The Human Rights Council this afternoon held a panel discussion on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights.

Introducing the panel discussion, Alex Van Meeuwen, President of the Human Rights Council, said the overall aim of this panel was to get an overview of the issues related to the movement and dumping of toxic waste, with the view of assessing the impact on the enjoyment of human rights.

Craig Mokhiber, Chief of the Human Rights and Economic and Social Issues Section, Office of the United Nations High Commissioner for Human Rights, also introducing the panel, said while it was now widely accepted that hazardous products such as chemicals, pesticides and toxic wastes could pose a serious threat to human health and to the natural environment, their potentially adverse impact on human rights and fundamental freedoms had not yet been adequately recognized. Environmental degradation and human rights abuses had often been treated as unrelated issues, even in cases where the links between them were evident. This had to change.

Okechukwu Obinna Ibeanu, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, was not able to attend the discussion, but in his statement which was read out, he said that toxic and dangerous products and wastes knew no boundaries and were transferred not only from “north” to “south”, but also between developing countries and between developed countries. The Council itself had recognized that the management and disposal of toxic and dangerous products and waste had now become a global problem which required a global solution. This panel could be a first step in developing a set of guidelines with human rights based approaches to the sound management and disposal of toxic and dangerous products and waste.

Panellist Katharina Kummer Peiry, Executive Secretary of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, said she had the fundamental hope that hazardous waste and substances would be finally moved out of the corner where they were traditionally put by the international community, and out into the centre of attention. These materials did have an impact on health, soil, water and biodiversity and also on the enjoyment of human rights. The Basel Convention condemned the illegal transport of hazardous wastes as criminal and placed an obligation on Member States in this regard, but it was very hard to have an overall assessment of the situation, as much took place in an uncontrolled or even illegal manner.

Panellist Fe Sanchis-Moreno, Environmental Affairs Officer, Aarhus Convention Secretariat, United Nations Economic Commission for Europe, said the objective of the Aarhus Convention on Access to Information, Public Participation in Decision-
making and Access to Justice in Environmental Matters was to protect the right of
every individual of present and future generations to live in an environment
adequate to his or her health and well-being. To date, the Convention had been
signed by 44 Parties, made up of various European and Central Asian States. Ms.
Sanchis-Moreno also introduced the Pollutant Release and Transfer Registers Protocol
to the Aarhus Convention.

Panellist André Banhouman Kamate, President of the Ivorian League for Human
Rights, said on August 19, 2006, 528 cubic meters of toxic waste were discharged in
the port of Abidjan in Côte d’Ivoire. The environment and air were polluted and this
had dramatic consequences for the population, including violating their right to life,
health and a healthy environment. Seventeen people were estimated to have died,
but the number was most likely higher as some people had pre-existing health
conditions that were probably exacerbated by the pollutants. Access to medication
and health care was impossible for many victims because of structural weaknesses in
the Ivorian healthcare system and the toxic spill also violated people’s right to work
as there was a large loss of jobs in the area where the toxic discharge happened.

Bashir Mohamed Hussein, Founding Director of SomaCent Development Research
Foundation, said Somalia had been a victim of hazardous toxic waste dumping since
the mid-1980s. The combined effects of the toxic waste dumping and other illicit
practices in Somalia had denied the affected population the enjoyment of
fundamental human rights, including the right to life, right to health, right to safe
environment, right to enough food, income and safe drinking water, as well as the
right to development. Unfortunately, Somalia had had no effective Government for a
long time now, and the international community had failed to pay enough attention
to these problems when dealing with the Somali crisis.

In the course of the discussion, speakers said that for Africa, the dangers of illicit
dumping of toxic waste fully justified concerted international action. It was essential
that the mandate of the Special Rapporteur on the effects of toxic waste dumping
examined the potentially negative effects of all waste, toxic or not. The time had
come to adopt a calendar and take concrete measures to put an end to the transfer
of toxic wastes, as well as to provide reparations to the victims of the dumping.
General guidelines on the management of toxic waste from a human rights
perspective should be drawn up. Despite the adoption of international instruments,
dumping continued, and some African countries served as a dumping ground for
waste from third countries. The Council should formulate better preventive measures
against dumping.

Speaking in the discussion were the representatives of Nigeria, Ivory Coast, Djibouti,
Pakistan, Armenia, European Union, Brazil, Uruguay, Indonesia, Mexico, Yemen,
Costa Rica and the United Kingdom. The following non-governmental organizations
also took the floor: Human Rights Advocates, Planetary Association for Clean Energy
and Indian Council of South America.

Speaking in right of reply, in response to statements made during the midday
general debate on human rights situations that deserve the attention of the Council
(HRC/10/68), were Belarus, Kyrgyzstan, Democratic People’s Republic of Korea,
Venezuela, Philippines, Sri Lanka, Zimbabwe, Japan, United Kingdom and Argentina.

The Council will hold a full day of meetings on Wednesday, 9 June from 9 a.m. to 6
p.m. It will meet at 9 a.m. to continue the general debate on human rights situations
that deserve the attention of the Council, and then at 10 a.m., it will consider the Universal Periodic Review outcome of Qatar, Nicaragua and Italy.

Opening Statements

ALEX VAN MEEUWEN, President of the Human Rights Council, in opening remarks, said the overall aim of this panel was to get an overview of the issues related to the movement and dumping of toxic waste, with the view of assessing the impact on the enjoyment of human rights. With the convening of this panel, the Council wished to strengthen the links between Special Procedures, the United Nations Environment Programme and secretariats of relevant environmental conventions.

CRAIG MOKHIBER, Chief, Human Rights and Economic and Social Issues Section, Office of the United Nations High Commissioner for Human Rights, in opening remarks, said in the last three decades, an emerging body of environmental norms and standards had been developed to regulate the production, management, trade and disposal of toxic and dangerous products and wastes so as to eliminate, or reduce to a minimum, the risks that they posed to human health and the environment. While it was now widely accepted that hazardous products such as chemicals, pesticides and toxic wastes could pose a serious threat to human health and to the natural environment, their potentially adverse impact on human rights and fundamental freedoms had not yet been adequately recognized. Until recently, human rights law and international environmental law had developed largely in isolation from one another. Thus, environmental degradation and human rights abuses had often been treated as unrelated issues, even in cases where the links between environmental degradation and the violation of specific human rights were evident. This had to change.

Since the establishment of his mandate, the Special Rapporteur had developed considerable expertise on the threats that the movement and dumping of toxic and dangerous products and wastes could pose to the enjoyment of human rights. The Special Rapporteur had also reminded States of the importance of using a human rights-based approach to the management and disposal of hazardous products and wastes. This approach should ensure accountability by expressly recognizing the responsibilities of all actors involved in chemical management, especially national governments and the private sector. Mr. Mokhiber welcomed the organization of this panel discussion and was convinced it would advance common efforts to formulate concrete and specific recommendations on measures to be adopted to eliminate or mitigate the adverse human rights impacts of hazardous products and wastes. The recommendations, he hoped, would also ensure accountability for perpetrators, redress for victims, and protection and empowerment for the vulnerable. Mr. Mokhiber concluded by thanking the Special Rapporteur, Professor Ibeanu, on behalf of the Office of the High Commissioner for Human Rights, whose tenure would come to an end on 30 June. The Special Rapporteur had made an important contribution to the field, particularly in raising the attention of the international community on the risks posed by hazardous products and waste, and not only the risks to human health and the environment, but also to the enjoyment of universally protected human rights.

Statements by Experts

DRAGANA KORLJAN, of the Office of the High Commissioner for Human Rights, read a statement on behalf of OKECHUKWU OBINNA IBEANU, the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products
and wastes on the enjoyment of human rights, who was unable to attend today’s meeting. In the statement, the Special Rapporteur said that since the 1970s increased generation of hazardous wastes and growing public awareness of the potential threat they posed to human health and the environment had resulted in the introduction of stringent legislation regulating the treatment of such wastes in many industrialized countries. The tightening of environmental legislation in the developed world led to a dramatic rise in the cost of hazardous waste disposal, and in turn generated a steady increase in the movement of these wastes across national borders, from industrialized countries to developing countries, which needed the money for accepting such waste, but had neither the technical capacity to dispose of them soundly nor effective regulatory mechanisms to prevent abuses.

Today, the situation was more complex. Certainly hazardous wastes generated in the northern hemisphere continued to be illegally dumped in developing countries by unscrupulous companies. However, it needed to be acknowledged that toxic and dangerous products and wastes knew no boundaries and were transferred not only from “north” to “south”, but also between developing countries and between developed countries. While the amount of waste generated and shipped across borders was increasing in all regions, the majority of transboundary movements nowadays occurred within the same region and involved OECD countries. The Council itself had recognized that the management and disposal of toxic and dangerous products and waste had now become a global problem which required a global solution. The Special Rapporteur was happy to note that the mandate had been extended for a period of three years, showing the serious commitment of the Human Rights Council to address the human rights impact of the transboundary movement and dumping of toxic and dangerous products and wastes and the growing recognition of the global nature of this phenomenon.

An increasing amount of e-waste products, obsolete or broken electronic products, continued to be sent to developing countries, sometimes under the guise of donations to fill the digital divide, where they were dismantled in small scale laboratories by untrained workers who did not know the risks associated with handling such products or the safety measures to adopt in order to break down the equipment and dispose of its parts in an environmentally sound way. Hazardous chemicals, including pesticides, were another issue that would continue to deserve the Council’s attention in years to come. In modern societies, chemicals had become an integral part of people’s lives. However, every year some 47,000 people died as a result of acute poisoning from hazardous chemicals and many more developed serious, life-threatening disease, like various forms of cancers. Many of these deaths could be prevented with appropriate training and targeted information campaigns. Contamination and poisoning from heavy metals remained a concern for this mandate. Lead-based paints were still widely manufactured and used in many developing countries to paint homes, schools, toys furniture, playground equipment, and other articles with which children came into contact. Lead was known to have far-reaching effects on human health, even at low exposures. Mercury also remained widely used and was also known to have serious adverse effects on humans as well.

The Special Rapporteur said this panel could be a first step in developing a set of guidelines with human rights based approaches to the sound management and disposal of toxic and dangerous products and waste. The guidelines should be elaborated in closed consultation with relevant stakeholders and would help clarify the responsibilities that States and other actors had undertaken under existing
human rights treaties to eliminate the adverse human rights impact caused by the unsound management and disposal of toxic and dangerous products and wastes.

KATHARINA KUMMER PEIRY, Executive Secretary of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, said she had the fundamental hope that hazardous waste and substances would be finally moved out of the corner where they were traditionally put by the international community, and out into the centre of attention. These materials did have an impact on health, soil, water and biodiversity and also on the enjoyment of human rights. The express goal of the Basel Convention was to protect human health and the environment against the adverse affects that could result from the generation and management of hazardous and other wastes. It also condemned illegal transport of hazardous wastes as criminal, and placed an obligation on Member States in this regard. It was very hard to have an overall assessment of the situation, as much took place in an uncontrolled or even illegal manner, even today. The Basel Convention had begun to play a decisive role in highlighting the links between waste management on the one hand, and the achievement of the Millennium Development Goals and improvement of human health and livelihood on the other hand. There was quite a lot of effort going on to address the problem of toxic wastes - at the most recent Conference of the Parties, in 2008, it adopted as a theme Waste Management for Human Health and Livelihood, and adopted a statement which directly linked waste management to poverty eradication, health, education, gender equality, environmental sustainability, and the global partnership for development. The Bali Declaration had already served as a basis for action, but considerable effort and funds were needed to further address the problem.

FE SANCHIS-MORENO, Environmental Affairs Officer, Aarhus Convention Secretariat, United Nations Economic Commission for Europe, began by describing the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. The Convention was based on Principle 10 of the Rio Declaration and was opened for signature at Aarhus, Denmark on 25 June 1998. The objective of the Convention was to protect the right of every individual of present and future generations to live in an environment adequate to his or her health and well-being. To date, the Convention had been signed by 44 Parties, made up of various European and Central Asian States. The Convention stipulated that everyone should have access to environmental information, without having to state an interest in being informed. Equally, the concerned public had a right to participate in any decisions on specific activities, plans, programmes and policies that related to the environment. With regard to access to justice, the Convention provided safeguards for adequate and effective remedies, including injunctive relief and also ensured that remedies were fair, equitable, timely and not prohibitively expensive. Furthermore, any decisions made by the courts should be publicly accessible.

Ms. Sanchis Moreno also introduced to the Human Rights Council the Pollutant Release and Transfer Registers Protocol to the Aarhus Convention. This Protocol was adopted on 21 May 2003 and entered into force on 8 October 2009. The objective of the Protocol was to enhance public access to information through the establishment of coherent, integrated, and nationwide pollutant release and transfer registers, which could facilitate public participation in environmental decision-making. The core elements of the Protocol included standardized and timely data on a structured and computerized database. On the whole, a Pollutant Release and Transfer Registers system ensured that there were limited provisions for confidentiality and it worked to
increase the involvement of the public in its development and modification. The Protocol had been largely successful and covered a total of 64 activities, which included mineral oil and gas refineries, thermal power stations and refineries, chemical plants, paper and timber industries and many others. Both instruments, the Aarhus Convention and the Protocol, were important steps in the environmental protection of individuals.

ANDRE BANHOUMAN KAMATE, President of the Ivorian League for Human Rights, said on August 19, 2006, 528 cubic meters of toxic waste were discharged in the port of Abidjan in Côte d’Ivoire. The environment and air were polluted and this had dramatic consequences for the population, including violating their right to life, health and a healthy environment. Seventeen people were estimated to have died, but the number was most likely higher as people who had pre-existing health conditions probably had them exacerbated by the pollutants. His office attributed 35 and 100 miscarriages to the toxic waste. Access to medication and health care was impossible for many victims because of structural weaknesses in the Ivorian healthcare system so people continued to have trouble dealing with the long-term health implications such as premature births, miscarriages or congenital malformations. The toxic spill also violated people’s right to work as there was a large loss of jobs in the area where the toxic discharge happened. This included a loss of work and jobs at the port as well as losses from fishing income and losses for people who had to abandon their offices, workshops and farmland near the site of the toxic spill. The right to a safe environment was also violated as the toxic waste poisoned the water table and toxic gases were still emitted, giving rise to the nick name, “Little Chernobyl” for this district in Abidjan. Mr. Kamate said he would like to see controls of such wastes being transported by land, sea and air strengthened and new structures developed to treat dangerous products and mitigate the noxiousness of such wastes. He would like to see a full clean up of the site and a plan put in place to provide remedies for the victims. Medical examinations of the victims were also needed to understand the amount of infection.

BASHIR MOHAMED HUSSEIN, Founding Director of SomaCent Development Research Foundation, said Somalia had been a victim of hazardous toxic waste dumping since the mid 1980s. Foreign companies had used the country as a dumping ground to dispose of large quantities of toxic wastes illegally. In particular, the illicit dumping had intensified after 1990, and had seriously impacted on health, livelihoods, the prospect of development, and the overall human security of the affected population. In addition, the dumping had been associated with other equally harmful and internationally-driven illicit practices such as illegal, unreported and unregulated fishing and army smuggling. Together, these factors represented the main pillars that underpinned the war economy, contributing to the perpetuation and exacerbation of the armed conflict. The combined effects of the toxic waste dumping and other illicit practices in Somalia had denied the affected population the enjoyment of fundamental human rights, including the right to life, right to health, right to a safe environment, right to enough food, income, and safe drinking water, as well as the right to development.

Unfortunately, Somalia had had no effective Government for a long time now, and the international community had failed to pay enough attention to these problems when dealing with the Somali crisis. But it was clear, due to many sources, that Somalia had been turned into a dumping ground for the worst toxic wastes produced by industrialised countries, at the expense of the already very fragile health, food security, and overall prospect for development of the affected population in Somalia.
Alongside the domestic factors, Somalia's political and economic crisis was fuelled and perpetuated by internationally driven economic and other strategic interests. To reverse this tragic trend, the Human Rights Council and the international community in general should make sure that intertwined problems such as toxic waste dumping, illegal, unregulated and unreported fishing, army smuggling and all other international dimensions of the Somali crisis were properly dealt with. The Special Rapporteur on toxic wastes should undertake an urgent country mission. There should also be an in-depth and extensive field research on the nature, scale and impact of the toxic waste dumping in Somalia, identification, isolation, and reclamation of the polluted sites, and the adoption of effective deterrent measures against the toxic traffickers at the international level.

Discussion

In the ensuing discussion, speakers said, among other things, that for Africa, the dangers of illicit dumping of toxic wastes fully justified concerted international action. It was essential that the mandate of the Special Rapporteur on the effects of toxic waste dumping examined the potentially negative effects of all waste, toxic or not. The time had come to adopt a calendar and take concrete measures to put an end to the transfer of toxic waste, as well as to provide reparations to the victims of the dumping. General guidelines on the management of toxic waste from a human rights perspective should be drawn up. Despite the adoption of international instruments, dumping continued, and some African countries served as a dumping ground for waste from third countries. Countries of destination often lacked technical capacity. In this regard, civil society organizations could contribute. The Basel Convention was the sole instrument for waste management at the global scale, and its implementation should be coordinated with other international instruments. It was the judicial tool par excellence of the fight against toxic waste. The larger industrialised countries should show the example in applying rules relative to safe management of toxic waste. The Council should formulate better preventive measures against dumping.

Speaking were the representatives of Nigeria, Ivory Coast, Djibouti, Pakistan, Armenia, European Union, Brazil, Uruguay, Indonesia, Mexico, Yemen, Costa Rica, and the United Kingdom. Also speaking were Human Rights Advocates, Planetary Association for Clean Energy and Indian Council of South America.

Closing Remarks

KATHARINA KUMMER PEIRY, Executive Secretary of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, said she was impressed with the rich discussion. The answer to the question asked by Mexico lay in the statement made by the African Group which highlighted that there were sufficient legal guarantees but that these were not enforced. In fact, the absolute key was enforcement since legal rules were useless if they were not enforced. The question was how to achieve enforcement. In the environmental field, approximately 90 per cent went to work aimed at tackling climate change and the rest went to all other issues. While there was thus an issue of financing, it was also insufficient that only environmental non-governmental organizations took an interest in this - all relevant stakeholders should recognize the need for action in terms of waste management, which killed people and polluted the drinking water people depended on. Raising awareness could also lead to more resources. Economic incentives could further help to bring this issue forward, and Indonesia had given a good example of possible measures in that regard. Responding to the question about
the role of the regional centres of the Basel Convention, Ms. Kummer Peiry said they assisted countries in the region in terms of capacity building, fund-raising and promoting business. With regards to the question asked by the European Union, Ms. Kummer Peiry said the first step would be to bring the Hong Kong Convention into force and ensure that it was properly enforced.

FE SANCHIS-MORENO, Environmental Affairs Officer, Aarhus Convention Secretariat - United Nations Economic Commission for Europe, said there was a need to change the culture of perception and approach. In many European countries, access to information was seen, up to a few years ago, as the property of the civil servants who had it, and that it was risky to provide the information to the public. The Aarhus Convention required a change of approach, showing the benefits of informing the public about the impact on the environment and on human health. Access to information was thus a pillar for improving implementation. On public participation, it was necessary to take further steps and provide more support and guidance to the States Parties to ensure more effective public participation, and move forward taking into account the inputs of the public. Access to justice was a third pillar of the Convention, and this required more capacity building and political will, as it was a difficult issue, needing to take on board the judiciary. The creation of a special Working Group dealing with public participation on lack of implementation of some of the provisions was underway. A jurisprudence database was also online to allow the judiciary access to decisions and recommendations.

ANDRE BANHOUMAN KAMATE, President of the Ivorian League for Human Rights, regarding access to justice and access to information, said there were two systems that victims could use. On the one hand, there was the international justice system and victims had been able to get lawyers to address the issues related to their compensation. What was problematic was access to national justice, and the problem was in the content of ruling and it seemed there was a categorisation of victims, which was not equitable. With regards to the right to information, again, there were two levels. At the start of the incident in Côte d’Ivoire, the population had taken to the streets, the governmental team was replaced and there was relatively open information management. But not all information produced by the University of Abidjan was disclosed to the public, and particularly to the population of the areas where the waste had been dumped. All too often, the information was kept and not disseminated broadly. The Government was managing the information in the light of political atmosphere in the country at the moment. The country had been weakened by this crisis and it used a lot of resources to address it. Mr. Kamate appealed to the international community to keep in mind the victims when considering similar situations.

BASHIR MOHAMED HUSSEIN, Founding Director of SomaCent Development Research Foundation, in concluding remarks, said he had received much important and interesting feedback from delegations. Responding to the question asked by Djibouti about how the international community could enforce the existing conventions, Mr. Hussein said there was a need for a strong will on the part of the industrialized countries, particularly the OECD countries, from which most of the toxic waste was shipped. Also, the Convention in itself should be more dynamic and legal loopholes should be consistently monitored and properly closed. Tackling the source of the problems was important. Several years ago there had been a project between various European ports which had highlighted that a high percentage of toxic transports were illegal. Access to information was another crucial point as, in many cases, the affected populations were not even fully aware that their environment was
being targeted and polluted. It should be added that there was a disparity between
developed and developing countries in terms of information; the people of developed
countries had access to that kind of information but that was often not the case for
populations of developing countries.

CRAIG MOKHIBER, Chief, Human Rights and Economic and Social Issues Section,
Office of the United Nations High Commissioner for Human Rights, thanked Nigeria
for the question and assured that the Special Rapporteur was absent due to a
previous engagement. His absence was not related to any omissions of the
Secretariat. Mr. Mokhiber said that the panellists were happy with the inputs the
Special Rapporteur had provided in his report.

ALEX VAN MEEUWEN, President of the Human Rights Council, in his closing remarks
thanked all the panellists for the excellent presentations and the important
contributions to this meeting. He also thanked the delegations for the excellent
exchange and the discussion that, as intended, shed more light on the issue by
examining the human rights implications. Some solutions and best practices were
discussed too. Those inputs would again hopefully receive further attention and he
hoped keep the focus on this important issue.

Right of Reply

ANDREI TARANDA (Belarus), speaking in a right of reply with regards to the
statements made by Slovenia, Belgium, Sweden and France, recommended that
those countries started by putting their own house in order first. Trying to bring the
ills of the Human Rights Commission into the Human Rights Council was futile. With
regards to comments by Sweden, Belgium and France, Belarus said more than 80
per cent of its population had voted to maintain capital punishment and the decision
of the referendum had the highest legal value. While the Government was looking at
various alternatives and had organized awareness-raising activities, a moratorium
could not yet be taken as the referendum had not been changed. In conclusion,
Belarus welcomed Sweden's approach which had shared their concerns in a spirit
close to dialogue.

SALTANAT TASHMATOVA (Kyrgyzstan), speaking in a right of reply, said there was a
changeover in power in Kyrgyzstan this year, and this had once again shown that
democracy and freedom of people in Kyrgyzstan were traditional and irreversible.
Kyrgyzstan was at an important stage in its history, and had created a democratic
Government where there were human rights, rule of law, and the development of the
people. Independent investigations had been carried out according to the law of what
was happening in the country. There would be elections to change the Constitution in
Kyrgyzstan this summer, and human rights would be added to the Constitution,
helping to transform society and ensuring that people could live in a condition which
protected them and ensured their human rights. There would be international
observers at the elections. Kyrgyzstan had adopted over 100 commitments in the
field of human rights, and was committed to developing human rights. Kyrgyzstan
would continue to see human rights as an integral part of the work to make sure that
nobody was discriminated against in their enjoyment of human rights. Human dignity
was the highest goal, and everybody should be equal before the law or the courts.
No one could be discriminated against under any grounds, including religion,
nationality, sex, or other criteria. Kyrgyzstan was sure it could strengthen regional
stability and security through putting forward the protection of human rights.
CHOE MYONG NAM, (Democratic People's Republic of Korea), speaking in a right of reply, said the Democratic People's Republic of Korea rejected the stereotypical allegations of Japan - the abduction case was resolved fundamentally and completely as the result of the Democratic People's Republic of Korea's efforts. There was nothing more to be done in this context, however, there was a hidden Japanese agenda to keep the issue outstanding, as part of its efforts to avoid its responsibilities with regard to its past crimes during the Second World War. While clamouring about the abduction case, which was resolved once and for all, Japan had never referred to its crimes and was profiting from the situation. Japan must address its crimes against humanity as a matter of priority, rather than resorting to political accusations against other countries which it invaded, colonised and plundered, and was now searching for another reason to invade. The Democratic People's Republic of Korea also categorically rejected the allegations made by countries including Denmark and Israel, the latter being the greatest violator of rights, countries which kept quiet about the great violation that was the invasion of Iraq. These countries were always boasting about their uncompromising position about any violations - however, in the absence of any reference on their violations and those of their allies, their commitment to human rights could be only construed as double standards and hypocrisy.

GERMAN MUNDARAIN HERNANDEZ (Venezuela), speaking in a right of reply, referred to the statement made by the United States delegation, saying the United States had slandered the progressive Government of Venezuela that failed to follow their prescriptions. The United States' mass media and agents attacked Venezuela because they failed to overthrow the Government of President Chavez. Venezuela said that the United States had the darkest human rights record, and still thought of itself as a leader. In Venezuela the freedom of expression was fully enjoyed and it could be seen everywhere. No media had suffered censure despite calls for coup d'etat that some of them had made, and no journalists suffered harassment because of their political opinion. Venezuela asked the United States to stop harassing progressive governments around the world and to engage in a relationship based on mutual respect.

JESUS ENRIQUE G. GARCIA (Philippines), speaking in a right of reply with regards to a statement made by the NGO CIVICUS, said police had had a legal warrant to search the premises. Some of the persons who had been arrested were in possession of firearms and a number of them had been identified as members of terrorist groups, and others had been involved in an attack on a police station in 2002.

Mr. A.H.M.D NAWAZ (Sri Lanka), speaking in a right of reply, said with regard to some of the comments made in the general debate on item four on impinging on freedom of expression, some of the provisions on publications had been rolled back. To manifest the Government's commitment to the protection of journalists, a journalist had recently been pardoned for raising feelings of disaffection in the community. The number of extrajudicial killings had sharply decreased. It was significant to note that no example had been reported in recent times, and if there were such a report, the Government would pursue the perpetrators. With the backdrop of peace, the Government had taken steps to roll back a substantial portion of the emergency provisions, and this was only the beginning of a process that would be continued when conditions were favourable. The mandate of the International Committee of the Red Cross was being redefined in the light of the ending of the conflict. On the Commission on Lessons Learned and Reconciliation, this had always been the preferred method of taking stock of the past and moving forwards to
stability and prosperity, and the Government had put this into motion. The domestic mechanisms warranted clearly provided for direct or indirect responsibility, to hold individuals responsible for past or present violations. The outcome should not be prejudged before it began its work. Sri Lanka should be encouraged in its efforts to ensure a lasting peace.

ENOS MAFEMBA (Zimbabwe), speaking in a right of reply, said Zimbabwe looked forward to engaging constructively with the well-meaning members of this Council. The problem of this Council, however, was that some members were full of dishonesty and the United States was the last country which should name and shame, since it was the worst violator of human rights, especially far from home. Internally, in the United States it was easy to notice discrimination against people of colour. If the United States and their allies gave 12 pieces of silver and dubious awards to human rights defenders to soil the image of Zimbabwe, Zimbabwe said “hard luck” and said they would fail in their designs. No foreign government would tell Zimbabwe what to do and Zimbabwe would do nothing to please foreign plunderers. Zimbabwe called on this Council to consider appointing an Independent Expert to investigate the United States and the United Kingdom for crimes committed by their forces in Iraq and Afghanistan. The United Kingdom should vacate the occupied lands and hand them back to Argentina and Mauritius.

AKIO ISOMATA (Japan), speaking in a right of reply in response to the statement made by the Democratic People’s Republic of Korea, said Japan had already clearly and repeatedly explained its position regarding that issue of the past and would therefore not comment on that again. However, the statement of the Democratic People’s Republic of Korea, according to which the abduction issue had been resolved, was contradictory. Japan and the Democratic People’s Republic of Korea had agreed on the overall objective and concrete modality, but at present only 5 of the 17 Japanese who the Japanese Government had recognized to have been abducted had been able to return home. There were other cases of disappearances and Japan urged the Democratic People’s Republic of Korea to initiate the comprehensive investigation that had been agreed. The acts of abduction were a serious human rights violation and the Democratic People’s Republic of Korea should not seek to avoid its responsibility by making irresponsible statements.

CHOE MYONG NAM, (Democratic People's Republic of Korea), speaking in a second right of reply, said this was an unwarranted statement. As for the persistent allegations regarding past events, Japan did not repeat its position, but reiterated that it was regrettable that the Democratic People’s Republic of Korea had not responded to the situation with regard to abductions truly, and instead continued to attack Japan under one pretext or another. The Democratic People's Republic of Korea should pay attention to the
concerns repeatedly raised by the international community. The allegation by the Democratic People's Republic of Korea that Koreans were discriminated against was unsubstantiated. If the delegation was to use a right of reply, then it should respond to its own pressing human rights issues in a constructive manner, and address these issues seriously and effectively immediately.

CHRISTOPHER LOMAX (United Kingdom), speaking in a right of reply, said the United Kingdom had a number of objections to the statements made by Zimbabwe and said that the sovereignty of the Falkland Islands was governed by the relevant articles of the United Nations Charter and the right to self-determination. The sovereignty would be decided by the Falkland Island themselves.

ENOS MAFEMBA (Zimbabwe), speaking in a second right of reply, said at least the representative of the United Kingdom had agreed with his statement with regard to Diego Garcia and the Chagos Islands.

SEBASTIAN ROSALES (Argentina), speaking in a right of reply, said as Argentina had said in so many international fora in which it believed it was appropriate to make these points, Argentina was utterly convinced of its sovereignty over the Malvinas or Falklands, and wished to re-state its position in this regard.

CHRISTOPHER LOMAX (United Kingdom), speaking in a second right of reply, said that there were a number of other points to which the United Kingdom objected in the statement of Zimbabwe.

SEBASTIAN ROSALES (Argentina), speaking in a second right of reply, said the United Kingdom should have a dialogue within the United Nations framework on the issue of sovereignty, such as in the Decolonisation Committee, and the United Kingdom should comply with United Nations resolutions in this regard.

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