WITHIN THE SIX STUDY FRAMEWORK.

HEOG EMPHASISES THE PREPCOM DECISION THAT THE STUDIES SHOULD BE SHORT, ANALYTICAL AND ACTION ORIENTED.

STUDIES SHOULD BE PREPARED BY OUTSIDE CONSULTANTS WHO ARE EMINENT IN THEIR FIELDS. THEIR CONTRIBUTIONS SHOULD BE PREPARED UNDER THE SUPERVISION OF THE SECRETARIAT,

- PARTICULAR CARE SHOULD BE TAKEN TO AVOID OVERLAP BETWEEN THE VARIOUS STUDIES. IN THE LIGHT OF EXISTING OVERLAP IN THE FORMULATION OF OBJECTIVES, SOME OF THE PROPOSALS BELOW COULD BE PURSUED UNDER SEVERAL OBJECTIVES, E.G. ENHANCING EFFECTIVENESS OF THE TREATY BODY SYSTEM.

IN ADDITION TO THE SIX STUDIES TO BE PREPARED UNDER THE AUSPICES OF THE SECRETARIAT, OTHER STUDIES, IN GREATER DEPTH OR ON MORE SPECIALISED ISSUES, COULD BE PREPARED BY OTHER ORGANISATIONS OR INDIVIDUALS, REFLECTING SPECIALISED COMPETENCE OR MANDATE, WITHIN THE FRAMEWORK OF UNGA RESOLUTION 45/155 AND CHR RESOLUTION 1991/30, ON THEIR OWN INITIATIVE OR WITH THE ENCOURAGEMENT OF THE SECRETARIAT AND IN CLOSE CONSULTATION WITH THE SECRETARIAT.

STUDIES SHOULD NOT ADDRESS THE QUESTIONS AS TO WHETHER CERTAIN CONCEPTS SUCH AS DEMOCRACY AND DEVELOPMENT CONSTITUTE HUMAN RIGHTS BY THEMSELVES. SUCH A DISCUSSION WOULD PROBABLY NOT BE PRODUCTIVE. THE STUDIES SHOULD RATHER BASE THEMSELVES ON THE BODY OF RIGHTS SET OUT IN EXISTING STANDARDS.

DUE EMPHASIS SHOULD BE GIVEN IN ALL STUDIES TO THE HUMAN RIGHTS OF WOMEN.

STUDIES SHOULD BE AVAILABLE AS EARLY AS POSSIBLE, AND AT THE LATEST BY THE END OF 1992, IN ALL LANGUAGES. PROGRESS REPORTS SHOULD BE PRESENTED TO THE THIRD SESSION OF THE PREPCOM.

COMMENTS ON INDIVIDUAL OBJECTIVES

OBJECTIVE (A)

REVIEW AND ASSESSMENT - SHOULD FOCUS ON :

2.

INTERRELATION OF THE VARIOUS HUMAN RIGHTS INSTRUMENTS; NEED FOR NORMATIVE CONSISTENCY.

RECOGNITION THAT SCRUTINY OF THE HUMAN RIGHTS PERFORMANCE OF INDIVIDUAL COUNTRIES IS A LEGITIMATE ACTIVITY OF THE UNITED NATIONS AND THE INTERNATIONAL COMMUNITY.

PROGRESS IN INCORPORATING INTERNATIONAL HUMAN RIGHTS INSTRUMENTS IN DOMESTIC LAWS AND PRACTICES,

STATUS OF ADHERENCE TO THE MAIN HUMAN RIGHTS INSTRUMENTS. IDENTIFICATION OF REGIONS WHERE THE INTERNATIONAL COMMUNITY SHOULD INTENSIFY ITS ASSISTANCE TO COUNTRIES TO PROMOTE ADHERENCE.

EVALUATION OF THE PHENOMENON OF FAR-REACHING RESERVATIONS TO HUMAN RIGHTS INSTRUMENTS IN THE LIGHT OF RELEVANT PROVISIONS OF THE VIENNA CONVENTION ON TREATIES.

OBSTACLES TO THE ENJOYMENT OF HUMAN RIGHTS :

ARISING FROM DICTATORIAL RULE AND ETHNIC CONFLICTS UNDERMINING THE RULE OF LAW AND DEMOCRACY. IN THIS REGARD WAYS OF IMPROVING PROTECTION OF HUMAN RIGHTS DURING STATE OF EMERGENCY SHOULD BE ADDRESSED.

IN THE WAY OF DEMOCRATIC GOVERNMENT, RULE OF LAW AND THE ADMINISTRATION OF JUSTICE. SPECIAL ATTENTION SHOULD BE GIVEN TO,

- COUNTRIES UNDERGOING A TRANSITIONAL PHASE IN ESTABLISHING DEMOCRACY AND THE RULE OF LAW,
- INTERNAL CONFLICT INVOLVING MINORITIES,
- EMERGENCY SITUATIONS.

ARISING FROM ECONOMIC CRISIS, ABSENCE OF GOOD GOVERNANCE, LACK OF JUDICIAL INTEGRITY TO IMPLEMENT THE RIGHTS AT THE NATIONAL AND LOCAL LEVELS, DIFFICULTIES OF ACCESS TO THE EXISTING APPARATUS OF JUSTICE AND INADEQUACIES IN THE ADMINISTRATION AND PROTECTION OF JUSTICE AS REGARDS HUMAN RIGHTS.

WAYS IN WHICH OBSTACLES MAY BE OVERCOME :

PROPOSALS WHEREBY THE INTERNATIONAL COMMUNITY MAY RESPOND TO THE OBSTACLES NOTED ABOVE.

CONCERTED EFFORTS TO RESPOND TO THE NEEDS OF MINORITIES AND INDIGENOUS PEOPLES.

WAYS IN WHICH PROGRESS SHOULD BE MADE TOWARDS INTEGRATING BILATERAL AND MULTILATERAL ECONOMIC DEVELOPMENT COOPERATION FOR FURTHERING HUMAN RIGHTS. IN THIS CONTEXT AN IMPROVED STRATEGY TO COORDINATE THE ACTIVITIES OF DIFFERENT UN BODIES SHOULD BE CONSIDERED.

OBJECTIVE (B)EXAMINATION OF RELATION :

THE INTER-RELATIONSHIP BETWEEN HUMAN RIGHTS, DEMOCRACY AND DEVELOPMENT

- FORWARD LOOKING STRATEGIES, INCORPORATING THE PROMOTION OF HUMAN RIGHTS, DEMOCRATIC INSTITUTIONS AND THE RIGHTS OF PEOPLE TO PARTICIPATE IN THEIR OWN DEVELOPMENT, PARTICULARLY SUSTAINABLE DEVELOPMENT.

CREATION OF CONDITIONS :

THE STUDY SHOULD EMPHASIZE THE PROMOTION OF "GOOD GOVERNANCE"

- THE EMERGENCY OF EFFECTIVE, EFFICIENT, TRANSPARENT AND ACCOUNTABLE GOVERNMENT STRUCTURES, WHICH GENERALLY RESULT FROM DEMOCRATIC POLITICAL SYSTEMS AND INSTITUTIONS THAT PROVIDE FOR THE APPLICATION OF THE RULE OF LAW AND THE EXERCISE OF POLITICAL AND CIVIL RIGHTS AND PROGRESSIVE REALISATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS.

WAYS IN WHICH DIFFERENT CULTURAL NORMS AND VALUES CAN BE INCORPORATED INTO THE PROMOTION OF UNIVERSALLY ACCEPTED OBJECTIVES OF HUMAN RIGHTS AND SUPPORT FOR DEMOCRATIC DEVELOPMENT.

THE ROLE OF BROADLY BASED POPULAR PARTICIPATION IN THE DEVELOPMENT PROCESS AND THE SIGNIFICANCE OF THE SO-CALLED FOUR FREEDOMS (FREEDOM OF SPEECH AND BELIEF AND FREEDOM FROM FEAR AND WANT) IN THAT PROCESS.

WAYS IN WHICH GOVERNMENTS, THE UNITED NATIONS, OTHER INTER-GOVERNMENTAL BODIES AND ORGANIZATIONS AND NGOS COULD PROMOTE HUMAN RIGHTS OBJECTIVES AS AN INTEGRAL PART OF THEIR DEVELOPMENT ASSISTANCE PROGRAMS.

HOW GOVERNMENTS CAN INFORM AND EDUCATE THEIR OWN PEOPLE WITH RESPECT TO HUMAN RIGHTS VALUES AS PART OF THE DEVELOPMENT PROCESS.

OBJECTIVE (C)

MEANS OF PROMOTING AND ENCOURAGING UNIVERSAL ADHERENCE TO THE FULL RANGE OF EXISTING INSTRUMENTS AND THE POSSIBLE DISINCENTIVES TO THE WIDEST PARTICIPATION THEREIN.

IMPLEMENTATION AT THE NATIONAL AND LOCAL LEVELS, AND WAYS OF MITIGATING LOCAL DIFFICULTIES IN RATIFICATION, ACCESSION AND IMPLEMENTATION.

AS REGARDS IMPLEMENTATION AT THE NATIONAL LEVEL THE STUDY, AMONG OTHER, SHOULD EXAMINE THE WAYS STATES MAY:

4.

- ENSURE TRAINING AND INFORMATION PROGRAMS OR PRIMARY AND SECONDARY EDUCATION AND DIFFERENT CATEGORIES OF PERSONNEL DIRECTLY RESPONSIBLE FOR THE PROTECTION OF HUMAN RIGHTS
- STRENGTHEN THE ROLE OF INDEPENDENT NATIONAL INSTITUTIONS AND NON-GOVERNMENTAL HUMAN RIGHTS ORGANIZATIONS
- BE ASSISTED IN FORMULATING NATIONAL LEGISLATION THAT GUARANTEE HUMAN RIGHTS AND DEMOCRATIC RULE
- BE ADVISED TO COOPERATE WITH REGIONAL AND INTERNATIONAL ORGANISATIONS.

THE STUDY SHOULD BEAR IN MIND THE NEED TO EXERCISE EQUALITY AND NON-DISCRIMINATION AS A FUNDAMENTAL OBLIGATION OF INTERNATIONAL HUMAN RIGHTS LAW.

- . STREAMLINING IMPLEMENTATION PROCEDURES UNDER INTERNATIONAL HUMAN RIGHTS TREATIES AND RESOLUTIONS, AND METHODS OF FOLLOW-UP ON FINDINGS AND RECOMMENDATIONS MADE BY THE VARIOUS IMPLEMENTATION ORGANS.
- . EXISTING RESPONSES TO ALLEGED OR REAL VIOLATIONS, SUCH AS FACT-FINDING, GOOD OFFICES, ETC., AND EXAMINE WAYS AND MEANS OF STRENGTHENING THESE PROCEDURES, OF BETTER COORDINATION BETWEEN THEM, AND OF THE REDUCTION OF OVERLAP.

OBJECTIVE (D)

- . INVENTORY AND ASSESSMENT OF THE EXISTING MODALITIES OF THE UNITED NATIONS IN THE FIELD OF HUMAN RIGHTS, INCLUDING THE ROLE AND FUNCTIONS OF THE VARIOUS BODIES WORKING IN THE FIELD AND THEIR FUTURE POTENTIAL, TOGETHER WITH OTHER CRITICAL COMPONENTS OF THE HUMAN RIGHTS PROGRAM. SPECIAL EMPHASIS SHOULD BE PUT ON THE SPECIAL PROCEDURES AS WELL AS FACT-FINDING AND OTHER MEASURES TO PREVENT VIOLATIONS OF HUMAN RIGHTS.
- . EFFECTIVENESS OF TECHNICAL ASSISTANCE AND COOPERATION AS WELL AS PUBLIC INFORMATION, EDUCATION AND OTHER PROMOTIONAL ACTIVITIES IN THE FIELD OF HUMAN RIGHTS.
- . ANALYSE ON-GOING ACTIVITIES OF THE CENTRE FOR HUMAN RIGHTS AND WITHIN THE UNITED NATIONS SYSTEM, INCLUDING COOPERATION WITH NATIONAL INSTITUTIONS AND EVALUATION REPORTS OF THE CENTRE TO THE COMMISSION ON HUMAN RIGHTS IN CONNECTION WITH, FOR EXAMPLE, THE ADVISORY SERVICES AND TECHNICAL ASSISTANCE PROGRAM OF THE CENTRE.

OBJECTIVE (E)

- . MEASURES FOR PROMOTING AND ENHANCING UNIVERSAL ADHERENCE TO EXISTING HUMAN RIGHTS INSTRUMENTS INCLUDING ADHERENCE TO COMPLAINT PROCEDURES.

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5.

COMPREHENSIVE ANALYSIS OF THE PRESENT TREATY-BASED REPORTING OBLIGATIONS OF STATES PARTIES AND FORMULATE WAYS OF IMPROVING AND RATIONALISING REPORTING PROCEDURES.

THE STUDY SHOULD IN THIS CONTEXT BUILD UPON THE SUBSTANTIVE ISSUES RAISED BY THE STUDY ON "EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS" (DOCUMENT A/44/668)

- IT SHOULD ENCOMPASS AN UPDATING WHERE NECESSARY OF THE CONTENT OF THAT EARLIER REPORT AND ANY NECESSARY DEVELOPMENT OF ITS THEME RELATED TO THE HCHR PREPARATORY PROCESS AND SUGGESTIONS AS TO HOW THE PROCEDURES CAN BE MADE MORE EFFECTIVE.

SUGGESTIONS AS TO IMPROVE FOLLOW-UP OF FINDINGS AND RECOMMENDATIONS OF THE IMPLEMENTATION ORGANS AND COMMUNICATION PROCEDURES.

- THE STUDY MAY IN THIS CONTEXT FURTHER EXAMINE THE INTRODUCTION OF NEW MEANS AND METHODS OF ACCOUNTABILITY BY STATES IN RELATION TO THEIR COMMITMENTS TO INTERNATIONAL STANDARDS.

RECOMMENDATIONS WITH A VIEW TO CONSOLIDATING AND IMPROVING THE POTENTIAL OF RESOLUTION-BASED FACT-FINDING AND MONITORING MECHANISMS INCLUDING FOLLOW-UP TO THEIR OBSERVATIONS AND RECOMMENDATIONS WITH A VIEW TO PREVENTING THE OCCURRENCE OF PRACTICES VIOLATING HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

THE POTENTIAL OF ADVISORY SERVICES AND TECHNICAL COOPERATION WHICH THE CENTRE FOR HUMAN RIGHTS MAY PROVIDE AND HOW THE CENTRE CAN BE STRENGTHENED TO THIS END.

- EMPHASIS SHOULD BE PUT ON THE ROLE OF THE CENTRE TO ACT AS A CATALYTIC AGENT AND ON THIS BASIS INTERACT WITH THE UN DEVELOPMENT ORGANISATIONS AND AGENCIES WITH A VIEW TO PROMOTE THE HUMAN RIGHTS DIMENSION IN THE OVERALL WORK PROGRAM OF THE UN SYSTEM AND DEVELOP HUMAN RIGHTS IMPACT STATEMENTS.

PROPOSALS AS TO HOW HUMAN RIGHTS CAN BE MAINSTREAMED WITHIN THE UN SYSTEM AND WAYS OF IMPROVING COORDINATION AND COOPERATION AT ALL LEVELS BETWEEN THE VARIOUS ORGANISATIONS, AGENCIES AND BODIES INVOLVED WITH MATTERS RELATED TO THE PROMOTION OF HUMAN RIGHTS.

- ATTENTION SHOULD BE PAID TO THE NEED FOR IMPROVED COORDINATION WITH REGARD TO QUESTIONS RELATED TO THE RIGHTS OF WOMEN, CHILDREN, DISPLACED PERSONS AS WELL AS MINORITIES AND INDIGENOUS PEOPLES.

IT SHOULD EXAMINE WAYS OF ESTABLISHING CLOSER LINKS BETWEEN THE CENTRE FOR HUMAN RIGHTS AND INSTITUTIONS AT THE NATIONAL AND REGIONAL LEVELS.

THE STUDY SHOULD ALSO FOCUS ON HOW NON-GOVERNMENTAL ORGANISATIONS CAN CONTRIBUTE TO IMPROVING THE EFFECTIVENESS OF THE UN ACTIVITIES

6.

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OBJECTIVE (F)

BUILDING ON RECOMMENDATIONS OF OTHER RELEVANT STUDIES, THIS STUDY SHOULD ANALYSE THE USE OF FINANCIAL AND HUMAN RESOURCES WITHIN THE UN SYSTEM IN THE FIELD OF HUMAN RIGHTS (INCLUDING THE ILO, UNHCR, UNDP), WITH PARTICULAR FOCUS ON THE CENTRE FOR HUMAN RIGHTS.

THE STUDY SHOULD EXAMINE THE MANAGEMENT OF THE CENTRE, PAYING PARTICULAR ATTENTION TO

- THE NEED FOR A COMPREHENSIVE MANAGEMENT PLAN LINKING THE CENTRE'S ACTIVITIES TO ITS OBJECTIVES, AND IDENTIFYING PRIORITIES,
- THE NEED FOR PERSONNEL POLICIES COVERING JOB DESCRIPTIONS, TRAINING, EVALUATION AND PROMOTION,
- RATIONALISATION AND COORDINATION OF THE CENTRE'S STRUCTURE AND ACTIVITIES,

THE STUDY SHOULD ALSO CONSIDER THE ADEQUACY OF PRESENT FUNDING LEVELS FOR THE UN'S HUMAN RIGHTS PROGRAMS AND THE NEED FOR ADDITIONAL RESOURCES.

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WORLD CONFERENCE ON HUMAN RIGHTS

Preparatory Committee
First session
Geneva, 9-13 September 1991
Item 5 of the provisional agenda

Dept. of External Affairs
Min. des Affaires extérieures
OTTAWA

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AGENDA, RULES OF PROCEDURE, DATES, DURATION, VENUE OF AND PARTICIPATION AT THE WORLD CONFERENCE

Draft provisional rules of procedure of the Conference

Note by the Secretariat

1. The attention of the Preparatory Committee is drawn to the draft provisional rules of procedure of the Conference set out below. These rules are based on the rules of procedure used for various recent United Nations conferences.

2. It may be noted that, as stated in paragraph 3 of Assembly resolution 45/155, the Preparatory Committee has to make proposals regarding, inter alia, participation at the Conference. Therefore, the rules in Section XI are placed in square brackets, since the General Assembly, on the basis of proposals yet to be made by the Preparatory Committee, has still to take a decision on participation at the Conference.

DRAFT PROVISIONAL RULES OF PROCEDURE

I. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 1

The delegation of each State participating in the Conference shall consist of a head of delegation and such other representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 2

The head of delegation may designate an alternate representative or an adviser to act as a representative.

Submission of credentials

Rule 3

The credentials of representatives and the names of alternate representatives and advisers shall be submitted to the Secretary-General of the Conference, if possible not less than one week before the date fixed for the opening of the Conference. The credentials shall be issued either by the Head of the State or Government or by the Minister for Foreign Affairs.

Credentials Committee

Rule 4

A Credentials Committee of nine members shall be appointed at the beginning of the Conference. Its composition shall be based on that of the Credentials Committee of the General Assembly of the United Nations at its most recent session. It shall examine the credentials of representatives and report to the Conference without delay.

Provisional participation in the Conference

Rule 5

Pending a decision of the Conference upon their credentials, representatives shall be entitled to participate provisionally in the Conference.

II. OFFICERS

Elections

Rule 6

The Conference shall elect from among the representatives of participating States the following officers: a President, (...) Vice-Presidents and a Rapporteur-General, as well as a Chairman for each of the Main Committees established in accordance with rule 46. These officers shall be elected on the basis of ensuring the representative character of the General Committee. The Conference may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 7

1. In addition to exercising the powers conferred upon him elsewhere by these rules, the President shall preside at the plenary meetings of the Conference, declare the opening and closing of each meeting, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, shall have complete control of the proceedings and over the maintenance of order thereat. The President may propose to the Conference the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his function, remains under the authority of the Conference.

Acting President

Rule 8

1. If the President is absent from a meeting or any part thereof, he shall designate one of the Vice-Presidents to take his place.

2. A Vice-President acting as President shall have the same powers and duties as the President.

Replacement of the President

Rule 9

If the President is unable to perform his functions, a new President shall be elected.

Voting rights of the President

Rule 10

The President, or a Vice-President acting as President, shall not vote in the Conference, but may appoint another member of his delegation to vote in his place.

III. GENERAL COMMITTEE

Composition

Rule 11

The President, the Vice-Presidents, the Rapporteur-General and the Chairmen of the Main Committees shall constitute the General Committee. The President, or in his absence one of the Vice-Presidents designated by him, shall serve as Chairman of the General Committee. The Chairman of the Credentials Committee and other committees established by the Conference in accordance with rule 48 may participate, without the right to vote, in the General Committee.

Substitute Members

Rule 12

If the President or a Vice-President of the Conference is to be absent during a meeting of the General Committee, he may designate a member of his delegation to sit and vote in the Committee. In case of absence, the Chairman of a Main Committee shall designate the Vice-Chairman of that Committee as his substitute. When serving on the General Committee, the Vice-Chairman of a Main Committee shall not have the right to vote if he is of the same delegation as another member of the General Committee.

Functions

Rule 13

The General Committee shall assist the President in the general conduct of the business of the Conference and, subject to the decisions of the Conference shall ensure the coordination of its work.

IV. SECRETARIAT OF THE CONFERENCE

Duties of the Secretary-General
of the Conference

Rule 14

1. The Secretary-General of the Conference shall act in that capacity in all meetings of the Conference and its subsidiary organs.

2. The Secretary-General of the Conference may designate a member of the Secretariat to act in his place at these meetings.
3. The Secretary-General of the Conference shall direct the staff required by the Conference.

Duties of the secretariat

Rule 15

The secretariat of the Conference shall, in accordance with these rules:

- (a) Interpret speeches made at meetings;
- (b) Receive, translate, reproduce and circulate the documents of the Conference;
- (c) Publish and circulate the official documents of the Conference;
- (d) Prepare and circulate records of public meetings;
- (e) Make and arrange for the keeping of sound recordings and provide summary records of meetings;
- (f) Arrange for the custody and preservation of the documents of the Conference in the archives of the United Nations; and
- (g) Generally perform all other work that the Conference may require.

Statements by the secretariat

Rule 16

The Secretary-General of the United Nations, the Secretary-General of the Conference, or any member of the secretariat designated by either for that purpose, may, at any time, make other oral or written statements concerning any question under consideration.

V. OPENING OF THE CONFERENCE

Temporary President

Rule 17

The Secretary-General of the United Nations or, in his absence, the Secretary-General of the Conference, shall open the first meeting of the Conference and preside until the Conference has elected its President.

Decisions concerning organization

Rule 18

The Conference shall, to the extent possible, at its first meeting:

- (a) Adopt its rules of procedure;
- (b) Elect its officers and constitute its subsidiary organs;
- (c) Adopt its agenda, the draft of which shall until such adoption be the provisional agenda of the Conference;
- (d) Decide on the organization of its work.

VI. CONDUCT OF BUSINESS

Quorum

Rule 19

The President may declare a meeting open and permit the debate to proceed when at least one third of the representatives of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.

Speeches

Rule 20

1. No one may address the Conference without having previously obtained the permission of the President. Subject to rules 21, 22 and 25 to 27, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of speakers.
2. Debate shall be confined to the question before the Conference and the President may call a speaker to order if his remarks are not relevant to the subject under discussion.
3. The Conference may limit the time allowed to each speaker and the number of times each participant may speak on any question. Permission to speak on a motion to set such limits shall be accorded only to two representatives in favour of and to two opposing such limits, after which the motion shall be immediately put to the vote. In any event, with the consent of the Conference, the President shall limit each intervention on procedural matters to five minutes. When the debate is limited and a speaker exceeds the allotted time, the President shall call him to order without delay.

Points of order

Rule 21

During the discussion of any matter, a representative may at any time raise a point of order, which shall be immediately decided by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Precedence

Rule 22

The Chairman or Rapporteur of a Main Committee, or the representative of a subcommittee or working group may be accorded precedence for the purpose of explaining the conclusions arrived at by the body concerned.

Closing of the list of speakers

Rule 23

During the course of a debate, the President may announce the list of speakers and, with the consent of the Conference, declare the list closed.

Right of reply

Rule 24

1. Notwithstanding rule 23, the President shall accord the right of reply to a representative of any State participating in the Conference who requests it. Any other representative may be granted the opportunity to make a reply.
2. The statements made under this rule shall normally be made at the end of the last meeting of the day, or at the conclusion of the consideration of the relevant item if that is sooner.
3. The representatives of a State may make no more than two statements under this rule at a given meeting on any item. The first shall be limited to five minutes and the second to three minutes; representatives shall in any event attempt to be as brief as possible.

Adjournment of debate

Rule 25

A representative may at any time move the adjournment of the debate on the question under discussion. In addition to the proposes of the motion permission to speak on the motion shall be accorded only to two representatives in favour and to two opposing the adjournment, after which the motion shall, subject to rule 28, be immediately put to the vote.

Closure of debate

Rule 26

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the motion shall be accorded only to two representatives opposing the closure, after which the motion shall, subject to rule 28, be immediately put to the vote.

Suspension or adjournment of the meeting

Rule 27

Subject to rule 38, a representative may at any time move the suspension or the adjournment of the meeting. No discussion on such motions shall be permitted and they shall, subject to rule 28, be immediately put to the vote.

Order of motions

Rule 28

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

- (a) To suspend the meeting;
- (b) To adjourn the meeting;
- (c) To adjourn the debate on the question under discussion;
- (d) To close the debate on the question under discussion.

Submission of proposals and substantive amendments

Rule 29

Proposals and substantive amendments shall normally be submitted in writing to the Secretary-General of the Conference, who shall circulate copies to all delegations. Unless the Conference decides otherwise, substantive proposals shall be discussed or put to a decision no earlier than 24 hours after copies have been circulated in all languages of the Conference to all delegations. The President may, however, permit the discussion and consideration of amendments, even though these amendments have not been circulated or have only been circulated the same day.

Withdrawal of proposals and motions

Rule 30

A proposal or a motion may be withdrawn by its sponsor at any time before a decision on it has been taken, provided that it has not been amended. A proposal or a motion thus withdrawn may be reintroduced by any representative.

Decisions on competence

Rule 31

Subject to rule 21 any motion calling for a decision on the competence of the Conference to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Reconsideration of proposals

Rule 32

When a proposal has been adopted or rejected, it may not be reconsidered unless the Conference, by a two-thirds majority of the representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

VII. DECISION-MAKING

General agreement

Rule 33

The Conference shall make its best endeavours to ensure that the work of the Conference is accomplished by general agreement.

Voting rights

Rule 34

Each State participating in the Conference shall have one vote.

Majority required

Rule 35

1. Subject to rule 33, decisions of the Conference on all matters of substance shall be taken by a two-thirds majority of the representatives present and voting.
2. Except as otherwise provided in these rules, decisions of the Conference on all matters of procedure shall be taken by a majority of the representatives present and voting.
3. If the question arises whether a matter is one of procedure or of substance, the President of the Conference shall rule on the question. An appeal against this ruling shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the representatives present and voting.
4. If a vote is equally divided, the proposal or motion shall be regarded as rejected.

Meaning of the phrase "representatives present and voting"

Rule 36

For the purpose of these rules, the phrase "representatives present and voting" means representatives casting an affirmative or negative vote. Representatives who abstain from voting shall be regarded as not voting.

Method of voting

Rule 37

1. Except as provided in rule 44, the Conference shall normally vote by show of hands, except that a representative may request a roll-call, which shall then be taken in the English alphabetical order of the names of the States participating in the Conference, beginning with the delegation whose name is drawn by lot by the President. The name of each State shall be called in all roll-calls, and its representatives shall reply "yes", "no" or "abstention".
2. When the Conference votes by mechanical means, a non-recorded vote shall replace a vote by show of hands and a recorded vote shall replace a roll-call. A representative may request a recorded vote, which shall, unless a representative requests otherwise, be taken without calling out the names of the States participating in the Conference.
3. The vote of each State participating in a roll-call or a recorded vote shall be inserted in any record of or report on the meeting.

Conduct during voting

Rule 38

After the President has announced the commencement of voting, no representative shall interrupt the voting except on a point of order in connection with the process of voting.

Explanation of vote

Rule 39

Representatives may make brief statements consisting solely of explanations of vote, before the voting has commenced or after the voting has been completed. The President may limit the time to be allowed for such explanations. The representative of a State sponsoring a proposal or motion shall not speak in explanation of vote thereon, except if it has been amended.

Division of proposals

Rule 40

A representative may move that parts of a proposal be decided on separately. If a representative objects, the motion for division shall be voted upon. Permission to speak on the motion shall be accorded only to

two representatives in favour of and to two opposing the division. If the motion is carried, those parts of the proposal that are subsequently approved shall be put to the Conference for decision as a whole. If all operative parts of the proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Amendments

Rule 41

A proposal is considered an amendment to another proposal if it merely adds to, deletes from or revises part of that proposal. Unless specified otherwise, the word "proposal" in these rules shall be considered as including amendments.

Order of voting on amendments

Rule 42

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Conference shall vote first on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so on until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter shall not be put to the vote. If one or more amendments are adopted, the amended proposal shall then be voted upon.

Order of voting on proposals

Rule 43

1. If two or more proposals, other than amendments, relate to the same question, they shall, unless the Conference decides otherwise, be voted on in the order in which they were submitted. The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.
2. Revised proposals shall be put voted on in the order in which the original proposals were submitted, unless the revision substantially departs from the original proposal. In that case the original proposal shall be considered as withdrawn and the revised proposal shall be treated as a new proposal.
3. A motion requiring that no decision be taken on a proposal shall be put to the vote before a decision is taken on the proposal in question.

Elections

Rule 44

All elections shall be held by secret ballot unless, in the absence of any objection, the Conference decides to proceed without taking a ballot when there is an agreed candidate or state.

Rule 45

1. When one or more elective places are to be filled at one time under the same conditions, those candidates, in a number not exceeding the number of such places, obtaining in the first ballot a majority of the votes cast and the largest number of votes, shall be elected.
2. If the number of candidates obtaining such majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places.

VIII. SUBSIDIARY BODIES

Main Committees

Rule 46

The Conference may establish Main Committees as required which may set up subcommittees or working groups.

Representation on the Main Committees

Rule 47

Each State participating in the Conference may be represented by one representative on each Main Committee established by the Conference. It may assign to these Committees such alternate representatives and advisers as may be required.

Other committees and working groups

Rule 48

1. In addition to the committees referred to above, the Conference may establish such committees and working groups as it deems necessary for the performance of its functions.
2. Each committee may set up subcommittees and working groups.

Rule 49

1. The members of the committees and working groups of the Conference, referred to in rule 48, paragraph 1, shall be appointed by the President, subject to the approval of the Conference, unless the Conference decides otherwise.
2. Members of the subcommittees and working groups of committees shall be appointed by the Chairman of the committee in question, subject to the approval of that committee, unless the committee decides otherwise.

Officers

Rule 50

Except as otherwise provided in rule 6, each committee, subcommittee and working group shall elect its own officers.

Quorum

Rule 51

1. The Chairman of a Main Committee may declare a meeting open and permit the debate to proceed when representatives of at least one quarter of the States participating in the Conference are present. The presence of representatives of a majority of the States so participating shall be required for any decision to be taken.
2. A majority of the representatives of the General or Credentials Committee or of any committee, subcommittee or working group shall constitute a quorum.

Officers, conduct of business and voting

Rule 52

The rules contained in chapters II, VI (except rule 19) and VII above shall be applicable, mutatis mutandis, to the proceedings of committees, subcommittees and working groups, except that:

(a) The Chairman of the General and Credentials Committees and the chairmen of the committees, subcommittees and working groups may exercise the right to vote, and

(b) Decisions of committees, subcommittees and working groups shall be taken by a majority of the representatives present and voting, except that the reconsideration of a proposal or an amendment shall require the majority established by rule 32.

IX. LANGUAGES AND RECORDS

Languages of the Conference

Rule 53

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Conference.

Interpretation

Rule 54

1. Speeches made in a language of the Conference shall be interpreted into the other such languages.
2. A representative may speak in a language other than a language of the Conference if the delegation concerned provides for interpretation into one such language.

Languages of official documents

Rule 55

Official documents of the Conference shall be made available in the languages of the Conference.

Sound recordings of meetings

Rule 56

Sound recordings of meetings of the Conference and of any Main Committee shall be made and kept in accordance with the practice of the United Nations. Unless otherwise decided by the Conference or the Main Committee concerned, no such recordings shall be made of the meetings of any working group thereof.

X. PUBLIC AND PRIVATE MEETINGS

General principles

Rule 57

The plenary meetings of the Conference and the meetings of any committee shall be held in public unless the body concerned decides otherwise. All decisions taken by the plenary of the Conference at a private meeting shall be announced at an early public meeting of the Plenary.

Rule 58

As a general rule, meetings of the General Committee, subcommittees or working groups shall be held in private.

Communiqués on private meetings

Rule 59

At the close of a private meeting, the presiding officer of the organ concerned may issue a communiqué through the Secretary-General of the Conference.

XI. OTHER PARTICIPANTS AND OBSERVERS*

[Representatives of organizations that have received a standing invitation from the General Assembly to participate in the capacity of observers in the sessions and work of all international conferences convened under its auspices

Rule 60

Representatives designated by organizations that have received a standing invitation from the General Assembly to participate in the sessions and work of all international conferences convened under its auspices, have the right to participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group.]

[Representatives of national liberation movements

Rule 61

Representatives designated by national liberation movements invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on any matter of particular concern to those movements.]

[Representatives of the specialized agencies 1/

Rule 62

Representatives designated by the specialized agencies may participate, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.]

* All rules in this section have been placed in square brackets as the General Assembly, on the basis of proposals to be made by the Preparatory Committee, has yet to take a decision on participation at the Conference. It is understood therefore that the rules included in this section are subject to future decisions of the Assembly concerning participation and are included merely to indicate the practice at recent United Nations conferences.

1/ For the purpose of these rules, the term "specialized agencies" includes the International Atomic Energy Agency and the General Agreement on Tariffs and Trade.

[Representatives of other intergovernmental organizations

Rule 63

Representatives designated by other intergovernmental organizations invited to the Conference may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.]

[Representatives of interested United Nations organs

Rule 64

Representatives designated by interested organs of the United Nations may participate as observers, without the right to vote, in the deliberations of the Conference, any Main Committee and, as appropriate, any other committee or working group on questions within the scope of their activities.]

[Representatives of non-governmental organizations

Rule 65

1. Non-governmental organizations invited to the Conference may designate representatives to sit as observers at public meetings of the Conference and any Main Committee.
2. Upon the invitation of the presiding officer of the conference body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have special competence.]

[Written statements

Rule 66

Written statements submitted by the designated representatives referred to in rules 60 to 65 shall be distributed by the Secretariat to all delegations in the quantities and in the language in which the statements are made available to it at the site of the Conference, provided that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence.]

XII. SUSPENSION AND AMENDMENT OF THE RULES OF PROCEDURE

Method of suspension

Rule 67

Any of these rules may be suspended by the Conference provided that 24 hours' notice of the proposal for the suspension has been given, which may be waived if no representative objects. Any such suspension shall be limited to a specific and stated purpose and to a period required to achieve that purpose.

Method of amendment

Rule 68

These rules of procedure may be amended by a decision of the Conference taken by a two-thirds majority of the representatives present and voting, after the General Committee has reported on the proposed amendment.



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Genève, 9-13 septembre 1991
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Dept. of External Affairs
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ORDRE DU JOUR, REGLEMENT INTERIEUR, DATES, DUREE, LIEU
DE LA CONFERENCE MONDIALE ET MODALITES DE PARTICIPATION

Projet de règlement intérieur provisoire de la Conférence

Note du secrétariat

1. L'attention du Comité préparatoire est appelée sur le projet de règlement intérieur provisoire de la Conférence qui figure ci-après. Les articles de ce règlement se fondent sur ceux de diverses conférences récemment organisées par l'ONU.
2. On notera que, comme il est dit dans le paragraphe 3 de la résolution 45/155 de l'Assemblée générale, le Comité préparatoire est appelé à formuler des propositions en ce qui concerne, entre autres choses, les modalités de participation à la Conférence. Par conséquent, les articles de la section XI ont été placés entre crochets; en effet il faut attendre que l'Assemblée générale, se fondant sur les propositions encore non formulées du Comité préparatoire, prenne une décision sur les modalités de participation.

PROJET DE REGELEMENT INTERIEUR PROVISOIRE

I. REPRESENTATION ET POUVOIRS

Composition des délégations

Article premier

Chaque Etat participant à la Conférence est représenté par un chef de délégation et autant de représentants suppléants et conseillers qu'il est jugé nécessaire.

Suppléants et conseillers

Article 2

Le chef de délégation peut désigner un représentant suppléant ou un conseiller pour agir en qualité de représentant.

Communication des pouvoirs

Article 3

Les pouvoirs des représentants et le nom des suppléants et des conseillers sont communiqués au Secrétaire général de la Conférence, si possible une semaine au plus tard avant la date fixée pour l'ouverture de la Conférence. Les pouvoirs doivent émaner soit du chef de l'Etat ou du chef du gouvernement, soit du ministre des affaires étrangères.

Commission de vérification des pouvoirs

Article 4

Une commission de vérification des pouvoirs comprenant neuf membres est nommée au début de la Conférence. Sa composition est fondée sur celle de la Commission de vérification des pouvoirs de l'Assemblée générale des Nations Unies à sa session la plus récente. Elle examine les pouvoirs des représentants et fait immédiatement rapport à la Conférence.

Participation provisoire à la Conférence

Article 5

En attendant que la Conférence statue sur leurs pouvoirs, les représentants ont le droit de participer provisoirement à la Conférence.

II. MEMBRES DU BUREAU

Elections

Article 6

La Conférence élit parmi les représentants des Etats participants les membres du Bureau suivants : un président, .. vice-présidents et un rapporteur général, ainsi qu'un président pour chacune des grandes commissions prévues à l'article 46. Ceux-ci sont élus de manière à assurer le caractère représentatif du Bureau. La Conférence peut aussi élire d'autres personnes pour faire partie de son Bureau dans la mesure où elle le juge nécessaire pour l'accomplissement de ses fonctions.

Pouvoirs généraux du Président de la Conférence

Article 7

1. En sus des pouvoirs qui lui sont conférés en vertu d'autres dispositions du présent règlement, le Président de la Conférence préside les séances plénières de celle-ci, prononce l'ouverture et la clôture de chaque séance, met les questions aux voix et proclame les décisions. Le Président statue sur les motions d'ordre et, sous réserve des dispositions du présent règlement, règle entièrement les débats et y assure le maintien de l'ordre. Le Président peut proposer à la Conférence la clôture de la liste des orateurs, la limitation du temps de parole et la limitation du nombre d'interventions de chaque représentant sur une question donnée, l'ajournement ou la clôture du débat et la suspension ou la levée d'une séance.

2. Le Président, dans l'exercice de ses fonctions, demeure sous l'autorité de la Conférence.

Président de la Conférence par intérim

Article 8

1. Si le Président doit s'absenter pendant une séance ou une partie d'une séance, il désigne l'un des vice-présidents pour le remplacer.

2. Un vice-président agissant en qualité de président a les mêmes pouvoirs et les mêmes devoirs que le Président.

Remplacement du Président de la Conférence

Article 9

Si le Président se trouve dans l'impossibilité de s'acquitter de ses fonctions, un nouveau président est élu.

Droit de vote du Président de la Conférence

Article 10

Le Président, ou un vice-président agissant en qualité de président, ne prend pas part aux votes de la Conférence, mais il peut désigner un autre membre de sa délégation pour voter à sa place.

III. BUREAU

Composition

Article 11

Le Bureau est constitué par le Président de la Conférence, les vice-présidents, le Rapporteur général et les présidents des grandes commissions. Le Président de la Conférence ou, en son absence, l'un des vice-présidents, qu'il aura désigné, exerce les fonctions de président du Bureau. Le Président de la Commission de vérification des pouvoirs et des autres commissions créées par la Conférence conformément à l'article 48 peuvent participer, sans droit de vote, aux travaux du Bureau.

Remplaçants

Article 12

Si le Président ou un vice-président de la Conférence doit s'absenter pendant une séance du Bureau, il peut désigner un membre de sa délégation pour siéger et voter au sein du Bureau. Lorsque le Président d'une grande commission s'absente, il désigne le vice-président de cette commission pour le remplacer. Lorsque le Vice-Président d'une grande commission appartient à la même délégation qu'un autre membre du Bureau, il n'a pas le droit de vote.

Fonctions

Article 13

Le Bureau assiste le Président dans la conduite générale des débats de la Conférence et, sous réserve des décisions de la Conférence, assure la coordination de ses travaux.

IV. SECRETARIAT DE LA CONFERENCE

Fonctions du Secrétaire général de la Conférence

Article 14

1. Le Secrétaire général de la Conférence agit en cette qualité à toutes les réunions de la Conférence et de ses organes subsidiaires.

2. Le Secrétaire général de la Conférence peut désigner un membre du secrétariat pour le remplacer à ces réunions.
3. Le Secrétaire général de la Conférence dirige le personnel nécessaire à la Conférence.

Fonctions du secrétariat de la Conférence

Article 15

Conformément au présent règlement intérieur, le secrétariat de la Conférence :

- a) Assure l'interprétation des discours prononcés au cours des séances;
- b) Reçoit, traduit, reproduit et distribue les documents de la Conférence;
- c) Publie et distribue les documents officiels de la Conférence;
- d) Etablit et distribue les comptes rendus des séances publiques;
- e) Etablit des enregistrements sonores des séances et prend des dispositions en vue de leur conservation, et établit des comptes rendus analytiques des débats;
- f) Prend des dispositions en ce qui concerne la garde et la conservation des documents de la Conférence dans les archives de l'Organisation des Nations Unies; et
- g) D'une manière générale, exécute toutes autres tâches que la Conférence peut lui confier.

Déclarations du secrétariat

Article 16

Le Secrétaire général de l'ONU, le Secrétaire général de la Conférence ou tout membre du secrétariat désigné par l'un d'eux à cet effet peut, à tout moment, faire d'autres déclarations orales ou écrites sur toute question à l'examen.

V. OUVERTURE DE LA CONFERENCE

Président provisoire

Article 17

Le Secrétaire général de l'ONU ou, en son absence, le Secrétaire général de la Conférence, déclare ouverte la première séance de la Conférence et assure la présidence jusqu'à ce que la Conférence ait élu son président.

Décisions concernant l'organisation de la Conférence

Article 18

La Conférence prend les décisions ci-après, si possible à sa première séance :

- a) Elle adopte son règlement intérieur;
- b) Elle élit les membres de son Bureau et constitue ses organes subsidiaires;
- c) Elle adopte son ordre du jour, dont le texte est, jusqu'à ce qu'il soit adopté, l'ordre du jour provisoire de la Conférence;
- d) Elle décide de l'organisation de ses travaux.

VI. CONDUITE DES DEBATS

Quorum

Article 19

Le Président peut déclarer une séance ouverte et permettre l'ouverture ou la poursuite du débat lorsqu'un tiers au moins des représentants des Etats participant à la Conférence sont présents. La présence des représentants de la majorité des Etats participant à la Conférence est requise pour la prise de toute décision.

Discours

Article 20

1. Nul ne peut prendre la parole à la Conférence sans avoir au préalable obtenu l'autorisation du Président. Sous réserve des dispositions des articles 21, 22 et 25 à 27, le Président donne la parole aux orateurs dans l'ordre où ils l'ont demandée. Le secrétariat est chargé d'établir une liste des orateurs.

2. Les débats portent uniquement sur la question dont est saisie la Conférence, et le Président peut rappeler à l'ordre un orateur dont les remarques n'ont pas trait au sujet en discussion.

3. La Conférence peut limiter le temps de parole des orateurs et le nombre des interventions que chaque participant à la Conférence peut faire sur une question donnée. L'autorisation de prendre la parole au sujet d'une motion tendant à fixer de telles limites n'est accordée qu'à deux représentants favorables à l'imposition de ces limites et à deux représentants qui y sont opposés, après quoi la motion est immédiatement mise aux voix. En tout état de cause, avec l'assentiment de la Conférence, le Président limite la durée de chaque intervention concernant une question de procédure à cinq minutes. Lorsque les débats sont limités et qu'un orateur dépasse le temps qui lui est alloué, le Président le rappelle immédiatement à l'ordre.

Motions d'ordre

Article 21

Au cours de la discussion d'une question, un représentant peut à tout moment présenter une motion d'ordre, sur laquelle le Président statue immédiatement conformément au présent règlement. Tout représentant peut en appeler de la décision du Président. L'appel est immédiatement mis aux voix et, si elle n'est pas annulée par la majorité des représentants présents et votants, la décision du Président est maintenue. Un représentant qui présente une motion d'ordre ne peut, dans son intervention, traiter du fond de la question en discussion.

Tour de priorité

Article 22

Un tour de priorité peut être accordé au Président ou au Rapporteur d'une grande commission ou au représentant d'une sous-commission ou d'un groupe de travail pour exposer les conclusions dudit organe.

Clôture de la liste des orateurs

Article 23

Au cours d'un débat, le Président peut donner lecture de la liste des orateurs et, avec l'assentiment de la Conférence, déclarer la liste close.

Droit de réponse

Article 24

1. Nonobstant les dispositions de l'article 23, le Président accorde le droit de réponse à un représentant de tout Etat participant à la Conférence qui le demande. Tout autre représentant peut se voir accorder la possibilité de répondre.
2. Les déclarations faites au titre du présent article sont normalement prononcées à la fin de la dernière séance de la journée, ou à la fin de l'examen du point pertinent de l'ordre du jour, si elle intervient plus tôt.
3. Les représentants d'un Etat donné peuvent faire au maximum deux déclarations au titre du présent article au cours d'une même séance et sur un même point. La première ne doit pas dépasser cinq minutes et la deuxième trois minutes. Les représentants, en toute circonstance, doivent s'efforcer de parler aussi brièvement que possible.

Ajournement du débat

Article 25

Un représentant peut à tout moment demander l'ajournement du débat sur la question en discussion. Outre l'auteur de la motion, l'autorisation de prendre la parole au sujet de cette motion n'est accordée qu'à deux représentants favorables à l'ajournement et à deux représentants qui y sont opposés, après quoi, sous réserve des dispositions de l'article 28, la motion est immédiatement mise aux voix.

Clôture du débat

Article 26

Un représentant peut à tout moment demander la clôture du débat sur la question en discussion, même si d'autres représentants ont manifesté le désir de prendre la parole. L'autorisation de prendre la parole au sujet de cette motion n'est accordée qu'à deux représentants opposés à la clôture, après quoi, sous réserve des dispositions de l'article 28, la motion est immédiatement mise aux voix.

Suspension ou ajournement de la séance

Article 27

Sous réserve des dispositions de l'article 38, un représentant peut à tout moment demander la suspension ou l'ajournement de la séance. Les motions en ce sens ne sont pas discutées mais, sous réserve des dispositions de l'article 28, sont immédiatement mises aux voix.

Ordre des motions

Article 28

Les motions suivantes ont priorité, dans l'ordre indiqué ci-après, sur toutes les propositions ou autres motions présentées :

- a) Suspension de la séance;
- b) Ajournement de la séance;
- c) Ajournement du débat sur la question en discussion;
- d) Clôture du débat sur la question en discussion.

Présentation des propositions et des amendements de fond

Article 29

Les propositions et les amendements de fond sont normalement présentés par écrit au Secrétaire général de la Conférence, qui en assure la distribution à toutes les délégations. A moins que la Conférence n'en décide autrement, les propositions de fond ne sont discutées ou soumises à

une décision que 24 heures au moins après que le texte en a été distribué dans toutes les langues de la Conférence à toutes les délégations. Le Président peut toutefois autoriser la discussion et l'examen d'amendements même si le texte de ces derniers n'a pas été distribué ou ne l'a été que le jour même.

Retrait d'une proposition ou d'une motion

Article 30

Une proposition ou une motion qui n'a pas encore fait l'objet d'une décision peut à tout moment être retirée par son auteur, à condition qu'elle n'ait pas été modifiée par suite d'un amendement. Tout représentant peut présenter de nouveau une proposition ou une motion ainsi retirée.

Décisions sur la compétence

Article 31

Sous réserve des dispositions de l'article 21, toute motion tendant à ce qu'il soit statué sur la compétence de la Conférence à adopter une proposition dont elle est saisie fait l'objet d'un vote avant qu'une décision soit prise sur la proposition en question.

Nouvel examen des propositions

Article 32

Lorsqu'une proposition est adoptée ou rejetée, elle ne peut être examinée à nouveau, sauf décision contraire de la Conférence prise à la majorité des deux tiers des représentants présents et votants. L'autorisation de prendre la parole au sujet d'une motion tendant à un nouvel examen n'est accordée qu'à deux orateurs opposés au nouvel examen, après quoi la motion est immédiatement mise aux voix.

VII. PRISE DES DECISIONS

Accord général

Article 33

Autant que possible, la Conférence fait en sorte que ses travaux s'effectuent par voie d'accord général.

Droit de vote

Article 34

Chaque Etat participant à la Conférence dispose d'une voix.

Majorité requise

Article 35

1. Sous réserve des dispositions de l'article 33, les décisions de la Conférence sur toutes les questions de fond sont prises à la majorité des deux tiers des représentants présents et votants.
2. Sauf disposition contraire du présent règlement, les décisions de la Conférence sur toutes les questions de procédure sont prises à la majorité des représentants présents et votants.
3. Lorsqu'il s'agit de savoir si une question est une question de procédure ou une question de fond, le Président de la Conférence statue. S'il est fait appel contre cette décision, l'appel est immédiatement mis aux voix, et, si elle n'est pas annulée par la majorité des représentants présents et votants, la décision du Président est maintenue.
4. En cas de partage égal des voix, la proposition ou la motion est considérée comme rejetée.

Sens de l'expression "représentants présents et votants"

Article 36

Aux fins du présent règlement, l'expression "représentants présents et votants" s'entend des représentants votant pour ou contre. Les représentants qui s'abstiennent sont considérés comme non votants.

Mode de votation

Article 37

1. Sauf dans les cas prévus à l'article 44, la Conférence vote normalement à main levée, mais un représentant peut demander le vote par appel nominal, auquel cas l'appel est fait dans l'ordre alphabétique anglais des noms des Etats participant à la Conférence, en commençant par la délégation dont le nom est tiré au sort par le Président. Dans tous les votes par appel nominal, on appelle chaque Etat, et son représentant répond "oui", "non" ou "abstention".
2. Lorsque la Conférence vote à l'aide du dispositif mécanique, un vote non enregistré remplace un vote à main levée, et un vote enregistré remplace un vote par appel nominal. Un représentant peut demander un vote enregistré; dans ce cas, il n'est pas procédé, à moins qu'un représentant n'en fasse la demande, à l'appel des noms des Etats participant à la Conférence.
3. Le vote de chaque Etat participant à un vote par appel nominal ou à un vote enregistré est consigné dans tout compte rendu de la séance considérée ou dans tout rapport établi à ce sujet.

Règles à observer pendant le vote

Article 38

Lorsque le Président a annoncé que le vote commence, le vote ne peut être interrompu jusqu'à l'annonce des résultats, sauf pour présenter une motion d'ordre ayant trait à la manière dont s'effectue le vote.

Explication de vote

Article 39

Les représentants peuvent prendre brièvement la parole à seule fin d'expliquer leur vote, soit avant que le vote ne commence, soit après qu'il est achevé. Le Président peut limiter la durée de ces explications. Le représentant d'un Etat qui est l'auteur d'une proposition ou d'une motion ne peut pas expliquer son vote sur cette proposition ou cette motion, sauf si elle a été modifiée par suite d'un amendement.

Division des propositions

Article 40

Tout représentant peut demander que des parties d'une proposition soient mises aux voix séparément. Si un représentant y fait objection, la motion de division est mise aux voix. L'autorisation de prendre la parole au sujet de la motion n'est accordée qu'à deux représentants favorables à la division et à deux représentants qui y sont opposés. Si la motion est acceptée, les parties de la proposition qui sont adoptées par la suite sont soumises en bloc à la Conférence pour décision. Si toutes les parties du dispositif de la proposition sont rejetées, la proposition est considérée comme rejetée dans son ensemble.

Amendements

Article 41

Une proposition est considérée comme un amendement à une autre proposition si elle comporte simplement une addition ou une suppression intéressant cette autre proposition, ou une modification portant sur une partie de ladite proposition. Sauf indication contraire, dans le présent règlement, le terme "proposition" s'entend également des amendements.

Ordre de vote sur les amendements

Article 42

Lorsqu'une proposition fait l'objet d'un amendement, l'amendement est mis aux voix en premier lieu. Si une proposition fait l'objet de deux ou plusieurs amendements, la Conférence vote d'abord sur l'amendement qui s'éloigne le plus, quant au fond, de la proposition initiale, puis sur l'amendement qui, après celui-ci, s'éloigne le plus de ladite proposition, et ainsi de suite jusqu'à ce que tous les amendements aient été mis aux voix. Toutefois, lorsque

l'adoption d'un amendement implique nécessairement le rejet d'un autre amendement, ce dernier n'est pas mis aux voix. Si un ou plusieurs amendements sont adoptés, il est ensuite procédé au vote sur le texte modifié de la proposition.

Ordre de vote sur les propositions

Article 43

1. Si la même question fait l'objet de deux ou plusieurs propositions autres que des amendements, la Conférence, à moins qu'elle n'en décide autrement, vote sur ces propositions selon l'ordre dans lequel elles ont été présentées. Après chaque vote, la Conférence peut décider si elle votera ou non sur la proposition suivante.

2. Les propositions révisées sont examinées selon l'ordre dans lequel les propositions initiales ont été présentées, à moins que le texte révisé ne s'écarte considérablement de la proposition initiale. Dans ce cas, la proposition initiale est considérée comme retirée et la proposition révisée est traitée comme une proposition nouvelle.

3. Toute motion tendant à ce que la Conférence ne se prononce pas sur une proposition est mise aux voix avant toute décision sur ladite proposition.

Elections

Article 44

Toutes les élections ont lieu au scrutin secret, à moins que la Conférence ne décide, en l'absence de toute objection, d'élire sans procéder à un vote un candidat ou un Etat ayant fait l'objet d'un accord.

Article 45

1. Lorsqu'un ou plusieurs sièges doivent être pourvus par voie d'élection en même temps, les candidats, dont le nombre ne doit pas excéder celui des sièges à pourvoir, qui obtiennent au premier tour la majorité des suffrages exprimés et le plus grand nombre de voix, sont élus.

2. Si le nombre des candidats obtenant cette majorité est inférieur au nombre des sièges à pourvoir, on procède à d'autres tours de scrutin afin de pourvoir les sièges encore vacants.

VIII. ORGANES SUBSIDIAIRES

Grandes commissions

Article 46

La Conférence peut constituer le cas échéant des grandes commissions, qui à leur tour peuvent constituer des sous-commissions ou des groupes de travail.

Représentation aux grandes commissions

Article 47

Chaque Etat participant à la Conférence peut se faire représenter par un représentant à chacune des grandes commissions constituées par la Conférence. Il peut affecter à ces commissions les représentants suppléants et les conseillers qui peuvent être nécessaires.

Autres commissions et groupes de travail

Article 48

1. Outre les commissions visées ci-dessus, la Conférence peut constituer les commissions et groupes de travail qu'elle juge nécessaires à l'exercice de ses fonctions.
2. Chaque commission peut créer des sous-commissions et groupes de travail.

Article 49

1. Les membres des commissions et des groupes de travail de la Conférence qui sont visés dans le paragraphe 1 de l'article 48 sont nommés par le Président de la Conférence, sous réserve de l'approbation de la Conférence et à moins que celle-ci n'en décide autrement.
2. Les membres des sous-commissions et des groupes de travail des commissions sont nommés par le Président de la commission en question, sous réserve de l'approbation de cette commission et à moins que celle-ci n'en décide autrement.

Bureaux

Article 50

Sous réserve de ce qui est prévu à l'article 6, chaque commission, sous-commission et groupe de travail élit son propre bureau.

Quorum

Article 51

1. Le Président d'une grande commission peut déclarer une séance ouverte et permettre l'ouverture ou la poursuite du débat lorsque les représentants d'au moins un quart des Etats participant à la Conférence sont présents. La présence des représentants de la majorité des Etats participant à la Conférence est requise pour la prise de toute décision.
2. La majorité des représentants du Bureau de la Conférence ou de la Commission de vérification des pouvoirs ou d'une commission, d'une sous-commission ou d'un groupe de travail constitue un quorum.

Bureaux, conduite des débats et vote

Article 52

Les dispositions des sections II, VI (à l'exception de l'article 19) et VII ci-dessus s'appliquent, mutatis mutandis, aux travaux des commissions, sous-commissions et groupes de travail, si ce n'est que :

a) Les présidents du Bureau de la Conférence et de la Commission de vérification des pouvoirs et les présidents des commissions, sous-commissions et groupes de travail peuvent exercer le droit de vote, et

b) Les décisions des commissions, sous-commissions et groupes de travail sont prises à la majorité des représentants présents et votants, sous cette réserve qu'en cas de nouvel examen d'une proposition ou d'un amendement la majorité requise est celle que prescrit l'article 32.

IX. LANGUES ET COMPTES RENDUS

Langues de la Conférence

Article 53

L'anglais, l'arabe, le chinois, l'espagnol, le français et le russe sont les langues de la Conférence.

Interprétation

Article 54

1. Les discours prononcés dans une langue de la Conférence sont interprétés dans les autres langues de la Conférence.
2. Un représentant peut prendre la parole dans une langue autre qu'une langue de la Conférence si la délégation intéressée fait assurer l'interprétation dans une des langues de la Conférence.

Langues des documents officiels

Article 55

Les documents officiels sont publiés dans les langues de la Conférence.

Enregistrements sonores des séances

Article 56

Des enregistrements sonores des séances de la Conférence et des séances des grandes commissions sont établis et conservés conformément à la pratique suivie par l'Organisation des Nations Unies. Il n'est pas établi d'enregistrements sonores pour les séances des groupes de travail, à moins que la Conférence ou la grande commission intéressée n'en ait décidé autrement.

X. SEANCES PUBLIQUES ET SEANCES PRIVEES

Principes généraux

Article 57

Les séances plénières de la Conférence et les séances des grandes commissions sont publiques, à moins que l'organe intéressé n'en décide autrement. La Conférence fait connaître lors d'une de ses prochaines séances plénières publiques toutes les décisions prises par elle en séance plénière privée.

Article 58

En règle générale, les séances du Bureau, des sous-commissions et des groupes de travail se tiennent en privé.

Communiqués concernant les séances privées

Article 59

A l'issue d'une séance privée, le président de l'organe intéressé peut publier un communiqué par l'intermédiaire du Secrétaire général de la Conférence.

XI. AUTRES PARTICIPANTS ET OBSERVATEURS */

[Représentants d'organisations qui ont été invitées à titre permanent par l'Assemblée générale à participer, en qualité d'observateurs, aux sessions et travaux de toutes les conférences internationales organisées sous ses auspices

Article 60

Les représentants désignés par les organisations qui ont été invitées à titre permanent par l'Assemblée générale à participer aux sessions et travaux de toutes les conférences internationales organisées sous ses auspices ont le droit de participer en qualité d'observateurs, sans droit de vote, aux délibérations de la Conférence, des grandes commissions et, le cas échéant, des autres commissions ou des groupes de travail.]

*/ Tous les articles de la présente section ont été mis entre crochets étant donné que l'Assemblée générale n'a pas encore pris la décision qu'elle est appelée à prendre au sujet de la participation à la Conférence en se fondant sur les propositions que doit faire le Comité préparatoire. L'incorporation de ces articles est donc subordonnée à la décision de l'Assemblée et on ne les a fait figurer ici que pour indiquer quelle a été la pratique lors de récentes conférences de l'ONU.

[Représentants des mouvements de libération nationale

Article 61

Les représentants désignés par les mouvements de libération nationale invités à la Conférence peuvent participer en qualité d'observateurs, sans droit de vote, aux délibérations de la Conférence, des grandes commissions et, le cas échéant, des autres commissions ou des groupes de travail pour ce qui est des questions qui intéressent particulièrement ces mouvements.]

[Représentants des institutions spécialisées 1/

Article 62

Les représentants désignés par les institutions spécialisées peuvent participer, sans droit de vote, aux délibérations de la Conférence, des grandes commissions et, le cas échéant, des autres commissions ou des groupes de travail pour ce qui est des questions relevant du domaine d'activité desdites institutions.]

[Représentants d'autres organisations intergouvernementales

Article 63

Les représentants désignés par d'autres organisations intergouvernementales invitées à la Conférence peuvent participer en qualité d'observateurs, sans droit de vote, aux délibérations de la Conférence, des grandes commissions et, le cas échéant, des autres commissions ou des groupes de travail pour ce qui est des questions relevant du domaine d'activité desdites organisations.]

[Représentants des organes de l'Organisation des Nations Unies intéressés

Article 64

Les représentants désignés par les organes de l'Organisation des Nations Unies intéressés peuvent participer en qualité d'observateurs, sans droit de vote, aux délibérations de la Conférence, des grandes commissions et, le cas échéant, des autres commissions ou des groupes de travail pour ce qui est des questions relevant du domaine d'activité desdits organes.]

[Représentants d'organisations non gouvernementales

Article 65

1. Les organisations non gouvernementales invitées à la Conférence peuvent désigner des représentants pour assister en qualité d'observateurs aux séances publiques de la Conférence et des grandes commissions.

1/ Aux fins du présent règlement, l'expression "institutions spécialisées" vise également l'Agence internationale de l'énergie atomique et l'Accord général sur les tarifs douaniers et le commerce.

2. Sur l'invitation du président de l'organe intéressé de la Conférence et sous réserve de l'approbation de cet organe, ces observateurs peuvent faire des exposés oraux sur les questions qui sont de leur compétence particulière.]

[Exposés écrits

Article 66

Les exposés écrits présentés par les représentants désignés visés aux articles 60 à 65 sont distribués par le Secrétariat à toutes les délégations dans les quantités et dans la langue dans laquelle ils lui ont été fournis là où a lieu la Conférence, étant entendu que tout exposé présenté au nom d'une organisation non gouvernementale doit se rapporter aux travaux de la Conférence et avoir trait à une question qui est de la compétence particulière de l'organisation.]

XII. SUSPENSION ET AMENDEMENT DU REGLEMENT INTERIEUR

Modalités de suspension

Article 67

La Conférence peut suspendre l'application de tout article du présent règlement, à condition que la proposition de suspension ait été présentée 24 heures à l'avance. Cette condition peut être écartée si aucun représentant ne s'y oppose. Une telle suspension ne doit avoir lieu que dans un but exprès et déclaré et doit être limitée à la durée nécessaire pour atteindre ce but.

Modalités d'amendement

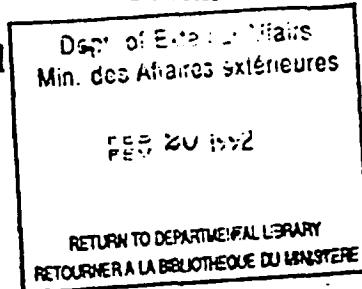
Article 68

Le présent règlement intérieur peut être amendé par décision de la Conférence, prise à la majorité des deux tiers des représentants présents et votants, après rapport du Bureau sur l'amendement proposé.



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Agenda item 24

WORLD CONFERENCE ON HUMAN RIGHTS

Report of the Secretary-General

Introduction

1. It will be recalled that at its forty-seventh session, in resolution 1991/30, the Commission on Human Rights requested the Secretary-General to report to the Commission at its forty-eighth session on progress in the preparations for the World Conference on Human Rights. The following report is submitted pursuant to that request.

2. The Preparatory Committee for the World Conference met at Geneva from 9 to 13 September 1991. The report of the Preparatory Committee (A/CONF.157/PC/6) was noted with appreciation by the General Assembly in its resolution 46/116 of 17 December 1991, in which it adopted a number of decisions relating to the agenda, the rules of procedure and the venue, Berlin, of the World Conference. The General Assembly also established the budget of the World Conference.

A: Public information activities

3. Pursuant to paragraph 4.I(d) of General Assembly resolution 46/116, active measures are being taken to give the World Conference and the preparatory process thereof the widest possible publicity and to ensure full coordination of public information activities in the area of human rights. In this regard, the Secretary General will submit to the Preparatory Committee, at its second session, a consolidated report which will reflect the activities undertaken by the Department of Public Information and the Centre for Human Rights in connection with the World Conference and its preparatory process.

B. Schedule of meetings of the Preparatory Committee

4. Pursuant to operative paragraph 4.II of resolution 46/116, the anticipated schedule of meetings of the Preparatory Committee, as authorized by the General Assembly, is forecast as follows:

(a) The second session of the Preparatory Committee will be held from 30 March to 10 April 1992.

(b) The third session will be held from 14 to 19 September 1992 and, if it is agreed to be necessary, the meeting would continue until 25 September 1992.

(c) The fourth session of the Preparatory Committee is tentatively planned to take place from 22 March to 2 April 1993.

All meetings of the Preparatory Committee will take place at Geneva.

C. Voluntary fund for least developed countries

5. With regard to the costs of participation of representatives of the least developed countries in the preparatory meetings,

including regional meetings, and in the World Conference itself, the Commission is referred to the Report of the Secretary-General on a voluntary fund for the participation of representatives of least developed countries (E/CN.4/1992/57/Add.1).

D. Regional preparatory meetings for
the World Conference on Human Rights

6. In paragraph 4 IV of its resolution 46/116, the General Assembly decided that in accordance with the objectives and provisions of General Assembly resolution 45/155, regional meetings be convened for each region that so desired within the institutional framework or with the assistance of the regional commissions and that those meetings be financed as part of the preparatory work for the World Conference, as recommended for consideration by the Commission on Human Rights in paragraph 8 of the annex to its resolution 1991/30.

7. The Secretary-General of the Conference has been notified of the desire of various regional groups to hold regional preparatory meetings for the World Conference on Human Rights as follows:

- i. Regional meeting in Latin America
San José, Costa Rica, 6 to 10 July 1992
- ii. Regional meeting in Asia
Economic and Social Commission for Asia and the Pacific (ESCAP), Bangkok, 17 to 21 August 1992
- iii. Regional meeting in Africa
Tunis, Tunisia, 2 to 6 November 1992

8. The regional meetings are expected to focus on the means for enhancing implementation of human rights norms at the international, regional and national levels and to do so bearing in mind human rights aspects considered to be of particular concern to the region.

9. The provisional agenda for the regional preparatory meetings would include issues relating to the protection and promotion of human rights, including the implementation of international and regional human rights instruments. In addition, each regional meeting would consider issues of particular importance to the region which relate to the objectives of the World Conference, from the perspective of the particular region. The final report of each regional preparatory meeting would be considered by the World Conference itself.

E. Status of studies and documentation

10. In paragraph 4.V(a) of resolution 46/116, the General Assembly requested the Secretary-General to prepare 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 the annex

thereto, and also bearing in mind documentation prepared for and statements made at the first session of the Preparatory Committee. At its second session, the Preparatory Committee will have before it a list of these studies, together with indicative annotations on the possible contents of the studies.

11. Pursuant to paragraph 4.V(a) of General Assembly resolution 46/116, research and analysis has been initiated to prepare an inventory of United Nations studies and reports on human rights or related aspects, with a view to the preparation of a reference guide to such studies and reports. Based on the progress to date, the Secretary-General expects to complete the project by the autumn of 1992.

12. The Commission may wish to note that a human rights bibliography is under preparation by the United Nations Library at Geneva and the Centre for Human Rights. The publication of the Bibliography is expected to assist in the development of the reference guide as well as being an important research tool for all.

13. A report is under preparation for the second session of the Preparatory Committee on meetings that have been organized under the auspices of the United Nations Human Rights Programme, as requested in paragraph 4.V(b) of General Assembly resolution 46/116.

14. In response to the decision of the General Assembly in paragraph 4.V(d) of resolution 46/116 that an update of the publication United Nations Action in the Field of Human Rights be prepared, a substantial project has been undertaken with the aim of completing an updated and restructured publication by the autumn of 1992. The new publication will more coherently reflect the priorities of the United Nations human rights programme and this publication is expected to be an important working tool in the preparatory process for the World Conference on Human Rights.

15. With respect to A Compilation of International Instruments and The Status of International Instruments, the General Assembly directed an update of these publications, in paragraph 4.V(e) of resolution 46/116, and an extension of their scope to include the texts of regional instruments on human rights. Consultations have been initiated with regional human rights organizations responsible for such instruments, with the aim of compiling a full inventory of instruments for inclusion as part of the updated publications. The target date for publication is expected to be towards the end of 1992.



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COMMISSION DES DROITS DE L'HOMME
Quarante-huitième session
Point 24 de l'ordre du jour

CONFERENCE MONDIALE SUR LES DROITS DE L'HOMME

Rapport du Secrétaire général

Introduction

1. Il est rappelé qu'à sa quarante-septième session, par sa résolution 1991/30, la Commission des droits de l'homme a prié le Secrétaire général de lui faire rapport, lors de sa quarante-huitième session, sur les progrès réalisés quant à la préparation de la Conférence mondiale. Le rapport ci-après est présenté en réponse à cette demande.

2. Le Comité préparatoire de la Conférence mondiale s'est réuni à Genève du 9 au 13 septembre 1991. Dans sa résolution 46/116 du 17 décembre 1991, l'Assemblée générale a pris note avec satisfaction du rapport du Comité préparatoire (A/CONF.157/PC/6) et adopté plusieurs décisions relatives à l'ordre du jour et au règlement intérieur de la Conférence mondiale ainsi qu'au lieu où elle se tiendrait (Berlin). L'Assemblée générale a aussi fixé le budget de la Conférence mondiale.

A. Activités d'information

3. En application de l'alinéa d) du paragraphe 4.I de la résolution 46/116 de l'Assemblée générale, des mesures actives sont prises pour donner la publicité la plus large possible à la Conférence mondiale et à ses préparatifs et assurer la pleine coordination des activités d'information dans le domaine des droits de l'homme. A cet égard, le Secrétaire général présentera au Comité préparatoire, à sa deuxième session, un rapport d'ensemble qui fera état des activités entreprises par le Département de l'information et le Centre pour les droits de l'homme en relation avec la Conférence mondiale et ses préparatifs.

B. Calendrier des réunions du Comité préparatoire

4. En application du paragraphe 4.II de la résolution 46/116, le calendrier des réunions du Comité préparatoire, tel que l'Assemblée générale l'a approuvé, devrait être comme suit :

a) La deuxième session du Comité préparatoire se tiendra du 30 mars au 10 avril 1992.

b) La troisième session se tiendra du 14 au 19 septembre 1992 et, s'il y a lieu, elle sera poursuivie jusqu'au 25 septembre 1992.

c) La quatrième session du Comité préparatoire est provisoirement prévue pour la période allant du 22 mars au 2 avril 1993.

Toutes les sessions du Comité préparatoire auront lieu à Genève.

C. Fonds de contributions volontaires pour les pays les moins avancés

5. S'agissant des frais de participation des représentants des pays les moins avancés aux réunions préparatoires, ainsi que de leur participation aux réunions régionales et à la Conférence mondiale elle-même, la Commission est renvoyée au rapport du Secrétaire général sur la constitution d'un fonds de contributions volontaires pour assurer la participation de représentants des pays les moins avancés (E/CN.4/1992/57/Add.1).

D. Réunions régionales chargées de préparer la Conférence mondiale sur les droits de l'homme

6. Au paragraphe 4.IV de sa résolution 46/116, l'Assemblée générale a décidé que, conformément aux objectifs et aux dispositions de sa résolution 45/155, des réunions régionales seraient organisées pour chaque région qui le souhaitait, dans le cadre institutionnel des commissions régionales ou avec l'aide de celles-ci, et que ces réunions seraient financées au titre des activités préparatoires de la Conférence mondiale, comme l'avait recommandé la Commission des droits de l'homme au paragraphe 8 de l'annexe à sa résolution 1991/30.

7. Divers groupes régionaux ont signalé au Secrétaire général de la Conférence qu'ils souhaitaient organiser comme suit des réunions régionales pour préparer la Conférence mondiale sur les droits de l'homme :

- i) Réunion régionale pour l'Amérique latine
San José (Costa Rica), 6-10 juillet 1992
- ii) Réunion régionale pour l'Asie
Commission économique et sociale pour l'Asie et le Pacifique (CESAP), Bangkok, 17-21 août 1992
- iii) Réunion régionale pour l'Afrique
Tunis (Tunisie), 2-6 novembre 1992.

8. On s'attend que les participants aux réunions régionales axeront leurs travaux sur les moyens d'améliorer l'application des normes en matière de droits de l'homme aux niveaux international, régional et national tout en gardant présents à l'esprit les aspects des droits de l'homme jugés particulièrement pertinents dans les régions respectives.

9. Les questions de protection et de promotion des droits de l'homme, notamment l'application des instruments internationaux et régionaux en matière de droits de l'homme, seront inscrites à l'ordre du jour provisoire des réunions régionales préparatoires. De plus, chaque réunion régionale aborderait les questions relatives aux objectifs de la Conférence mondiale qui, du point de vue de la région, revêtent une importance particulière. La Conférence mondiale elle-même examinera le rapport final de chaque réunion préparatoire régionale.

E. Etat d'avancement des études et documents

10. A l'alinéa a) du paragraphe 4.V de la résolution 46/116, l'Assemblée générale a prié le Secrétaire général d'établir un nombre limité de brèves études analytiques et concrètes sur les questions mentionnées au paragraphe 1 de sa résolution 45/155 et dans la résolution 1991/30 de la Commission des droits de l'homme, en particulier au paragraphe 2 de l'annexe à cette résolution, compte tenu de la documentation établie pour la première session du Comité préparatoire. A sa deuxième session, le Comité préparatoire sera saisi d'une liste de ces études ainsi que d'indications quant à leur teneur.

11. En application de l'alinéa a) du paragraphe 4.V de la résolution 46/116 de l'Assemblée générale, des recherches et des travaux ont été entrepris pour dresser un inventaire des études et rapports de l'ONU sur les questions de droits de l'homme ou questions connexes en vue d'établir un répertoire de ces études et rapports. Compte tenu de l'état actuel d'avancement des travaux, le Secrétaire général pense pouvoir mener à bien ce projet à la fin de l'automne 1992.

12. La Commission voudra bien noter que la bibliothèque de l'ONU à Genève et le Centre pour les droits de l'homme travaillent actuellement à l'établissement d'une bibliographie sur les droits de l'homme. La publication de cette bibliographie devrait aider à mettre au point le répertoire et constituer un important outil de recherche pour toutes les personnes intéressées.

13. En réponse à la demande faite à l'alinéa b) du paragraphe 4.V de la résolution 46/116, de l'Assemblée générale et en vue de la deuxième session du Comité préparatoire, un rapport est actuellement en chantier sur les réunions qui ont été organisées dans le cadre du programme des Nations Unies relatif aux droits de l'homme.

14. En réponse à l'Assemblée générale qui, à l'alinéa d) du paragraphe 4.V de sa résolution 46/116 avait demandé une mise à jour de la publication intitulée Activités de l'ONU dans le domaine des droits de l'homme, d'importants efforts ont été entrepris pour qu'une édition à jour et restructurée de cette publication puisse sortir à l'automne 1992. La nouvelle édition fera apparaître avec plus de cohérence les priorités du programme des Nations Unies relatif aux droits de l'homme et devrait constituer un instrument de travail précieux dans le cadre du processus préparatoire de la Conférence mondiale sur les droits de l'homme.

15. S'agissant du Recueil d'instruments internationaux et du Status of International Instruments, l'Assemblée générale, à l'alinéa e) du paragraphe 4.V de sa résolution 46/116, a demandé qu'ils soient mis à jour et comprennent aussi les textes d'instruments régionaux relatifs aux droits de l'homme. Des consultations ont été engagées avec les organisations régionales chargées des droits de l'homme et responsables de ces instruments en vue d'établir un inventaire complet des textes à inclure dans les publications mises à jour. La date cible de publication devrait se situer vers la fin de l'année 1992.

1992/37. World Conference on Human Rights

The Commission on Human Rights,

Bearing in mind the objectives of the Charter of the United Nations and the Universal Declaration of Human Rights to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Guided by the principles governing its mandate as the body responsible, inter alia, for considering all aspects of human rights calling for the active participation of all members of the international community,

Recalling General Assembly resolution 45/155 of 18 December 1990, in which the Assembly decided to convene a World Conference on Human Rights in 1993, Commission resolution 1991/30 of 5 March 1991 and Assembly resolution 46/116 of 17 December 1991,

Aware of the progress made during the first session of the Preparatory Committee for the World Conference on Human Rights, held from 9 to 13 September 1991,

Noting that the Preparatory Committee is scheduled to meet twice before the forty-ninth session of the Commission,

Recognizing that the Preparatory Committee at its second session will deal in particular with the rules of procedure of the World Conference, the provisional agenda and the documentation related thereto,

Taking into account that the Preparatory Committee will also consider, as appropriate, the question of the venue of the World Conference,

1. Encourages the widest possible participation in both the preparatory process and the World Conference on Human Rights and recommends that all working arrangements be such as to facilitate this participation;

2. Welcomes contributions from regional meetings to be held in 1992 as part of the preparatory work for the World Conference;
3. Recommends that its Chairman inform the Preparatory Committee of the debate on the World Conference that took place during the forty-eighth session of the Commission and that he make available to it a summary of these discussions;
4. Also recommends that the Preparatory Committee take into account the suggestions made at the forty-eighth session of the Commission relating, inter alia, to the agenda of the World Conference;
5. Calls upon the Preparatory Committee to deal, as soon as possible, with the substantive preparations for the World Conference, in accordance with the goals and objectives set out in paragraph 1 of General Assembly resolution 45/155, as well as with the recommendations contained in Commission resolution 1991/30 and the annex thereto;
6. Encourages its Chairman, the chairpersons or other designated members of human rights bodies, including the chairpersons of bodies established under the international human rights instruments or their designated representatives, as well as special and thematic rapporteurs and the chairpersons or designated members of working groups, to contribute as observers by taking part, as appropriate, in the work of the Preparatory Committee and the World Conference;
7. Welcomes contributions of extrabudgetary resources made to meet the costs of participation of representatives of the least developed countries in the preparatory meetings, including regional meetings, and the World Conference itself, and encourages further contributions to the Voluntary Fund established for this purpose;
8. Also welcomes the willingness of the Italian Government to consider acting as host to the World Conference in 1993;
9. Decides to consider the question at its forty-ninth session under the agenda item entitled "World Conference on Human Rights".

48th meeting

28th February 1992

[Adopted without a vote. See chap. XXIV.]

LHQA 1928

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UNITED NATIONS
ECONOMIC AND SOCIAL COUNCIL

UNCLASSIFIED
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DISTR.
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E/CN.6/1992/L.14
17 March 1992

ENGLISH
ORIGINAL: SPANISH

COMMISSION ON THE STATUS OF WOMEN
Thirty-sixth session
Vienna, 11-20 March 1992
Agenda item 5 (a)

PRIORITY THEMES:

EQUALITY: ELIMINATION OF DE JURE AND DE FACTO
DISCRIMINATION AGAINST WOMEN

Canada, Ireland, Peru, Morocco, Austria, Venezuela, Poland, Thailand
Australia, Belgium,* Czechoslovakia, Denmark,* Ecuador, Egypt, Finland,*
France, Germany, Ghana, Greece,* Italy, Netherlands, Norway,**
Philippines, Portugal, Russian Federation, Spain, Sweden,**
and Switzerland:* draft resolution

The Commission on the Status of Women recommends to the Economic and Social Council the adoption of the following draft resolutions:

Advancement of women and human rights

The Economic and Social Council,

Recalling General Assembly resolution 45/155, in which it was decided to convene a World Conference on Human Rights in 1993 and to establish a Preparatory Committee for it,

Noting the request in General Assembly resolution 46/116 to concerned United Nations bodies and specialized agencies, among others, to submit recommendations on the World Conference to the Preparatory Committee for the Conference,

Also noting General Assembly resolution 46/98, in particular paragraph 8,

* In accordance with rule 69 of the rules of procedure of the functional commissions of the Economic and Social Council.

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Hearing in mind its resolution 1990/15, in which it approved the conclusions and recommendations resulting from the first review and appraisal on the implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women, particularly those related to the maintenance of *de facto* discrimination, which prevents women from achieving effective equality,

Taking into account that the Nairobi Forward-Looking Strategies for the Advancement of Women have identified violence against women as one of the major obstacles to the achievement of the objectives of the United Nations Decade for Women: Equality, Development and Peace,

Welcoming general recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and the conclusions of the Expert Group Meeting on Violence against Women, held at Vienna in November 1991 (E/CN.6/1992/4, annex),

Affirming that various forms of violence against women are violations of human rights,

1. Calls upon the Preparatory Committee of the World Conference on Human Rights, when preparing the agenda and studies for the World Conference, to take into account the existence of *de facto* as well as *de jure* discrimination, which continue to impede women's full enjoyment of their economic, social and cultural, as well as civil and political rights;
2. Further calls upon the Preparatory Committee, in preparing for the examination by the World Conference of the main obstacles to the adequate implementation of international human rights instruments, to pay particular attention to the global problem of violence against women;
3. Invites the Centre for Human Rights and Member States, in preparing for the World Conference, to make use of gender disaggregated data, which identify situations of inequality between women and men;
4. Requests the Secretary-General, in accordance with General Assembly resolution 46/98, to guarantee the participation of the secretariats of the Commission on the Status of Women and the Committee on the Elimination of Discrimination against Women in the preparatory process for the World Conference as well as in the Conference itself;
5. Requests the Division for the Advancement of Women, as secretariat of the Commission, to report to the thirty-seventh session of the Commission on the state of the preparatory process for the World Conference and the related activities of the Division, in accordance with General Assembly resolution 46/98;
6. Requests the Commission to establish, during its thirty-seventh session, an open-ended working group to consider its contribution to the World Conference;
7. Urges Member States to consider, when preparing for the World Conference at the national level, to integrate fully into the scope of the Conference issues related to women's rights, and to respect the principle of equal participation of women and men in their delegations.



THE NORTH-SOUTH INSTITUTE
L'INSTITUT NORD-SUD

TOWARDS INTEGRAL PROGRESS ON HUMAN RIGHTS, DEMOCRATIZATION AND DEVELOPMENT

A Proposal by the North-South Institute for
a Collaborative Program of Action-Oriented Research on
Forward-Looking Strategies

February 1992

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EXECUTIVE SUMMARY

The challenge of the post-Cold war world to the foreign policies of Canada, and to the international system as a whole, is large and daunting. While the collapse of Communism in Eastern Europe and the winds of democratic change in much of the developing world have created great opportunities for improving the human condition, the ensuing processes of profound political and economic transformation call for an equally large effort of international solidarity and for measures of practical support. As Canada's Secretary of State for External Affairs has stated: "Canada believes the promotion of democracy, security and human rights requires more than just words."

Consensus has grown around universal principles of human rights, and there is no denying the manifest aspirations of peoples around the world for democratic freedoms in the development of their societies. Yet there is still a lot to be done to answer the questions of how, concretely, to achieve integral progress towards these complex objectives, while minimizing as much as possible unwelcome trade-offs between development goals and human rights and democratic values. The critical attention to these issues has often focused on the negative, whereas the compelling need is for research on positive, constructive actions that support human development based on these values.

At this critical turning point in global history, the North-South Institute sees a role for Canadians in bringing together researchers from industrialized and developing countries to work out practical cooperative strategies for domestic and international actions that simultaneously promote human rights, democratic participation, and sustainable economic and social development. Such collaborative activity, we believe, will add to international knowledge that empowers people to participate in development that realizes human rights, thereby contributing to the fulfilment of a fundamental stated aim of Canadian policy.

The project we propose will be over an initial twenty-month period (April 1992 - December 1993), with dividends expected beyond that. The primary outputs will be the creation of a small international working group of researchers and the production by them of an action-oriented strategy document that can be utilized in a variety of contexts in order to take advantage of the current momentum around issues of human rights and democratic development. Canada's Department of External Affairs has approached the Institute seeking the benefit of this kind of research activity in the preparations for, and follow up to, the World Conference on Human Rights to be held in June 1993. The work on the strategy paper can also be used to assist Canadian non-governmental organizations in their consideration of human rights and development issues, to raise public awareness around these issues, and to promote interest in practical solutions to the problems of human rights observance and democratic transitions in a variety of contexts.

The international character of the activity, as a Canadian-sponsored initiative which demonstrates a commitment to constructive internationalism, will make it of particular value to researchers and organizations in other countries. By engaging in this kind of project, we hope that Canada will move into the forefront among nations in a collective effort to implement international human rights principles.

The project is budgeted at a total cost of \$176,000, a substantial proportion of which represents the costs of external and developing-country participation, which are in addition to the time of the project director and other Institute costs. As it is not expected that one

donor will fund the entire activity, the Institute is also seeking support from, in addition to the Donner Canadian Foundation, the International Centre for Human Rights and Democratic Development, the International Development Research Centre, and the Canadian International Development Agency.

PROJECT BACKGROUND

Issues of human rights and democratic development have come to occupy a large and, increasingly, a centrally important place on the international agenda. Forceful appeals are being made for international attention and action to be brought to bear on situations where flagrant violations of human rights are occurring. These concerns are being addressed within the global system as a whole, by regional and other multilateral organizations, and by individual countries. In addition, consideration is being given to creating conditions under which the progressive realization of human rights can be achieved.

There is growing recognition and acceptance that increased human rights observance is linked to the building of democratic institutions and to high levels of human development. Evidence for this linkage can be found in the United Nations Development Programme's Human Development Report 1991 which measured a strong empirical correlation between a country's level of human freedom - based on human rights and democratic indicators - and its level of human development. It is logical, therefore, to conclude that support for democratization processes and for human-centred development can make a strong contribution to human rights in the world.

The positive promotion of human rights within this transformed international context has become a primary objective of Canadian foreign policy. It is an objective, moreover, which enjoys strong parliamentary and public support because it serves Canada's long-term international interests while contributing to the building of a better world order. This is also an area which is on the leading edge of contemporary international relations thinking and practice, and in which there is tremendous scope for encouraging innovative work that is in accord with Canada's internationalist reputation.

The challenge of recent events, notably in regions of conflict and in countries where democracy is fragile or remains a distant goal, confirms the need to develop appropriate and effective modes of international action to defend and promote human rights at all levels of international society. The problem in the main is not a lack of human rights standards. Rather, more than forty years after the adoption of the Universal Declaration of Human Rights, the concentration must be on finding ways to support the integral implementation of all internationally-recognized human rights. In particular, there is a need to focus on concrete steps which link progress on human rights and the aspirations of the world's peoples for broadly-based human development, which includes the demand for more accountable political and economic systems.

In December of 1990, the General Assembly of the United Nations passed a resolution (#45/155) authorizing the convening of a high-level World Conference on Human Rights in 1993, with, as one of its six principal objectives:

To review and assess the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights recognizing the importance of creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights

In support of that aim, the position of Canada circulated at the first preparatory committee meeting (September 1991) for the conference emphasized and elaborated the developmental context – political as well as economic and social – of human rights activities, calling for "a holistic approach, incorporating the promotion of human rights, democratic institutions and the rights of people to participate in their own development" In Canada's view, the world conference could make an important contribution to exploring "the interrelationship between human rights, democracy and development."

The global forum provides an important occasion, within a range of opportunities, to carry forward internationally research on themes which have become a central element of Canadian policy, as recently and prominently articulated by the prime minister and successive foreign ministers. In October 1991, Mr. Mulroney told the Commonwealth heads of government meeting that: "Nothing in international relations is more important than respect for individual freedoms and human rights." In an address in January of this year outlining Canadian initiatives, Secretary of State for External Affairs Barbara McDougall stated:

The global changes are also having a profound impact on the way the world views the interaction between human rights, democracy, and sustained and equitable development. Until very recently, it was maintained that concern for human rights displaced the importance of development assistance and indeed reflected undue interference in the internal affairs of states. But the prime minister made it clear at both the Commonwealth heads of government meeting in Harare and the Francophone summit in Paris that the improvement and protection of human rights should be primary activities of those two institutions. He made it clear that human rights and democracy were essential tools of development, and not just luxuries for wealthy countries. (...)

There is growing recognition that respect for human rights and commitments to democratic processes and institutions are critical elements in long-term development. Without human rights and democracy, a society's potential for social and economic development is held back.

It is precisely the practical side of implementing human rights standards - within the context of the global interactions referred to by Ms. McDougall - that is the focus of the current proposal. The research activity envisaged will encompass analytical studies which build cooperation with developing-country partners and which aim to produce action-oriented strategies that are of benefit to policymakers and nongovernmental organizations.

Both in Canada and internationally, there is a demand for this kind of work to be done, especially in light of the forthcoming world conference. The Department of External Affairs has directly approached the North-South Institute seeking its involvement and help. Canadian NGOs are also anxious to deepen their own grasp of the issues. As yet, however, this need for knowledge to inform action has only begun to be addressed. While there is now widespread acceptance of the principles of linking human rights, democratization, and development, people are just starting to grapple with the "operational" questions: the "how to" of undertaking activities which make the appropriate interconnections in ways that are also effective in achieving common objectives. Within the limited resources available for international human rights research, few so far have been applied to this kind of practical research. Yet it is what is most needed.

The International Centre for Human Rights and Democratic Development in Montreal has a small budget dedicated primarily to supporting grassroots projects in developing countries. It has within that parliamentary allocation some very limited funding which potentially could be used to assist in the development of this kind of research capacity. The Human Rights Research and Education Centre of the University of Ottawa has expertise but lacks resources. The International Development Research Centre is becoming interested in these issues as exciting new research areas but can be expected to proceed cautiously since it has not traditionally been involved in human rights assistance. Government agencies are facing funding constraints. In short, there is a gap and an unmet demand.

Internationally, there are various kinds of research going forward across the whole international human rights agenda. Much of this work, however, is either broadly theoretical or narrowly specialized. There has not been a focus on practical strategies that connect progress on human rights to progress on democratization and progress on sustainable development. Certainly there has not been research in other jurisdictions that would bring a Canadian perspective to bear on these issues which, in the view of the Canadian government and many others, are becoming central to international cooperation. The project of the North-South Institute is, in a sense, helping to cross the threshold into a major upcoming area of global research that is preparing for the twenty-first century. In our view, it is very much in the Canadian interest to be in the forefront of this pioneering work.

PROJECT OBJECTIVES

The aims of this project over the period from now until the end of 1993 are basically two-fold:

First, to produce a document of forward-looking strategies on actions to implement human rights standards in ways that link progress on human rights to progress on democratic and sustainable development objectives. Although sponsored by Canada, the strategy document would be designed for wide international circulation, and in particular to be available for use as part of the preparatory work for the 1993 World Conference on Human Rights. This written output would be practical and action-oriented, and therefore directly useful to Canadian policymakers, nongovernmental organizations, and as a tool for public education and awareness. It would also be useful internationally to anyone working in the human rights field.

Second, to create, as a Canadian initiative, a small North-South working group of researchers with the capacity to do analytical, action-oriented studies connecting human rights promotion to democratization and development. While almost everyone agrees that these connections should be made in principle, very little work has been done as yet on how to make them "operational" in practice. Moreover, it is rare that developing country-based institutions or researchers are involved with partners from the North in a collaborative project of this kind. When dealing with issues as politically sensitive as these, it is vital that the perspectives within the North and the South be brought into a coherent dialogue. Building a focused research network around a common theme will contribute to that ongoing process.

These twin objectives lend themselves to reasonably objective measurement. Meeting the first objective will depend on the quality of the strategy document and on the degree to which it is utilized within Canada and abroad. Meeting the second objective will depend on the progress in creating an action-oriented research network which includes participation by developing-country institutions and researchers.

PROJECT ACTIVITIES: RESEARCH STRUCTURE, METHODOLOGY, CONTENT

Canadian and International Participants

The project coordinator will be Dr. Gerald Schmitz, program director at the North-South Institute responsible for developing its research activities in the area of human rights and democratic government. A copy of his curriculum vitae is included in this proposal. Dr. Schmitz will also contribute to the writing of at least part of the strategy document. The other principal Canadian contributors have been carefully chosen because of their research expertise and institutional affiliations. They are: Douglas Williams, Director of International Programs, Human Rights Research and Education Centre, University of Ottawa, and David Gillies, Policy Coordinator, International Centre for Human Rights and Democratic Development, Montreal. Professor Philip Alston, a leading international scholar and author of many studies on human rights and development, has confirmed his agreement to act as an expert advisor on the project. He is presently Director of the Centre for International and Public Law at the Australian National University and an elected expert member of the United Nations Committee on Economic, Social, and Cultural Rights.

A primary objective of the project is to build a basis for collaborative research between the Canadian contributors and developing-country partners. The exact nature of this participation is therefore more difficult to confirm at this formative stage. However, the African Centre for Democratic and Human Rights Studies in Banjul, The Gambia, and the Inter-American Institute of Human Rights in San José, Costa Rica, have both expressed interest in being involved in the project. These organizations have experience working with Canadians and have been identified by the Centre for Human Rights in Geneva as the most appropriate institutional partners in Africa and the Americas. We are also hoping to involve Dr. Clarence Dias, President of the International Centre for Law in Development in New York and Secretary-General of the Asian Coalition of Human Rights Organizations. In addition, several recommended individual scholars – Professor Yash Ghal, Faculty of Law, University of Hong Kong, who worked on the Commonwealth Human Rights Initiative

Report, and Gibson Kamau Kuria, a Kenyan who is currently a visiting fellow in the Human Rights Program of the Harvard Law School – have already confirmed their interest in being involved in the project. More information on the prospective research partners is included in a later section.

In order to keep the project manageable, the number of contributors to the strategy document will be kept small: the three Canadian participants, a researcher representing the African Centre, a researcher from the Inter-American Institute, and at most two other developing-country participants. As an international advisor, Philip Alston would not be directly involved in the research and writing. (Subject to additional funding being obtained, this initial network could be slightly expanded in a subsequent phase to include an institutional linkage in Asia and participation from Europe.)

Project Methodology

It is obviously not possible to address all of the interesting questions arising from the interrelationship of human rights, democracy and development. Moreover, it is not the purpose of this activity to rehearse old debates or to indulge in academic speculations. In preparing the strategy paper, therefore, the approach taken will be to focus on the key elements of the interrelationship that show the most promise for making practical progress towards the implementation of shared human rights goals.

As a first stage in this process, project coordinator Gerald Schmitz will draft a detailed working outline as a discussion document to be circulated to other participants (the prospective contributors and the external advisor). The outline will be finalized in a first workshop involving the participants. At this point, as well, responsibility will be determined for drafting particular sections, either singly or jointly, of the strategy paper. As the parts of the study are complementary, there may be some overlap. To avoid repetition, the project director will work with the other participants to ensure that the terms of reference are clear and that the work program is understood and approved by everyone.

An important aim of the first workshop will be to put in place a communications arrangement so that each participant is kept informed of the overall progress of the project. The Institute has found, in the case of its project on the multilateral development banks, that a brief (one-page) periodic newsletter update can serve this purpose as well as alerting others to the potential benefits of the activity. Once the drafts have been received and circulated, a second workshop will be held with the participants, perhaps involving several discussants in addition to the external advisor. Following this collaborative process of comment and review, final revisions will be made to the text of the strategy paper, which will be published through the North-South Institute. The document will then be released at a public forum in Canada and submitted for consideration by the 1993 world human rights conference. If funding permits, participants will meet again following the conference to consider follow-up strategies.

Proposed Elements of the Strategy Paper

Under the overall theme of linking progress on human rights, development, and democratization, for each element of the study contributors will be asked to develop specific proposals for action to implement international human rights objectives. The analysis and "operationalization" of the recommended international strategies will be directed to take into account: evolving human-rights standards; historical, developmental and cultural variations within and among societies; gender and other factors relevant to the equitable participation of all persons in their own development.

The strategy document will be about forty pages in length and will embrace four interrelated elements. Each will tackle a few principal issues, the object being to come up with a coherent set of constructive courses of action to improve concretely the implementation of human rights nationally and internationally in a context that is conducive to long-term development and the building of democratic institutions. Particular case examples might be used as appropriate to illustrate practical options.

Subject to modification by the participants' workshops, the proposed elements are briefly outlined below:

A. Promoting Development through Strengthening the Implementation of Human Rights Standards

This initial part of the study will examine ways of assisting countries to meet their obligations under the international covenants, of improving reporting and enforcement mechanisms, and of applying human rights instruments to meeting development needs. Contributors will be encouraged to provide concrete illustrations: for example, by looking at several specific rights drawn from each of the covenants, analyzing how their implementation strengthens, and is strengthened by, democratic forms of development, and by referring to actual circumstances as much as possible. Although the focus will be on existing internationally-recognized rights, some mention might be made of future issues of implementation in regard to emerging "third generation" rights – in particular, the right to development – and their contribution to achieving equitable and sustainable development with democracy.

B. Democratization as a Positive Force to Implement Human Rights

This second study will focus on the contribution of democratic development (including its legal, socio-cultural and governance dimensions) to human rights achievement. The analysis will seek to identify activities that reinforce both democracy and human rights, and in that light to suggest roles for democratic actors in promoting human rights. To make the conclusions as concrete and policy-relevant as possible, the authors will be asked to select challenging examples from Asia, Africa, the Americas, and Eastern Europe to illustrate opportunities for practical support.

C. Human Rights Implementation and the Practice of International Cooperation for Development

This part of the strategy will consider the operational criteria and requirements for including human rights and democratic development goals within official development assistance (ODA), and also for constructively relating these goals to other important areas of international political and economic interaction (e.g., trade and finance) in which there is potential for multilateral cooperation in support of development. The analysts will be asked to consider any concrete steps to be promoted which strengthen the rights and capacities of people to participate in their own development, and the respective responsibilities of North and South in this regard.

D. Educational and Non-Governmental Strategies for Linking Progress on Human Rights, Development and Democracy

This final element of the analysis will focus on generating greater understanding of the issues among the publics of all countries, and on mobilizing and encouraging joint action among development and human rights organizations and their constituencies. Specifically, consideration will be given to: governmental and nongovernmental strategies for working together to strengthen civil society and democratic institutions and to improve human rights observance; appropriate roles for nongovernmental actors in increasing the effectiveness of mechanisms for human rights implementation; the use of NGOs in educational campaigns and as channels for human rights and democratic development assistance. Again, the drafters will be encouraged to be as concrete and practical as possible in their recommendations.

The principal activity under each component of the overall work program will involve the preparation of a succinct analytical study paper (approximately 10 pages as a general guide) – i.e., to include a brief overview of the most important "operational" issues followed by concrete suggestions and proposals for further actions that strengthen human rights implementation and promote human development and democratization. After discussion in the participants' workshops, comments by experts and revisions, the drafts will be consolidated into a single strategy paper that will be produced and printed by the North-South Institute in both of Canada's official languages, English and French.

PROJECT TIMETABLE AND UTILIZATION OF RESULTS

One of the aims of the project is to produce a document of forward-looking strategies that can be used in preparations for the June 1993 world human rights conference, and which can be circulated among those taking part in the conference and related activities as one of the "limited number of short, analytical and action-oriented studies" called for in the report of the first preparatory committee meeting for the conference. Canada's Department of External Affairs and the UN's Geneva Centre for Human Rights, through Martin Low (a Canadian who is on loan from the Department of Justice to the Centre and who is in charge of documentation for the world conference) have together sought the assistance of the North-South Institute in the production of such a document. The aim will therefore be to have an

initial draft ready by the end of 1992, with the final strategy paper available for general release by the spring of 1993.

Accordingly, the stages of the project would proceed as follows:

1. Spring 1992: Confirmation of participation by research partners (i.e., those which, as noted earlier, have already indicated their support for the project and willingness to be involved) as soon as initial funding has been obtained. Preparation of a working outline and framework paper for discussion purposes by project director Gerald Schmitz. Circulation of the draft outline to research partners and external advisor for comments.
2. Before July 1992: A first workshop to be held in Ottawa among all the research partners to finalize the details of the outline for the strategy document and to agree on the most appropriate division of labour in the work on the several components.
3. Summer and Fall 1992: Preparation of first drafts of the strategy components by the research partners and circulation to each other and to the external advisor in advance of the second workshop.
4. December 1992: A second full workshop of the research partners, the external advisor, and possibly several other invited experts, to discuss the draft studies and their recommendations in detail.
5. January-February 1993: Revisions to the drafts in the light of comments from the December workshop. Consolidation of the revised components into the final strategy paper.
6. March-April 1993: Translation, editing and formatting of the strategy document.
7. May 1993: General release of the strategy paper and the holding of a public forum, with representatives from government, parliament, nongovernmental organizations and the media, to disseminate and debate the recommended strategies prior to the world conference in June.
8. June 1993: Circulation of the strategy document at the world conference and attendance of the project director at the conference working sessions.
9. Fall 1993: Third meeting of the research partners in Ottawa to receive a report on the results of the world conference from the project director and to consider a follow-up statement to the strategy paper in the light of that report. Decisions to be made regarding the continuation of the research network for future projects.
10. December 1993: Release of the follow-up statement to the strategy document along with a report on the results of the project activity.

Based on this timetable, early drafts of the strategy components might be available to feed into the preparatory committee meetings and the regional preparatory meetings (in Tunis, San José, Bangkok, and Geneva) for the world conference, as these will be held late in

1992. However, the primary written output will be the final strategy document for general release in English and French in the spring of 1993. In addition to being useful for the purposes of the world conference, this document will be a tool for policy-oriented debate and for "consciousness-raising" within Canada, as well as for North-South dialogue emphasizing the practical promotion of human rights and democratic development goals. In brief, the project research activity has among its explicit aims: first, utility to policymakers and for purposes of public education, especially within Canada, and, second, encouragement of international cooperation among researchers in the field of human rights and development.

PROJECT BUDGET

The scope of the activity will be dependent on the degree to which several sources of funding can be secured for the overall work program, which includes the time of the project director, research and organizational assistance, the specific components of the strategy paper – involving the commissioning of independent work, networking and information exchange, and bringing participants from several countries together on at least several occasions during the process, and the publication of written outputs. In addition, the holding of a public forum on the strategy paper would involve a substantial expense.

The project would commence on April 1, 1992 and be completed by December 31, 1993.

Itemization of Costs for 1992

- Time of project director Gerald Schmitz (40 days @ \$450/day)
\$18,000
- Research assistance (20 days @ \$300/day)
\$6,000
- Organizational, administrative and support staff assistance
(20 days @ \$250/day)
\$5,000
- Costs of communications with contributors and advisors (telephone and fax,
correspondence, circulation of materials, etc.)
\$1,000
- Fees to research partners for preparation of their contributions to each of the components
of the draft strategy paper (\$5,000 @ 4 component studies - mostly to fund participation by
developing-country scholars and institutions)
\$20,000
- Costs of holding two workshops in Ottawa (one before summer and one in December)
involving all of the research partners from North and South, four or five of which will
have to travel from some distance (\$15,000 for each workshop, of which approximately
\$10,000 would finance developing-country participation)
\$30,000

Total of \$80,000 plus contingency (10% - \$8,000) = \$88,000

Itemization of Costs for 1993

- Time of project director (30 days @ \$450 day)
\$13,500

- Additional research assistance, organizational and administrative support (20 days @ \$250 day)
\$5,000

- Communications and networking costs
\$1,000

- Provision for additional fees to research partners (to cover participation in forum and work on follow-up strategies)
\$5,000

- Publication costs of editing (\$1,000), word processing and desktop formatting (\$1,500), translation (\$2,500) and printing (\$5,000 - based on 2,000 copies of the 40-page strategy document in a tumbled English and French booklet form).
\$10,000

- Costs of holding a wider educational public forum on the strategy following its general release (one day, approximately 25 participants, some of whom would be travelling from developing countries)
\$30,000

- Costs of holding a third follow-up meeting among research partners, fall 1993 if funding permits
\$15,000

Total of \$79,500 plus GST on translation and printing (\$500) and contingency (10% - \$8,000))
= \$88,000

Total Project Budget 1992-93: \$176,000

Of this total, not counting the provision for contingency, approximately \$75,000 would be for staff costs and fees to research partners, and approximately \$85,000 would be for the costs of communications, travel and related meeting expenses, and publication of the written outputs.

INFORMATION ON THE PROSPECTIVE RESEARCH PARTNERS

International Advisor:

Philip Alston is Professor of Law and Director of the Centre for International and Public Law at the Australian National University. He is also the Discrimination Commissioner for the Australian Capital Territory (which includes Canberra).

He has degrees in Law and Commerce from the University of Melbourne and a Doctorate in Law from the University of California, Berkeley. After a period as Principal Private Secretary to an Australian Cabinet Minister, he was an official at the United Nations Office in Geneva from 1978 to 1984. From 1984 to 1989 he taught at both Harvard Law School and the Fletcher School of Law and Diplomacy.

He was the Rapporteur of the U.N. Committee on Economic, Social and Cultural Rights from its inception in 1987 until 1990 and has been Chairman since 1991. He has also been Senior Legal Adviser to UNICEF on Children's Rights issues since 1985.

Publications include: The International Dimensions of Human Rights (2 Volumes, UNESCO, Paris, 1982); The Right to Food (Nijhoff, The Hague, 1984); Whose New World Order. What Role for the United Nations? (Sydney, Federation Press, 1991); The UN Children's Convention and Australia (Human Rights and Equal Opportunity Commission, 1991); The United Nations and Human Rights: A Critical Appraisal (Oxford University Press, 1992); Children, Rights and the Law (Oxford University Press, 1992); and A Commentary on the Convention on the Rights of the Child (Geneva, United Nations Centre for Human Rights, 1992, forthcoming).

Canadian Research Partners:

Doug Williams is currently international projects coordinator of the Human Rights Research and Education Centre based at the University of Ottawa, and also head of programs and development of Human Rights Internet. He has been acting executive director of the Human Rights Centre following an extensive involvement in international development work both in Canada and in developing countries. Among his recent publications are: chapters on Canada and on Zambia in Manfred Nowak and Theresa Swinehart, eds, Human Rights in Developing Countries: 1989 Yearbook, Kehl: N.P. Engel, 1990; "UNDP World Freedom Index: A Comment," Human Rights Internet Reporter, Summer/Autumn 1991.

David Gillies is Policy Coordinator at the International Centre for Human Rights and Democratic Development in Montreal. He has been an Associate of the Centre for Developing-Area Studies at McGill University, where he is completing his doctorate in political science with a thesis on "Human Rights in the North-South Relations of Canada, the Netherlands, and Norway." Among Mr. Gillies' numerous professional activities in the international human rights field, recent publications include: "Evaluating National Human Rights Performance: Priorities for the Developing World," Bulletin of Peace Proposals, March 1990; "Canada and International Human Rights: The Road Ahead," Netherlands Quarterly of

Human Rights, Vol.8, No.4, 1990; "The Philippines: Foreign Aid and Human Rights in an Uncertain Democracy," in B.A. Andreassen and T. Swinehart, eds. Human Rights in Developing Countries, Kehl: N.P. Engel, 1991.

Developing-Country Research Partners:

The African Centre for Democracy and Human Rights Studies originated in 1986 with the acceptance by the government of The Gambia of a proposal to establish such a resource centre. Based in Banjul, the African Centre is a response to the need felt by many Africans for a nongovernmental organization to assist the work of the African Commission on Human and Peoples' Rights, particularly as regards the promotion of human rights. The Centre's functions include: conducting research on issues affecting human rights and democracy in Africa; advising African governments and NGOs on human rights implementation; and promoting awareness among Africans of the need for human rights observance. The Centre is supported by the UN Voluntary Fund for Advisory Services in Human Rights and has received technical assistance from Human Rights Internet which is now based at the Human Rights Research and Education Centre in Ottawa. The Director of the African Centre, Raymond Sock, has confirmed that it will have the capacity and personnel to participate in this project.

The Inter-American Institute of Human Rights located in San José was created in 1980 by an agreement between the Inter-American Court of Human Rights and the Government of Costa Rica. It is an independent international academic institution dedicated to human rights research, education and promotion, carrying out activities throughout the Americas. The Institute has close linkages with the Inter-American Court and also collaborates closely with the Inter-American Commission for Human Rights. The Institute has conducted joint research with other institutions on topics such as human rights groups and democratization. In 1991, Professor Gisele Coté-Harper, chairperson of the board of the International Centre for Human Rights and Democratic Development in Montreal, was appointed to the board of the Inter-American Institute. NSI has been in contact with Dr. Daniel Zovatto, deputy director of the Institute and director of its Center for Electoral Promotion and Assistance who has expressed interest in the project. Presently, we are awaiting further correspondence from Executive Director Sonia Picado regarding the Institute's participation.

Professor Yash Ghai is a native of Kenya who teaches Public Law at the University of Hong Kong since 1989. Among his many academic and research posts, he has previously been Dean of the Law Faculty at the University of Dar-es-Salaam, Tanzania and Senior Fellow at the Yale Law School. Professor Ghai has published widely on the subjects of law and government in developing countries. In addition to this record of scholarship, he has been actively engaged as a consultant to both governments and nongovernmental organizations on legal, constitutional, and human rights issues. Professor Ghai has done work for the Commonwealth Secretariat since 1975. He was the editor of and major contributor to Put Our World to Rights: Towards a Human Rights Policy for the Commonwealth, the report of a nongovernmental advisory group, chaired by the Hon. Flora MacDonald, which was published by the Commonwealth Human Rights Initiative in 1991.

CURRICULUM VITAE OF PROJECT DIRECTOR GERALD SCHMITZ

PERSONAL DATA

Date of Birth: 6 June 1952
Place of Birth: Humboldt, Saskatchewan

LANGUAGES

English, French (level "B" to "C" of government tests), Spanish (reading and comprehension)

EDUCATION

- 1978 - Ph.D. (Political Science), Carleton University, Ottawa
- Areas of Specialization: Canadian Government and Politics (federalism, political economy); Comparative Government and Politics (political economy of development, Latin America); Political Theory (modern political thought, philosophy of science and empirical methods in the behavioural sciences).
- 1975 - M.A. (Political Science), University of Saskatchewan, Saskatoon.
- 1973 - B.A. Honours (Political Science), University of Saskatchewan.
- 1970 - High School Matriculation, St. Peter's College, Muenster, Sask. (top student honours).

ACADEMIC AWARDS

- 1975-78 - Canada Council doctoral fellowships.
- 1973-75 - University of Saskatchewan and Carleton graduate fellowships.
- 1970-73 - Three undergraduate bursaries and scholarships.

EMPLOYMENT EXPERIENCE

- Since August 1991 - Program Director, The North-South Institute, Ottawa (two-year leave basis)
- Responsible for developing a new research program on Human Rights and Democratic Government.

1981-1991

Senior Research Officer, Research Branch, (Political and Social Affairs Division), Library of Parliament, Ottawa

- Major duties included the preparation of research studies, reports, background papers, briefing notes, addresses, memoranda and other publications and documentation for use by individual parliamentarians, parliamentary committees, task forces and associations. Other duties involve project coordination, supervision and administration when replacing the division chief, professional exchanges, inquiries, consultations and oral briefings. In addition to excellent written and oral and analytical skills, officers are required to exercise sound judgement in dealing with sensitive and/or confidential subject matters.
- Research Advisor to the House of Commons Standing Committee on External Affairs and International Trade since 1986.
- Other Committee responsibilities have included work for the following: Special Joint Committee on Canada's International Relations (July-August 1985); Commons Standing Committee on External Affairs and National Defence (Second Report, March-April 1985); Standing Joint Committee (House and Senate) on Official Languages Policy and Programs (May 1984 to December 1985), House of Commons Special Committee on Standing Orders and Procedure (January-December 1983);

[Winter 1988]

- Taught the core undergraduate course on Canadian Foreign Policy in the Political Science Department of Carleton University in Ottawa.

1979-1981

Executive Assistant to Member of Parliament, House of Commons, Ottawa

- Duties included research and writing on a wide range of public policy issues, with special emphasis on foreign policy and international development. Responsible for the preparation of all written work, speeches, press releases, constituency bulletins, newsletters and reports. Aided in the drafting of policy; briefed the Member for his legislative committee and caucus duties; maintained regular contact with the constituency, the caucus, public interest groups and the press.

- 1978-1979 Lecturer, Carleton University, Ottawa
- Taught undergraduate courses in the Department of Political Science: introduction to political science; Canadian government and politics. Responsible for the supervision of three graduate student teaching assistants.
- 1974-1978 Teaching Assistant, Carleton University
- Duties included leading discussion groups, conducting seminars, grading student reports, essays and exam papers. Provided individual counselling as required.
- 1973-1974 Teaching Assistant, University of Saskatchewan
- Duties within the Department of Economics and Political Science included leading discussion groups, conducting seminars, counselling, grading student reports, essays and exams.

RESEARCH INTERESTS

- International affairs, comparative political economy, Canadian public policy and parliamentary government.

PROFESSIONAL ACTIVITIES

- Supervisor and examiner on an occasional basis of graduate theses and research essays, Norman Patterson School of International Affairs, Carleton University; Professor of Canadian foreign policy, Department of Political Science, 1988 winter session.
- Participation in meetings of the Canadian Political Science Association, the International Political Science Association, the Canadian Association for Latin American and Caribbean Studies, the Institute of Public Administration in Canada, the Canadian Institute of International Affairs, the annual conference on human rights and Canadian foreign policy sponsored by the Canadian Human Rights Foundation, the Department of External Affairs human rights training course (in conjunction with the Human Rights Research and Education Centre, University of Ottawa, October 1987), as well as various other research seminars and workshops.

OTHER INTERESTS

- Sports (skiing, tennis, running, etc.), reading, music, theatre and cinema, travel, photography and writing.

REFERENCES

- Available on request.

PUBLICATIONS

A. Research Branch Titles:

- Current Issue Reviews: Aboriginal Rights and Land Claims, and Anti-Nuclear Protest and the Peace Movement; Aid to Developing Countries; Multilateral Trade Negotiations; Political Change North of 60°.
- Mini-Reviews: The New GATT Round; U.S. Omnibus Trade Legislation; The Bush Presidency: Outlook for Bilateral Relations.
- Background Papers: The Social and Local Impacts of Major Resource Development Projects in Canada; The Role of the Opposition in a Parliamentary System; co-author, Reforming the House of Commons: The Work of the Special Committee on Standing Orders and Procedure Established in 1982; Canadian Foreign Policy in Central America; The Pathbreaking Politics of European Integration.
- Two chapters, "The Expenditure Management System Revisited" and "New Directions in Executive-Parliamentary Linkages" in Machinery of Government in Transition: A Special Review (December 1984, pp. 61-130).

B. External Publications:

- "Human Rights, Democratization, and International Conflict," in Fen O. Hampson and Christopher J. Maule, eds., Canada Among Nations 1992-93: A New World Order?, Ottawa: Carleton University Press, 1992.
- Co-author with David Gillies, The Challenge of Democratic Development, Ottawa: The North-South Institute and the International Centre for Human Rights and Democratic Development, 1992.
- "CIDA as Peacemaker: Integration or Overload?," in Robert Miller, ed., Aid as Peacemaker: Canadian Development Assistance and Third World Conflict, Ottawa: Carleton University Press (forthcoming).
- "Destiny Not Manifest: Assessing the Probable Effects of North American Free Trade on Canada's Foreign Policy," Paper presented to the Annual Meeting of the Canadian Political Science Association, Victoria, May 1990. (Also published in a revised French version in Étude internationales, XXII:1, March 1991, p. 81-136.)

PROFILE OF THE NORTH-SOUTH INSTITUTE

| | |
|--|--|
| 1) The North-South Institute (NSI) | |
| 2) Mandate: To elaborate policy issues and policy options related to highly topical themes in North-South relations. | |
| 3) Professional Personnel: 12 | Support Personnel: 5 |
| 4) Qualifications/training: BA, MA, Ph.D • three Ph.Ds, three Masters | |
| 5) Major Research Papers: | |
| <ul style="list-style-type: none"> • Aid and Trade • AIDS: The Challenge to Developing Countries • The Future for Women in Development: Voices from the South (AWID Proceedings) • Barriers to Trade Between Canada and South Asia • Beyond Baker: The Maturing Debt Crisis • Bridges of Hope: Canadian Voluntary Agencies and the Third World • Canadian Adjustment Policy • The Challenge of Democratic Development • Commodity Trade: The Harsh Realities • Debt and Disorder • Debt Matrix • Environment and Development: A Critical Stocktaking • Economic Reform and Democracy in Latin America and the Caribbean • Forced Adjustment: The Export Collapse in Sub-Saharan Africa • Grassroots Cooperatives: Moving out of Government • Growth and Adjustment in Highly Indebted Countries: Costa Rica, Peru, Jamaica and Chile | <ul style="list-style-type: none"> • Harmful Exports: Putting Third World People at Risk • Human Resource Development: Malawi, Tanzania and Senegal • Limits on Middle Power Diplomacy • Middle Powers and the GATT • Middle Powers and the Technical Multiculturalism • Middle Powers in the International System • Multilateral Development Aid Series • Paris Club: An Inside View • Research on Trade Policy in Developing Countries: A Survey and Assessment of Future Priorities • Rural Poverty in Bangladesh • Structural Adjustment, series B, Social Impact, Ghana and Zambia updates, Egypt, Senegal • Third World News Coverage • Trade, Protectionism and Industrial Adjustment: Three North American Case Studies • United Nations American Case Studies • United Nations and Its Finances • Uruguay Round • Women in Industry: North-South Connections |
| 6) Current Research: | |
| Focuses: <ul style="list-style-type: none"> - the impact of development on people; - the new interdependent global order, with shifting power and influence within both North and South; - the political economy of governance in the developing world; and - the role and effectiveness of development institutions | |
| Current program areas: <ol style="list-style-type: none"> 1) Developing Cooperation Effectiveness <ul style="list-style-type: none"> -Donor Countries' Multilateral Assistance Policies -History of Canadian Aid Policies -Structural Adjustment in Africa, Phase II -Progress for Women 2) International Finance <ul style="list-style-type: none"> -Canada-India Linkage -Environment and the Economy -Human Resource Economic Development Network -Regional Development Banks | |

3) Trade and Adjustment

- Third World Debt and International Trade
- Social Impact of a North American Free Trade Agreement
- Canadian Trade and Aid Policies
- Social Studies and Trade with Developing Countries

4) Human Rights and Democratic Government

- The Challenge of Democratic Development
- Human Rights and Development
- Relationship of Economic and Political Liberalization
- Governance Needs of Developing Countries
- International Strategies for Integrating Progress on Human Rights, Development and Democratization

Other Activities

- Canadians in a Wider World

Program Directors are centres of expertise in their analysis of issues. Research projects cut across the four program areas, requiring input or participation from all directors. Whenever feasible NSI collaborates with Southern counterparts.

7) Themes to 1995:

- Aboriginal People and Development, North and South
- Progress for Women
- The Multilateral Development Banks
- Re-integration of Eastern Europe and the Soviet Union: Implications for the South
- North-South Dialogues and the Global Commons
- World Food Programme
- North-South Cultural Links
- Development Probe
- Economic Liberalization as a Development Strategy
- Civil Rights in Developing Countries
- Financial Flows After the Debt Crisis
- Canada's Relationship with Southern Africa
- Overview of Canadian Policy toward Africa
- International Trade Bargaining Project

8) Economic research fields and relative strengths:

- ◆ Development Cooperation and Aid Effectiveness
- ◆ Human Rights and Democratic Government
- ◆ International Finance
- ◆ Trade and Adjustment

9) Capacity to draw upon experts from other institutes and departments:

- ◆ associated researchers and contributors with links to academe, NGOs and government

10) Academic community connections:

- ◆ extensive

11) Projects with foreign institutes:

- ◆ Ford Foundation: The Multilateral Development Bank Project, study of the four regional development banks
- ◆ FLASCO, Argentine: Trade and Debt Bargaining
- ◆ The Asia-Pacific Economic Cooperation Group: HRD Economic Network and Linkage Projects
- ◆ Centre for Women's Development Studies, Delhi: Canada-India applied Economic and Business Policy Linkage Program

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JBT Consulting
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Murad Velshi
Toronto, Ontario

Ms. Nettie Wiebe
Women's President
National Farmers Union
Delisle, Saskatchewan

* Member of the Executive Committee/Membre du comité de direction

A FAX FROM DISABLED PEOPLES' INTERNATIONAL

DATE: March 23, 1992

SENDER: Henry Enns *Henry Enns*

TELEFAX TO: Jan Ferguson

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DPI HEADQUARTERS
101-7 EVERGREEN PL.
WINNIPEG, MAN.
CANADA R3L 2T3

TEL: (204) 287-8010

TELEFAX: (204) 287-8175

Jan Ferguson,

Subsequent to our discussions here are a few thoughts concerning the upcoming consultation.

1) It is important to include disabled persons in the various issues to be discussed. It is also important they not be forgotten. In discussing issues of torture, disabled refugees, as causing disability etc...

2) Since the Despouy's Report has now been adopted by the Commission this should be a specific Agenda item for the Conference. There are a number of far reaching recommendations that deserve discussion, such as an international ombudsman.

3) While I hope Jerry and /or Roslyn can attend the meeting their familiarity with international issues is limited and they are there mostly to observe.

4) There is presently a Working Group to develop Standard Rules for Equality at the International Level. This document should be available and discussed at the Conference in 1993.

I look forward to receiving a copy of the consultations and working with you further on the Conference.

Sincerely,

Henry Enns
Executive Director
Disabled Peoples' International

cc: Mr. Micheline Duchame

Statement

Secretary of
State for
External Affairs



Déclaration

Secrétaire d'État
aux Affaires
extérieures

92/11

**NOTES FOR AN ADDRESS BY
THE HONOURABLE BARBARA McDOUGALL,
SECRETARY OF STATE FOR EXTERNAL AFFAIRS,
TO THE
FOURTH RENÉ CASSIN LECTURESHIP IN HUMAN RIGHTS
AT MCGILL UNIVERSITY**

**MONTREAL, Quebec
March 19, 1992**

External Affairs and
International Trade
Affaires extérieures et
Commerce extérieur



This evening, as we honour the memory of the late René Cassin, there is enormous cause for celebration.

The results of this week's referendum in South Africa confirm that there is a spark of understanding hidden deep within the human spirit that will forever seek out the light of freedom. While that spark can be contained -- often for centuries -- it can never be extinguished. For those who have made the pursuit of human rights a lifelong goal, it is further proof that the effort can never be abandoned until all the sparks have been released, so that we can see the world in all its brightness.

I am very honoured to be here today to deliver the fourth René Cassin lectureship in human rights.

Law and Government: Partners in Human Rights

In the first four years of this prestigious series, you have chosen as your speakers two outstanding Canadian jurists, Madame Justice Claire L'Heureux-Dubé and Justice Walter Tarnopolsky, and two Canadian diplomats, Yves Fortier and myself.

I believe that you have found the right balance for an examination of human rights in the world today: on the one hand, law, and on the other hand, government action. On one side, the principles and values that must be encoded, and on the other side, the institutions and powers of government to implement them.

But the fulcrum of that balance is the individual. Personal well-being and the development and enhancement of the human condition are the ultimate tests of laws, institutions and governments.

Pluralism Brings Unpredictability

We are living during an extraordinary moment in history. With the end of the Cold War, the world is faced with new forces, many of them pulling in opposite directions.

In a recent speech at the World Economic Forum in Davos, Vaclav Havel, President of the Czech and Slovak Federal Republic, observed that the end of Communism brought to an end not just the 19th and 20th centuries, but the modern age as a whole. He equates the fall of Communism with victory for life, human individuality and pluralism over misplaced confidence in systems and social design. He sees the salvation of civilization not simply in our abilities, but in the soundness of our values and instincts.

There does appear to be an increasingly widespread commitment to democracy, pluralism and individual rights. But with this liberation of human impulses, with all their unpredictability,

there continue the possibility and great danger of violence, oppression of minorities and violation of basic human rights.

Our purpose must be to help tilt the balance and to aid peoples to embrace and prepare for democracy according to laws rooted in fundamental human rights and according to the principles of good governance.

Human Rights are the Goal

The quest for universal human rights is not new. Thomas Jefferson, John Stuart Mill, Leo Tolstoy, Eleanor Roosevelt, Martin Luther King, René Cassin, and many other -- often anonymous -- fighters, martyrs and tireless workers, including Canadians such as John Humphrey and John Diefenbaker, all worked diligently to achieve this goal.

What is new is the world revolution that has now created the possibility of extending these rights to almost all the world's citizens.

Canada's Role

In 1992, we must bring to bear the full force of Canadian diplomacy on the interrelated issues of human rights, democracy and good governance, all within the rule of law. Canada's role must be to ensure that this possibility becomes a reality.

At the highest level, we do so as idealists, out of concern for fundamental justice. As a country, we also declare and validate our own experience -- the need to build a tolerant society based on rules of law in which every person knows his or her inherent worth and in which guaranteed rights represent the first responsibility of government.

We also act out of a need for world security. We know that real and lasting security will come not from monolithic systems that clamp down on millions of lives, but from free and open societies.

Rights without Borders

There is growing consensus that what goes on inside a country's frontiers cannot be considered entirely an internal affair, beyond the legitimate interest of the world community.

Under this doctrine of non-intervention in the sovereign rights of nations, we witnessed the cynicism of Communist regimes, which composed article after article in constitutions guaranteeing the rights of citizens, only to crush them daily in practice according to the same constitutions.

We are past that now. Not everywhere. Not in China. Not in some other places in Asia or Africa, but in virtually all of Latin America and all of Europe.

This is enormous news. However, the gains are fragile. But our government is determined to assure completion of this extraordinary revolution toward universal human rights and to make them secure.

We are activists on these matters because we believe that it is the right thing to do. And the majority of the Canadian public supports us in these initiatives.

There are always some who believe we can remain indifferent to what happens inside other countries as long as it doesn't affect us negatively. They may say: "Let's sell to them, even give them aid (particularly if that helps our sales)." And when conflict and killing occur, as in Yugoslavia, Azerbaijan, Haiti or Somalia, just to mention our agenda for this week, the passivists and cynics say, "It's sad, but things are sad; just make sure it doesn't get out of hand or beyond their borders over there."

This view is absolutely wrong.

The Need to Act -- Yugoslavia

There is a real need to act. For example, 6,000 people have died in the Yugoslav civil war, mainly in Croatia but on all sides. It has been a war of ethnic majorities against minorities.

In September, our prime minister was the first who called for a UN peacekeeping force -- the first to say that this was not an internal affair of state, exempt from humanitarian intervention, but, instead, the intolerable oppression of the weak by the strong.

That peacekeeping force is now on its way. The process of protecting people by securing basic rights is beginning, by negotiation, by declaration and by the rule of law.

The Need to Intervene -- Nagorno Karabakh

In the once autonomous Soviet region of Nagorno Karabakh, Azeris and Armenians are responding to the collapse of totalitarianism by lining up to kill each other, individual against individual, religion against religion -- unless the world can stop it.

The mandate of the Conference on Security and Co-operation in Europe (CSCE), of which both Armenia and Azerbaijan are members, is precisely the promotion of human rights and the management of conflict.

The CSCE could not intervene in Yugoslavia last May when I urged it to, because the then U.S.S.R., among others, would not let it interfere in the "internal affairs of a state," fearing, I suppose, interference in its own affairs. That was before the August 19 coup.

After the coup failed, at a CSCE conference held, ironically enough, in Moscow, the then foreign minister of the restored Gorbachev regime told the assembled CSCE ministers that, if ever again there was a conflict between the principle of non-intervention and the protection of human rights, the Soviet government would come down on the side of human rights.

What a transformation!

So a week ago, I urged the chairman of the CSCE -- the foreign minister of the Czech and Slovak Federal Republic -- to go beyond merely sending observers to the obvious agony in Nagorno-Karabakh and, instead, to intervene. This means calling together the Armenian and Azerbaijani foreign ministers in a CSCE peace process to halt the conflict and to begin to build a just and lasting peace with the inhabitants of Nagorno-Karabakh itself.

After all, these new republics have accepted the CSCE's principles. Let us now hold them to account. I am pleased that Mr. Dienstbier has indeed called such a meeting of CSCE foreign ministers in Helsinki this coming Tuesday.

The Need to Protect the Return to Democracy -- Haiti

In Haiti, Canada continues to support the return of constitutional democracy to that country. The agreement, worked out a couple of weeks ago by President Aristide and the elected parliamentarians under Organization of American States (OAS) auspices, and after a lot of difficulties, offers the best chance to achieve that result.

The implementation of that agreement depends to a large extent on the long-term support of Canada and the OAS, as well as other countries. We all need to assist Haiti in developing viable and long-lasting democratic traditions and institutions.

It is the intention of the Canadian government to continue supporting President Aristide and the constitutional process in Haiti, and to encourage the OAS commitment to this little country overwhelmed by poverty and a tragic destiny.

The Need to Establish the Rule of Law -- Somalia

In Somalia, a despotic government fell, but there is no rule of law, only chaos and killing. Even humanitarian assistance has

been abandoned because of brigands and thugs who make armed right the dominant right.

I wholeheartedly applauded the initiative this week of the UN Secretary-General to ease the tragic suffering of these people. This one, unfortunately, I fear may be closer to the beginning than the end.

I mention these current conflicts, where the Canadian government is playing a leading role, to illustrate two points: first, the progress to pluralistic democracy is not without its barriers and costs; and, second, when violence does break out, human rights are the first to fall before the law of the bullet.

I have alluded to this week's killing fields. They are, sadly, not the only ones. We must not only focus on these, but also find creative solutions to other conflicts as they arise.

Building Beyond Conflict Resolution

But we also must look beyond conflict resolution. That means helping to build the cultures of democracy and the protection of human rights so that conflicts are prevented in the first place.

We must address and right blatant wrongs -- as we have for the blacks of South Africa, the Jews of the Soviet Union or the Czech and Slovak Federal Republic's signatories of Charter 77. And we must build these rights within the comprehensive frameworks that, at long last, can give our declarations and laws more universal meaning.

The Need for Frameworks

It has been 42 years since McGill's John Humphrey, along with René Cassin and Eleanor Roosevelt, developed the Universal Declaration of Human Rights, which, with specific conventions, makes up the International Bill of Rights. These instruments provide standards for human values that transcend political borders and invite people to unite around the most basic principles of individual freedom, justice and human dignity.

In World War II, millions of people perished in defence of these principles, only to see hundreds of millions more subjected to tyrannies that made a mockery of their sacrifices.

In the Helsinki Final Act, in 1975, there was a further attempt in Europe to empower brave individuals to challenge the state, to claim rights for themselves and their societies. Again, there were few immediate results. There was still a need to elaborate a set of intergovernmental commitments to universal political concepts.

In 1990, countries of Europe and North America agreed in the Charter of Paris "to build ... and strengthen democracy, as the only system of government of our nations," and they held that respect for human rights "is an essential safeguard against an over-mighty state."

So human rights, democracy and good government have become inextricably linked, and rightly, since without one component of the trinity, the others will collapse.

Moreover, they cannot thrive without a framework of co-operative security and sustainable prosperity, two of the other major objectives of Canadian foreign policy. In fact, it was our Canadian, John Humphrey, practical as ever, who wrote, "Human rights without social and economic rights have little meaning for most people, particularly on empty bellies."

Indeed, this is the rationale behind our efforts to aid Russia, the other ex-Soviet states, and the states of Eastern Europe today. These states and their peoples are currently free, but freedom may seem less of a priority for these people if there are no jobs, no food and little security.

Our objective is straightforward -- prevent conflict while building progress. At Stanford University, the Prime Minister cautioned that this is a task that might not be completed for many years, but that we should nonetheless have the vision and courage "to take the first defining step."

Good Governance -- a Definition

This first defining step is a challenge that Canada and other countries are trying to address through the promotion and pursuit of what we have come to call "good governance" in international relations, a concept that is centred on the affirmation of human rights and the effective use of scarce resources.

I want to elaborate on:

- what we mean by good governance;
- how we support it; and
- why we believe what we are doing is important.

Let me start with a short definition and a brief outline of the context.

- Good governance means government based on universal human values, open and democratic institutions, and sound and practical systems for priority setting, decision making and program management.

- Good governance encompasses respect for human rights, the practices of democracy, and responsible and accountable public administration. It considers how a government governs and what policies it pursues. It looks at how people are treated, how countries are governed and how well our contributions are used for the purposes for which they were intended, such as social and economic development, or the transformation of political or economic systems.

Canadians care about these principles -- and quite rightly. Let me take each in turn.

Good Governance -- Respect for Human Rights

First, human rights -- how people are treated. Respect for human rights lies at the core of good governance. Unless countries meet a basic standard of respect for human rights or show a clear resolve to improve conditions and address problems, they cannot expect outside assistance or support for the course they are following. They should instead expect pressure to change.

By the same token, sustained and determined efforts to strengthen observance of human rights will attract assistance and support. The reality is that sometimes we must take into account that some countries are starting from a long way back.

Good Governance -- the Practice of Democracy

Second, the practice of democracy -- how a country is governed. We know that democracy does not rely solely on specific models -- because models may vary -- but rather on the actual, effective participation of a country's people, including its women and its minorities, in the decision-making process.

Constitutions and elections are important, as in Haiti for example, but only if, in practice, they empower people to limit, control and change their governments. Participation in the exercise of power is central to democratic practice and is a key element in the development of a democratic culture.

So, too, is the tolerance of differences and the due respect for the interests and needs of a country's minorities. Democracy, whatever its form, involves pluralism, and that requires a special set of operating procedures to ensure a balance between those who hold power and those who don't.

In the final analysis, what is important is not only what a country has achieved by way of representative institutions, but how deeply it is committed -- in its own unique circumstances -- to developing democratic processes and a truly democratic system.

Good Governance -- Responsible and Accountable Public Administration

The third component of good governance centres on how a government administration operates and what priorities it sets for itself. This principle cannot be cast in absolutes, but some fundamental characteristics are clearly evident:

- honest government: measures against corruption, open and reliable public accounts;
- recognition of the limits of government actions: in the economic sphere, a free rather than controlled economy;
- sound economic management, including an appropriate level of defence spending, responsible fiscal and monetary policies;
- positive social policies that give priority to:
 - alleviation of poverty,
 - recognition and involvement of women,
 - protection and care of children, and
 - health and education; and
- responsible international conduct: for example, non-proliferation of weapons.

Fine ideas, you may say. But how do we -- one country among many -- bring about this revolution in policy and practice? We cannot bring it about by ourselves, but we can lead, and we can lend support to a growing movement of those who seek and work for change.

That is why speaking out, spelling out expectations as we did in Eastern Europe, can be helpful -- especially if it is clear that we expect no less of others, in the long run, than we aim for ourselves.

We recognize, as we deal with these same issues domestically, that we must remain constantly vigilant to keep our own principles and priorities on track. We seek no double standard for ourselves.

Encourage and Support Change

We have set up several new instruments in recent years to foster and support the positive change I have outlined, including the establishment by Parliament of the International Centre for Human Rights and Democratic Development.

The link between democracy and development has led to creative partnerships between External Affairs and International Trade Canada and the Canadian International Development Agency (CIDA),

and an increasing and important role for the valued expertise of Elections Canada and provincial electoral commissions such as Elections Quebec.

The creation of the Electoral Observation Fund is an example of a flexible mechanism that responds to new needs in developing countries. Likewise, the new Human Rights Fund for Sri Lanka will help those who are working to preserve and restore human rights in the face of an extended conflict.

In Central and Eastern Europe, we have moved quickly to reinforce democratic change. Within the last two years, the External Affairs Task Force on East and Central Europe has undertaken 27 projects worth over \$3 million in support of democracy, 47 projects worth over \$5 million in support of good government and eight projects amounting to \$400,000 in the area of human rights. Almost half of its funding, apart from food aid and humanitarian assistance, has been specifically targeted in these areas. All of these are grass-roots, hands-on assistance.

These special and targeted efforts are part of Canada's overall development effort, which seeks to enable countries to bring about improvements in efficiency, increases in human freedom and an expansion of human enjoyment on a sustainable basis -- in short, to eliminate poverty and achieve good governance.

The Legal Underpinning

At the outset of this address, I referred to the balance between law and government action that supports human rights and encourages and assists democratic reform.

New governments aspiring to democratic reform increasingly make solemn political commitments to ensure that all rights are respected. If this requires change to domestic law, it must be done. If it requires better enforcement of those laws, it also must be done. If it requires action by other states to ensure compliance with international covenants and treaties, we shall use the mechanisms established for that purpose.

Governments alone cannot guarantee tolerance; inevitably that power rests with the individual. But governments can establish a climate for tolerance; they can play a crucial role in education -- the heart of this issue.

And governments can ensure that intolerance is unacceptable. The persecution or discrimination in treatment of individuals based on their race, religion, ethnic or linguistic background can be made illegal. Once such treatment is illegal, governments can use the full force of their laws to prosecute offenders.

Canada can provide and has provided very practical and positive reinforcement for legal reform through directly assisting in the development of democratic constitutions; training and organizing an independent judiciary without which there can be no guarantee of human rights; and establishing and training people to run agencies that monitor human rights.

The Canadian Bar Association's Central and Eastern European Legal Internship Program will bring 24 lawyers from Poland, Hungary, the Czech and Slovak Federal Republic and Ukraine to Canada to undertake three-month internships with Canadian legal firms and organizations.

The 1992 program will also feature seminars in Warsaw and Prague on the role of lawyers in democratic and free-market societies, as well as a judicial training component for 10 judges from the Czech and Slovak Federal Republic.

In 1990, the Quebec Ministry of Justice contributed to a series of advisory and training initiatives with the Hungarian Department of Justice. Hungarian officials studied Quebec's civil code, land registration and notarial systems; legal experts from Quebec provided expertise and advice on legislative drafting and reform to Hungary's criminal law.

Promoting Democracy

Other sectors of society can also be brought into harmony with systemic protection of human rights. This winter, in Montebello, we hosted a seminar on democracy for leaders of the armed forces in Eastern Europe.

A project sponsored by the Canadian Human Rights Foundation of Montreal will bring 21 participants from Russia, Ukraine, Lithuania, Latvia and Estonia to Canada for a five-week training program on human rights.

These and other similar programs are designed to ingrain basic concepts of human rights into the cultures of these newly emerging nations.

Canada is well aware of both the opportunities and the potential risks of the new-found freedoms in Central and Eastern Europe and the countries of the former Soviet Union.

We are committed to preventing conflict by promoting democracy, principally through the United Nations, but also through other regional and independent organizations and bodies.

For example, Canada provided an expert on the international team sponsored by the CSCE that observed the election last December in Ukraine.

But, as I have indicated, democracy is more than elections. It is the whole process of accountability, as well as a system that includes an independent judiciary, freedom from censorship, a tolerance of minorities and a sense of pluralism. We must instill these fundamental human reflexes into the people, and not simply walk away the day after an election.

Our primary purpose is to assist countries to build toward sound performance on these issues. With the overall movement toward democracy around the world, and with the increased demand for aid dollars, the public expects our government to weigh a country's performance carefully before providing assistance.

The Prime Minister, at the Commonwealth Heads of Government Meeting in Harare in October 1991, signalled Canada's intentions clearly with respect to future Canadian development assistance when he said, "For Canada, the future course is clear: we shall be increasingly channelling our development assistance to those countries that show respect for the fundamental rights and individual freedoms of their people. Canada will not subsidize repression and the stifling of democracy."

He reiterated this message at the Francophone Summit in Paris in November.

Our actions in Haiti and Indonesia in recent months testify to the firmness of our commitment to this principle.

Responding to Abuse

But dealing with open abuse is difficult.

There is, of course, the very practical step of bringing human rights deficiencies before the UN Human Rights Commission. Canada remains committed to this process and is one of its most vigorous supporters. But this route has little practical impact. Bilateral and multilateral actions are often required.

We are very sensitive to the fact that each situation is unique and that our judgments about what to do need to take into account both the unique circumstances of each of our partners and Canada's own interests and priorities in the region. Also, when possible, we will try to protect the poor, perhaps by shifting our aid from governments to non-governmental organizations.

Friendly Persuasion, Specially Targeted Assistance and Co-ordinated Actions

The measures we adopt may range from friendly persuasion and specially targeted assistance to explicit pressure exerted in conjunction with other countries, through our bilateral and multilateral aid programs. That includes reductions in the

volume of assistance and changes in how we give assistance and in who receives it.

Wherever possible, we consult other governments and international agencies about looming problems and new opportunities, and seek to take co-ordinated action. But action by Canada has not been contingent on achieving an international consensus in the past, and it will not be in the future.

Most important, we look to Canadians for the special knowledge and perspectives they can bring to the debate -- through contacts, correspondence, the media and Parliament. International data need to be viewed from a Canadian perspective.

The insights and knowledge that business, labour, voluntary groups and private organizations can provide deepen our understanding of a particular situation and of the choices available.

Suspension or Termination of Bilateral Assistance

Sometimes, there are grave situations where governments act arbitrarily, threaten or attack their neighbours, misuse their country's resources, or abuse their citizens' fundamental rights. Such circumstances call for explicit and far-reaching measures, such as the suspension or termination of our bilateral assistance. We have done that on a number of occasions in the past, and we shall not hesitate to do the same if justified in the future.

The Use of Sanctions

In even more extreme situations, there is the further option of applying political and economic sanctions. The measures introduced vis-à-vis South Africa -- or, more recently, Iraq and Haiti -- illustrate the point.

Such measures are rightly reserved for extreme cases. They must be designed to minimize the cost to Canada (and private Canadian citizens) and maximize the chances of success.

The objective is not to ruin a country or penalize its peoples, but rather to bring about a change in the conduct of its government.

Even when sanctions are in place, we may have reason to fund projects designed directly to help those who suffer or seek change. We have been doing that in South Africa in projects worth some \$46 million during the past four years.

Canadian Support for South Africa

We intend to sustain our involvement and support for South Africa as it moves toward further momentous changes. John Diefenbaker said in 1961 that there would always be a light in the window for South Africa. We are keeping it there.

The support Canadians have given to those brave South Africans -- black and white -- who have carried on the assault on the immorality of apartheid reflects our consistency on these issues of human rights. It also reflects the generosity of the spirit of Canadians as they look outward to the world.

Canada's Role in the World

In fact, Canada is seen in the international community as a model of peace, tolerance, respect for diversity, equality and the protection of human rights.

What Canada brings to the international arena is a particularly Canadian view, steeped as much in our history and cultures as in our Charter of Rights and Freedoms and its predecessor documents.

To many people outside of Canada, the fact that we are currently undergoing such a gut-wrenching process of constitutional review is ironic, if not shocking. But if one looks closely at the elements of our internal review, one sees an intriguing parallel with what we are attempting to accomplish abroad.

Our search for essential Canadian values, modern and functional democratic institutions and practical divisions of power and responsibility corresponds almost directly with our international commitment to the development of human rights, democracy and good governance.

A Strong Canada

A strong and united Canada can remain a beacon for the practice of human rights to all the world's nations.

I won't hide my views or my feelings. A Canada without Quebec would be greatly diminished in the international corridors of power, and a Quebec without Canada would be greatly reduced in its ability to inject its unique perspective into international decision making.

The Canada of 1992 faces many of the same problems that confront the newly minted democracies of the world: questions of language; individual versus collective rights; minority rights; the treatment of indigenous peoples; regional versus national interests; the rights of women, children and disabled people; and the protection of the environment.

History is merely a record of our successes and our failures in these areas. But we shape what the next chapter of that history will be. We can, like the great jurists and diplomats who have gone before, inject our own human qualities into the process of history making.

Those of you who attended any of the five regional constitutional conferences recognize the power of the "ordinary Canadian" to restore a sense of perspective to the discussion.

As with our efforts internationally, we must find a safety and comfort zone for all Canadians through a redefinition of our values, our institutions and our systems of government.

Human rights, democracy and the principles of good governance are the framework for freeing the human spirit. Commitments to such a framework are vital to realize progress internationally. Canada is a principal mover in these efforts; people elsewhere look to us for direction and inspiration.

I have great faith in the Canadian spirit; I have great faith in Canadian instincts and values. Open minds and, more importantly, open hearts are the key to our future as a nation. We have demonstrated these qualities time and time again in support of peoples around the world. We must now recharge our batteries at home.

Our strength, we will find, comes from the fundamental energy that has surged through the veins of the people who have chosen to live in this country. We will find that the energy source is not language or culture or region; the energy source is the human spirit. That was the basis for the incredible momentum that has led to new freedoms and democracy for millions, even billions, of people around the world; it will also be the basis for a renewed Canada.

Statement

Secretary of
State for
External Affairs



Déclaration

Secrétaire d'État
aux Affaires
extérieures

92/ 11

**NOTES POUR UNE ALLOCUTION
DE L'HONORABLE BARBARA McDOUGALL,
SECRÉTAIRE D'ÉTAT AUX AFFAIRES EXTÉRIEURES,
À LA QUATRIÈME CONFÉRENCE RENÉ CASSIN
SUR LES DROITS DE LA PERSONNE
À L'UNIVERSITÉ McGILL**

**MONTREAL (Québec)
Le 19 mars 1992**

External Affairs and
International Trade Canada

Affaires extérieures et
Commerce extérieur Canada

Canada

Alors que nous sommes réunis ce soir pour honorer la mémoire de René Cassin, nous avons une grande raison de nous réjouir.

Les résultats du référendum mené cette semaine en Afrique du Sud confirment qu'il y a une étincelle de compréhension enfouie profondément dans l'âme humaine qui ne cherche qu'à faire jaillir la lumière de la liberté.

On peut empêcher cette étincelle de s'embraser - même pendant des siècles - mais on ne peut jamais l'éteindre.

À ceux qui ont fait du respect des droits de la personne l'objectif de toute une vie, voilà une autre preuve qu'il ne faut jamais abandonner l'effort tant qu'il reste une étincelle, afin que nous puissions voir le monde dans toute sa splendeur.

C'est pour moi un honneur de prononcer une allocution à l'occasion de la quatrième Conférence René Cassin sur les droits de la personne.

Pendant les quatre premières années de cette prestigieuse série de conférences, vous avez choisi comme conférenciers deux juristes canadiens éminents, soit M^{me} la juge Claire L'Heureux-Dubé et M. le juge Walter Tarnopolsky, et deux diplomates canadiens, soit M. Yves Fortier et moi-même.

La loi et le gouvernement - partenaires pour la protection des droits de la personne

À mon avis, vous avez trouvé un juste équilibre pour l'examen des droits de l'homme dans le monde actuel. Un équilibre entre, d'une part, la loi, et d'autre part, l'action gouvernementale. Un équilibre entre, d'une part, les principes et valeurs qui doivent être inscrits dans les lois et, d'autre part, les institutions et les pouvoirs du gouvernement pour les appliquer.

Toutefois, cet équilibre repose d'abord sur l'individu. Le bien-être des individus ainsi que l'amélioration de la condition humaine sont les critères qui témoignent au bout du compte de l'efficacité des lois, des institutions et des gouvernements.

Le pluralisme entraîne l'imprévisibilité

Nous vivons à une période extraordinaire de l'histoire. Depuis la fin de la Guerre froide, le monde est confronté à de nouvelles forces dont beaucoup vont dans des directions différentes.

Dans une allocution prononcée récemment au Forum économique mondial, à Davos, M. Vaclav Havel, le président de la Tchécoslovaquie, a fait observer que l'effondrement du communisme a mis fin non seulement aux XIX^e et XX^e siècles, mais à l'ère moderne dans son ensemble. M. Havel voit dans la chute du communisme la victoire de la vie, de l'individualité humaine et

du pluralisme sur une confiance mal placée dans les systèmes et les grands projets sociaux. Selon lui, le salut de la civilisation passe non pas uniquement par nos capacités, mais aussi par la justesse de nos valeurs et de nos instincts.

L'engagement envers la démocratie, le pluralisme et les droits de la personne semble vraiment de plus en plus répandu.

Toutefois, par suite de la libération des impulsions humaines, avec tout ce qu'elles comportent d'imprévisible, les risques de violence, d'oppression des minorités et de violation des droits fondamentaux de la personne demeurent considérables.

Nous devons nous employer à faire pencher la balance, et aider les peuples à embrasser la démocratie et à s'y préparer en adoptant des lois qui s'appuient sur les droits fondamentaux de la personne et sur les principes du bon gouvernement.

Notre objectif : la protection des droits de la personne

L'action en faveur de l'universalité des droits de l'homme n'est pas nouvelle. Thomas Jefferson, John Stuart Mill, Léon Tolstoy, Eleanor Roosevelt, Martin Luther King et René Cassin - et bien d'autres, souvent anonymes - des combattants, des martyrs et des militants infatigables, dont des Canadiens comme John Humphrey et John Diefenbaker, ont travaillé inlassablement à la réalisation de cet objectif.

Ce qui est nouveau, toutefois, c'est la révolution mondiale qui a créé un climat dans lequel il est possible d'étendre ces droits à presque tous les habitants de la planète.

Le rôle du Canada

En 1992, nous devons consacrer toute l'énergie de la diplomatie canadienne aux questions intimement liées des droits de la personne, de la démocratie et du bon gouvernement, et ce, dans le cadre de la règle de droit. Le rôle du Canada consiste à s'assurer que cette possibilité devienne réalité.

Au niveau le plus élevé, nous menons cette action par idéalisme et par intérêt pour la justice fondamentale. En tant que pays, nous faisons valoir notre propre expérience et en prouvons la justesse - il s'agit de la nécessité de créer une société tolérante fondée sur la règle de droit, où tous les citoyens soient conscients de leur valeur inhérente et où la protection des droits garantis représente la principale responsabilité du gouvernement.

En outre, nous agissons par désir de promouvoir la sécurité internationale. Nous savons qu'une sécurité réelle et durable

dépend non pas de systèmes monolithiques qui oppriment des millions de gens, mais de sociétés libres et ouvertes.

Les droits sans frontières

On s'entend de plus en plus pour dire que les événements qui se produisent dans un pays donné ne peuvent être considérés comme des affaires purement intérieures qui ne concernent pas la communauté internationale.

En adoptant cette doctrine de non-ingérence dans la souveraineté des nations, nous avons constaté le cynisme des régimes communistes qui ont inscrit dans leurs constitutions d'innombrables dispositions garantissant les droits des citoyens pour violer quotidiennement ces droits en invoquant ces mêmes constitutions.

Cette situation n'existe plus, sauf en Chine et dans certaines autres régions d'Asie et d'Afrique, mais elle a pratiquement disparu dans tous les pays d'Amérique latine et d'Europe.

Il s'agit là d'un événement d'une importance considérable. Toutefois, les progrès réalisés sont fragiles. Mais notre gouvernement est déterminé à ce qu'on puisse mener à terme la révolution en faveur de l'universalité des droits de la personne et à faire en sorte que ces droits soient garantis.

Nous militons en faveur des droits de la personne parce que nous croyons que c'est ce qu'il faut faire. La majorité des Canadiens nous appuient dans ces initiatives.

Certains croient que nous pouvons demeurer indifférents aux événements qui surviennent dans les autres pays tant que ces événements n'ont pas d'effet négatif sur nous. Ils disent que nous pouvons vendre nos produits à ces pays, voire leur accorder une aide (particulièrement si cette mesure favorise nos ventes).

Or, lorsque des conflits et des massacres se produisent, comme en Yougoslavie, en Azerbaïdjan, en Haïti ou en Somalie, pour ne mentionner que quelques-uns des points chauds du globe, les passifs et les cyniques déclarent que ces événements sont regrettables, mais que nous devons simplement éviter qu'ils n'échappent à tout contrôle et débordent les frontières des pays touchés.

Cette façon de voir est tout à fait erronée.

La nécessité d'agir - Yougoslavie

Jusqu'ici, la guerre civile en Yougoslavie a causé la mort de 6 000 personnes, surtout en Croatie, mais dans tous les camps. Il s'agit d'un conflit entre les majorités et les minorités

ethniques. En septembre, le premier ministre Mulroney a été le premier dirigeant à demander le déploiement d'une force de maintien de la paix, à déclarer qu'il s'agissait non pas d'une affaire intérieure qui excluait une intervention humanitaire, mais de l'oppression intolérable des faibles par les forts. Cette force de maintien de la paix est maintenant en route. Le processus consistant à protéger les gens en assurant leurs droits fondamentaux est en train de s'engager, par la négociation, les déclarations et le respect de la règle de droit.

La nécessité d'intervenir - Nagorny-Karabakh

Dans la région auparavant autonome de Nagorny-Karabakh, Azéris et Arméniens réagissent à l'effondrement du totalitarisme en essayant de se détruire réciproquement - individus contre individus, religion contre religion - tant que le monde ne pourra pas les en empêcher.

La Conférence sur la sécurité et la coopération en Europe - la CSCE - dont l'Arménie et l'Azerbaïdjan sont tous deux membres, a précisément pour mandat de favoriser la protection des droits de la personne et la gestion des conflits. La CSCE ne pouvait pas intervenir en Yougoslavie en mai dernier, quand je l'ai invitée à le faire, parce que l'URSS refusait alors de la voir s'ingérer dans les «affaires internes d'un État», craignant, je suppose, une ingérence dans ses propres affaires. C'était avant le coup du 19 août.

Après le coup, à une conférence de la CSCE tenue ironiquement à Moscou, le ministre des Affaires étrangères du régime Gorbatchev restauré a déclaré à l'assemblée des ministres de la CSCE que, s'il y avait à nouveau conflit entre le principe de non-intervention et la protection des droits de la personne, le gouvernement soviétique pencherait pour la protection des droits de la personne. Quelle transformation!

La semaine dernière, j'ai donc incité le président de la CSCE - le ministre des Affaires étrangères de la Tchécoslovaquie - à ne pas se contenter d'envoyer des observateurs pour assister à l'agonie évidente du Nagorny-Karabakh, mais plutôt d'intervenir et d'inviter les ministres des affaires étrangères de l'Arménie et de l'Azerbaïdjan à participer à un processus de paix de la CSCE visant à mettre fin au conflit et à commencer l'édification d'une paix juste et durable avec les habitants du Nagorny-Karabakh.

Après tout, ces nouvelles républiques ont accepté les principes de la CSCE. Demandons-leur maintenant d'honorer leurs engagements. M. Dienstbier a justement convoqué à cette fin une réunion des ministres des affaires étrangères de la CSCE à Helsinki mardi prochain.

La nécessité de protéger le retour à la démocratie - Haïti

En Haïti, le Canada continue d'appuyer le retour de la démocratie constitutionnelle. L'accord intervenu il y a quelques semaines par le président Aristide et les parlementaires élus sous les auspices de l'Organisation des États américains (OEA) offrent les meilleures chances d'y parvenir. La mise en oeuvre de cet accord dépend dans une grande mesure de l'appui à long terme du Canada, de l'OEA et des autres pays. Nous devons tous aider Haïti à développer des traditions et des institutions démocratiques viables et durables.

La nécessité d'établir la règle de droit - Somalie

En Somalie, un gouvernement despotique est tombé. Mais il n'y a aucune règle de droit. Seulement le chaos et la tuerie. Même l'aide humanitaire a été interrompue à cause de la présence de brigands et de voyous qui font régner leur loi par les armes. J'applaudis chaudement l'initiative du Secrétaire général de l'ONU cette semaine d'atténuer la souffrance tragique de ce peuple. Je crains hélas que nous ne soyons plus près du début que de la fin.

Je mentionne ces conflits, où le gouvernement canadien joue un rôle prépondérant, pour illustrer deux points : premièrement, que le chemin vers la démocratie pluraliste n'est pas sans embûches et sans coûts; et deuxièmement, que lorsque la violence éclate, ce sont les droits de la personne qui sont les premiers sacrifiés à la loi des armes.

J'ai mentionné les tueries de cette semaine. Ce ne sont malheureusement pas les seules. Nous devons non seulement faire quelque chose à leur sujet mais aussi trouver des solutions originales aux autres conflits qui surgissent.

La nécessité de dépasser le règlement des conflits

Mais nous devons aussi dépasser le règlement des conflits. Cela signifie aider à édifier les cultures démocratiques et à améliorer la protection des droits de la personne de sorte que les conflits ne puissent surgir en premier lieu.

Nous devons tenter de redresser les torts les plus flagrants -- comme nous l'avons fait pour les Noirs de l'Afrique du Sud, pour les Juifs de l'ex-Union soviétique ou pour les signataires de la Charte 77 en Tchécoslovaquie.

Et nous devons enchâsser ces droits dans les cadres globaux qui, à la longue, pourront donner un sens plus universel à nos déclarations et à nos droits.

La nécessité de cadres

Il y a maintenant 42 ans que John Humphrey, de McGill, René Cassin et Eleanor Roosevelt ont préparé la déclaration universelle des droits de l'homme qui, avec les conventions s'y rapportant, est devenue la Déclaration internationale des droits de la personne. Ces instruments fournissent des normes de respect des valeurs humaines qui transcendent les frontières politiques et qui invitent les peuples à accepter des principes aussi fondamentaux que la liberté individuelle, la justice et la dignité de la personne.

Pendant la Seconde Guerre mondiale, des millions de personnes ont péri en défendant ces principes, seulement pour voir des centaines de millions d'autres humains assujettis à des tyrannies qui ont fait fi de leurs sacrifices.

L'Acte final d'Helsinki, signé en 1975, était un autre effort européen pour encourager les plus braves à défier l'État, à réclamer des droits pour eux-mêmes et pour leurs sociétés. Encore une fois, avec peu de résultats immédiats.

Il fallait encore élaborer un ensemble d'engagements intergouvernementaux envers des concepts politiques universels.

En 1990, des pays d'Europe et d'Amérique du Nord ont convenu, dans la Charte de Paris, de renforcer la démocratie comme le seul système de gouvernement d'une nation et ils ont soutenu que la reconnaissance des droits de la personne est une protection essentielle contre l'État trop puissant.

C'est ainsi que les droits de la personne, la démocratie et le bon gouvernement sont devenus inextricablement liés. À juste titre, puisque sans l'une des composantes de la trinité, les autres sont vouées à l'échec.

De plus, ces composantes ne peuvent être développées sans un cadre favorisant la sécurité coopérative et la prospérité durable, deux autres grands objectifs de la politique étrangère canadienne. En fait, c'est le Canadien John Humphrey, un réaliste invétéré, qui a écrit que les droits de la personne qui ne s'accompagnent pas de droits sociaux et économiques ont peu de signification pour la plupart des gens, surtout lorsqu'ils ont l'estomac creux.

C'est en fait la grande raison qui sous-tend nos efforts pour aider la Russie, les autres anciens États de l'URSS et les pays de l'Europe de l'Est. Ces États et leurs peuples sont maintenant libres, mais cette liberté peut leur sembler moins importante s'ils n'ont pas d'emploi, pas de nourriture et peu de sécurité.

Notre objectif est simplement d'empêcher le conflit tout en encourageant le progrès. À l'Université Stanford, le Premier Ministre a dit que c'est une tâche qui pourrait ne pas être achevée avant plusieurs années, mais que nous devrions quand même avoir la clairvoyance et le courage de faire le premier pas décisif.

Bon gouvernement - définition

Ce premier pas décisif, le Canada et d'autres pays tentent de le prendre par la promotion et la recherche de ce que nous avons baptisé, en relations internationales, le «bon gouvernement». Il s'agit là d'une notion centrée sur l'affirmation des droits de la personne et sur l'utilisation efficace de ressources peu abondantes.

Je vais maintenant développer les aspects suivants : qu'entend-on par bon gouvernement? Comment en favoriser la réalisation? Et pourquoi croyons-nous que ce que nous faisons est important?

J'aimerais commencer par donner une définition succincte du concept et brièvement le situer.

- Un bon gouvernement repose sur des valeurs humaines universelles, des institutions ouvertes et démocratiques et des systèmes sensés et pratiques d'établissement de priorités, de prise de décisions et de gestion de programmes.
- La notion de bon gouvernement englobe le respect des droits de la personne, les pratiques démocratiques et l'obligation de rendre compte de l'administration publique. Il s'agit de savoir comment un gouvernement gouverne et de connaître ses orientations.

Il s'agit de voir comment les gens sont traités, comment les pays sont gouvernés et si vraiment nos contributions sont utilisées aux fins auxquelles elles sont destinées, à savoir notamment le développement social et économique ou la transformation des systèmes politiques ou économiques.

Les Canadiens ont, à juste titre d'ailleurs, ces principes à coeur. Reprenons-les un à un.

Bon gouvernement - respect des droits de la personne

Premièrement, les droits de la personne, ou la façon dont les gens sont traités. Le respect de ces droits est au coeur même de la notion de bon gouvernement. Un pays qui ne suit pas de normes fondamentales de respect des droits de la personne ou qui ne fait pas preuve d'une volonté manifeste d'améliorer sa situation et de s'attaquer aux problèmes ne peut s'attendre à de l'aide

extérieure ou à ce que sa ligne de conduite soit sanctionnée. Il doit plutôt s'attendre à subir des pressions en faveur du changement.

De même, des efforts soutenus et déterminés visant à renforcer le respect des droits de la personne se vaudront le soutien de l'extérieur. Le fait est qu'il faut parfois se rappeler que certains pays ont énormément de rattrapage à faire.

Bon gouvernement - l'exercice de la démocratie

Deuxièmement, l'exercice de la démocratie - la façon dont un pays est gouverné. Nous savons que la démocratie ne repose pas uniquement sur des modèles donnés - puisque les modèles peuvent varier - mais bien sur la participation véritable de la population d'un pays, femmes et minorités comprises, au processus décisionnel.

Les constitutions et les élections sont importantes, comme en Haïti par exemple, mais seulement si, dans la pratique, elles permettent aux gens de limiter, de contrôler et de changer leurs gouvernements. La participation à l'exercice du pouvoir est essentielle à la pratique démocratique et constitue un élément central du développement d'une culture démocratique. La tolérance à l'égard des différences et la prise en compte des intérêts et des besoins des minorités d'un pays sont tout aussi importantes. La démocratie, sous quelque forme qu'elle se présente, suppose la pluralité et appelle un ensemble spécial de modes de fonctionnement qui garantissent un équilibre entre ceux qui détiennent le pouvoir et ceux qui ne le détiennent pas.

Au fond, ce qui compte, ce n'est pas seulement ce qu'un pays a fait par l'entremise de ses institutions représentatives, mais la profondeur de son engagement - dans son contexte particulier - à l'égard de la mise en place de processus démocratiques et d'un système véritablement démocratique.

Bon gouvernement - obligation de rendre compte de l'administration publique

Le troisième élément de la notion de bon gouvernement porte sur la façon dont une administration gouvernementale fonctionne et sur les priorités qu'elle se fixe. On ne peut définir ce principe dans l'absolu, mais quelques caractéristiques fondamentales se dégagent clairement :

- Gouvernement honnête : mesures de lutte contre la corruption, comptes publics ouverts et fiables.
- Reconnaissance des limites de l'action du gouvernement : en matière économique, une économie libre plutôt que contrôlée.

- Saine gestion économique : niveau raisonnable de dépenses consacrées à la défense, politiques financières et monétaires responsables.
- Politiques sociales positives dont les priorités sont les suivantes :
 - allégement de la pauvreté;
 - reconnaissance et participation des femmes;
 - protection et soin des enfants;
 - santé et éducation.
- Finalement, un comportement responsable sur le plan international, par exemple, la non-prolifération des armements.

Ce sont là de belles idées, direz-vous. Mais comment le Canada, qui n'est qu'un pays parmi tant d'autres, peut-il provoquer cette révolution en principe et en pratique?

Nous ne pouvons y arriver par nous-mêmes, mais nous pouvons accorder notre appui et trouver d'autres appuis au mouvement de plus en plus important de ceux qui recherchent le changement et qui oeuvrent pour le concrétiser.

C'est pourquoi il peut s'avérer utile d'exprimer ses idées, de préciser clairement ses attentes, comme nous l'avons fait en Europe de l'Est, surtout lorsqu'il est manifeste qu'à la longue, nous n'en attendons pas moins des autres que de nous-mêmes.

Nous savons, pour être aux prises avec ces mêmes questions chez nous, que nous nous devons de toujours rester vigilants et de ne pas perdre de vue nos propres principes et priorités. Il ne peut y avoir deux poids, deux mesures.

Favoriser et appuyer le changement

Ces dernières années, nous avons instauré plusieurs nouveaux mécanismes destinés à privilégier et à appuyer les changements positifs. J'ai souligné la création par le Parlement, à titre d'organisme indépendant, du Centre international des droits de la personne et du développement démocratique.

Le lien entre la démocratie et le développement a donné lieu à des associations créatives entre les Affaires extérieures et l'Agence canadienne de développement international (ACDI), et a accru l'importance du rôle du précieux savoir-faire acquis par Élections Canada et des commissions électorales provinciales, telles que Élections Québec. La création du Fonds pour l'observation des élections est un exemple de mécanisme flexible qui répond aux nouveaux besoins des pays en développement. De même, le nouveau Fonds pour les droits de la personne à Sri Lanka permettra d'aider ceux qui se sont donné pour tâche de préserver

et de rétablir les droits de la personne, malgré le long conflit qui déchire ce pays.

En Europe centrale et en Europe de l'Est, nous avons réagi rapidement pour consolider les changements démocratiques. Au cours des deux dernières années, le Groupe de travail sur l'Europe centrale et l'Europe de l'Est du ministère des Affaires extérieures a entrepris 27 projets d'une valeur de plus de 3 millions de dollars à l'appui de la démocratie, 47 projets d'une valeur de plus de 5 millions de dollars à l'appui du principe de bon gouvernement et 8 projets d'un montant de 400 000 dollars dans le domaine des droits de la personne. Près de la moitié de ces fonds, à l'exception de l'aide alimentaire et humanitaire, avaient été spécialement affectés à ces fins. Tous ces coups de mains s'adressent directement au peuple.

Ces efforts, spéciaux et ciblés, entrent dans le cadre des activités générales de développement du Canada qui cherche à aider les pays qu'il assiste à devenir plus efficaces, à accroître la liberté de leurs habitants et à favoriser l'épanouissement humain de façon durable. Autrement dit, à éliminer la pauvreté et à appliquer les principes de bon gouvernement.

Les bases juridiques

Au début de cette allocution, j'ai mentionné l'équilibre entre le droit et les actions du gouvernement, qui appuie les droits de la personne, favorise et soutient la réforme démocratique.

Les nouveaux gouvernements qui aspirent à une réforme démocratique prennent de plus en plus souvent de solennels engagements politiques à l'égard du respect de tous les droits. Si, pour ce faire, il faut modifier les lois nationales, que ce soit fait. Si cela exige une meilleure application de ces lois, que cela aussi soit fait. S'il faut que d'autres États interviennent pour assurer le respect des conventions et des traités internationaux, nous ferons appel aux mécanismes mis en place à cette fin.

Les gouvernements ne peuvent garantir à eux seuls la tolérance; ce pouvoir revient inévitablement à chaque individu. Par contre, les gouvernements peuvent créer un climat de tolérance; ils peuvent jouer un rôle crucial en matière d'éducation, vrai coeur du problème.

Et les gouvernements peuvent faire en sorte que l'intolérance devienne inacceptable. Ils peuvent rendre illégaux la persécution et le traitement discriminatoire d'une personne à cause de sa race, de sa religion, de ses origines ethniques ou linguistiques. Une fois ces actes déclarés illégaux, les

gouvernements peuvent appliquer toute la force de leurs lois pour punir les coupables.

Le Canada peut fournir et a déjà fourni des aides très pratiques et positives aux réformes juridiques : assistance directe à l'élaboration de constitutions démocratiques, formation de juristes et organisation d'un système judiciaire indépendant, sans lequel les droits de la personne ne peuvent être garantis; mise sur pied d'organismes chargés de surveiller le respect des droits de la personne et formation de leurs responsables.

Le programme de stage juridique de l'Association du Barreau canadien, destiné à l'Europe centrale et à l'Europe de l'Est, permettra à 24 avocats polonais, hongrois, tchécoslovaques et ukrainiens de venir faire un stage de trois mois auprès d'études d'avocats et d'organisations juridiques du Canada.

Le programme de 1992 prévoit aussi l'organisation, à Varsovie et à Prague, de séminaires sur le rôle que jouent les avocats dans une société démocratique et libérale. De plus, il comprend un élément de formation judiciaire pour 10 juges tchécoslovaques.

En 1990, le ministère de la Justice du Québec a participé à une série de projets de consultation et de formation avec le ministère de la Justice de Hongrie. Des responsables hongrois ont étudié le code civil et les systèmes d'enregistrement et de notariat québécois. D'autre part, des experts juristes du Québec ont fourni leur savoir-faire et leurs conseils pour la rédaction de lois et la réforme du droit criminel de Hongrie.

Promouvoir la démocratie

On peut aussi amener d'autres secteurs de la société à évoluer en harmonie avec la protection institutionnelle des droits de la personne. Cet hiver, nous avons organisé à Montebello un séminaire sur la démocratie pour les chefs des forces armées de pays d'Europe de l'Est.

Grâce à un projet parrainé par la Fondation canadienne des droits humains de Montréal, 21 personnes viendront au Canada de Russie, d'Ukraine, de Lituanie, de Lettonie et d'Estonie pour y prendre part à un programme de formation de cinq semaines sur les droits de la personne.

Tous ces programmes, et d'autres semblables, sont conçus pour ancrer dans la culture de ces toutes nouvelles nations les concepts élémentaires de droits de la personne.

En ce qui concerne les libertés nouvellement acquises dans les pays d'Europe centrale et d'Europe de l'Est et dans les pays de l'ancienne Union soviétique, le Canada connaît bien les

perspectives qu'elles ouvrent tout comme les dangers qui les menacent.

Nous sommes déterminés à prévenir les conflits en faisant la promotion de la démocratie et ce, par l'intermédiaire surtout des Nations Unies, mais aussi d'autres organisations régionales indépendantes.

Par exemple, le Canada a envoyé un expert auprès de l'équipe internationale parrainée par la Conférence sur la sécurité et la coopération en Europe (CSCE) et dont le mandat était d'observer le déroulement des élections de décembre dernier, en Ukraine.

Mais, comme je l'ai dit, la démocratie, ce n'est pas seulement des élections. C'est le processus complet de responsabilité ainsi qu'un système doté d'un appareil judiciaire indépendant, d'une liberté de parole, d'une tolérance à l'égard des minorités et d'un sens du pluralisme.

Nous devons inculquer ces principes fondamentaux à la population et pas seulement rentrer chez nous le lendemain d'une élection.

Nous avons comme objectif principal d'aider les pays à s'améliorer dans ces domaines. Compte tenu du mouvement mondial vers la démocratie et des demandes accrues d'aide financière, le public s'attend à ce que le gouvernement étudie soigneusement la situation qui prévaut dans un pays à cet égard avant de lui venir en aide.

À la réunion des chefs de gouvernement du Commonwealth qui s'est déroulée à Harare en octobre 1991, voici comment le Premier Ministre a fait connaître clairement les intentions du Canada en ce qui a trait à l'aide canadienne au développement :

«Pour le Canada, la voie est claire : il orientera de plus en plus son aide au développement vers les pays qui respectent les droits fondamentaux et les libertés individuelles de leurs peuples. Le Canada ne subventionnera pas la répression et l'étouffement de la démocratie.»

Il a répété ce message au Sommet de la Francophonie qui a eu lieu à Paris en novembre.

Nos actions en Haïti et en Indonésie au cours des derniers mois témoignent de la fermeté de notre engagement à ce principe.

Réagir aux violations des droits de la personne

Mais il est difficile de lutter contre les violations manifestes des droits de la personne.

Il est bien sûr possible de dénoncer les manquements aux droits de la personne auprès de la Commission des droits de la personne de l'ONU. Le Canada tient à suivre ce processus et il en est l'un des plus ardents partisans.

Mais cette voie n'a qu'une faible portée, en pratique. Il est souvent nécessaire de recourir à des mesures bilatérales et multilatérales.

Nous savons pertinemment que chaque situation est différente et que nos décisions sur les mesures à prendre doivent tenir compte à la fois de l'unicité de chacun de nos partenaires et des intérêts et des priorités du Canada dans la région concernée.

Aussi, dès que possible, nous essayerons de protéger les pauvres, en fournissant peut-être notre aide aux organisations non gouvernementales plutôt qu'aux gouvernements.

Persuasion amicale, aide bien ciblée et actions concertées

Les mesures que nous adoptons peuvent aller de la persuasion amicale et de l'aide bien ciblée au recours à des moyens de pression, en collaboration avec d'autres pays, par l'entremise de nos programmes d'aide bilatérale et multilatérale. Nous pouvons, pour ce faire, réduire notre aide, changer notre façon de la donner et ne plus la fournir aux mêmes personnes.

Dans la mesure du possible, nous consultons d'autres gouvernements et des organismes internationaux lorsque des problèmes pointent à l'horizon ou que de nouvelles possibilités se présentent et nous tentons alors de coordonner notre action. L'intervention du Canada ne passe toutefois pas nécessairement par un consensus international; ce ne fut pas le cas jusqu'à présent et ce n'est pas ce que nous comptons faire à l'avenir.

Fait à signaler, nous comptons sur les Canadiens pour les connaissances et les perspectives particulières dont ils peuvent faire profiter le débat - lors de rencontres, dans leurs lettres, par les médias et par le Parlement. L'actualité internationale doit être regardée dans une perspective canadienne. Les idées et les connaissances des entreprises, des syndicats, des groupes bénévoles et des organismes privés peuvent approfondir notre compréhension d'une situation particulière et des choix offerts.

Interruption ou cessation de l'aide bilatérale

Il arrive parfois que des gouvernements agissent arbitrairement, menacent ou attaquent leurs voisins, utilisent à mauvais escient leurs ressources ou violent les droits fondamentaux de leurs citoyens. Des situations aussi graves commandent des mesures explicites et percutantes, comme l'interruption voire la cessation de notre aide bilatérale. Nous l'avons fait à maintes

reprises dans le passé et n'hésiterons pas à le refaire si le besoin se présentait à nouveau.

Le recours aux sanctions

Dans les situations encore plus extrêmes, il y a aussi l'option des sanctions politiques et économiques. Il suffit de penser aux mesures prises à l'égard de l'Afrique du Sud, ou plus récemment à l'égard de l'Iraq et d'Haïti. Ces mesures sont réservées, il va sans dire, aux cas extrêmes. Elles doivent être conçues de manière à nuire le moins possible au Canada (et aux Canadiens) et à multiplier les chances de succès.

L'objectif visé n'est pas de ruiner un pays ni de pénaliser sa population, mais plutôt d'amener le gouvernement à changer sa conduite.

Même en présence de sanctions, il se peut que nous financions des projets destinés à venir directement en aide à ceux qui souffrent ou qui réclament un changement. Nous avons ainsi versé environ 46 millions de dollars dans de tels projets en Afrique du Sud au cours des quatre dernières années.

Aide du Canada à l'Afrique du Sud

Nous comptons bien poursuivre notre engagement et notre aide à l'égard de l'Afrique du Sud dans sa quête de réformes profondes. John Diefenbaker a dit en 1961 qu'il y aurait toujours une lumière à la fenêtre pour l'Afrique du Sud. Nous veillons à ne pas l'éteindre.

L'appui que les Canadiens ont donné aux braves Sud-Africains - blancs et noirs - qui n'ont pas cessé de lutter contre l'immoralité de l'apartheid témoigne de notre constance dans les questions des droits de la personne. Il témoigne aussi de la générosité d'esprit des Canadiens dans leurs rapports avec le monde.

Le rôle du Canada dans le monde

En fait, le Canada est vu par la communauté internationale comme un modèle de paix, de tolérance, de respect de la diversité, d'égalité et de protection des droits de la personne.

Ce que le Canada apporte dans l'arène internationale est un point de vue particulièrement canadien, enraciné autant dans notre histoire et nos cultures que le sont notre Charte des droits et libertés et les documents qui l'ont précédé.

Pour beaucoup de gens à l'extérieur du Canada, les déchirements constitutionnels que nous traversons actuellement paraissent ironiques pour ne pas dire choquants. Mais si l'on regarde de

près notre cheminement constitutionnel, on y voit un curieux parallèle avec ce que nous essayons d'accomplir à l'étranger.

Notre recherche de valeurs canadiennes fondamentales, d'institutions démocratiques modernes et fonctionnelles ainsi que d'une répartition judicieuse des pouvoirs et des responsabilités correspond presque parfaitement avec notre engagement international envers les droits de la personne, la démocratie et le principe de bon gouvernement.

Un Canada fort

Un Canada fort et uni peut continuer d'être le flambeau de la défense des droits de la personne partout dans le monde.

Je ne vous cacherai pas mes sentiments. Un Canada privé du Québec perdrait beaucoup de sa force sur la scène internationale, tandis que le Québec aurait beaucoup plus de mal à communiquer son optique unique dans le processus de prise de décision international.

Le Canada d'aujourd'hui est confronté aux mêmes problèmes que ceux qu'affrontent les nouvelles démocraties. Ce sont les débats linguistiques; les droit collectifs contre les droits individuels; les droits des minorités; le traitement réservé aux autochtones; les intérêts nationaux contre ceux des régions; les droits de la femme, des enfants et des personnes handicapées; la protection de l'environnement.

Notre histoire reflète nos réussites et nos échecs dans ces domaines. Il nous est loisible de façonner le prochain chapitre de cette histoire. À l'instar des grands juristes et diplomates, nous pouvons utiliser nos qualités humaines pour écrire cette page d'histoire.

Ceux d'entre vous qui ont assisté à l'une ou l'autre des cinq conférences constitutionnelles régionales savent que le Canadien moyen peut ramener le débat dans une plus juste perspective.

Sur le plan international, nous devons trouver une zone de sécurité pour tous les Canadiens par la refonte de nos valeurs, de nos institutions et de notre système de gouvernement.

Les droits de la personne, la démocratie et les principes de bon gouvernement constituent le fondement de la libération de l'esprit humain. Nous devons absolument nous engager dans ce sens si nous voulons progresser sur le plan international. Le Canada est un chef de file dans ce domaine et son leadership est source d'inspiration partout dans le monde.

J'ai une foi totale dans l'esprit canadien et dans nos valeurs.

L'avenir de notre pays repose sur notre ouverture d'esprit et, plus encore, sur notre générosité.

À maintes reprises nous avons fait preuve de ces qualités lorsque nous avons secouru d'autres peuples. C'est maintenant nous-mêmes que nous devons aider.

Nous verrons que notre force procède de cette énergie fondamentale qui coule dans les veines de ceux qui ont choisi de vivre dans ce pays appelé le Canada.

Nous nous rendrons compte que la source de cette énergie n'est pas la langue, la culture ou la région, mais bien l'esprit humain.

Voilà la source de cet incroyable dynamisme grâce auquel des millions, voire des milliards de personnes partout dans le monde, ont conquis de nouvelles libertés et la démocratie; ce dynamisme sera la pierre angulaire d'un Canada renouvelé.

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