

Human Rights Council

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HUMAN RIGHTS COUNCIL ADOPTS TEXTS FOR PROTECTION FROM ENFORCED DISAPPEARANCE, RIGHTS OF INDIGENOUS PEOPLES

Human Rights Council
AFTERNOON 29 June 2006

Extends Mandate of Working Group on Drafting Optional Protocol to International Covenant on Economic, Social and Cultural Rights

The Human Rights Council this afternoon adopted by consensus the International Convention for the Protection of All Persons from Enforced Disappearance and recommended that the General Assembly adopt the treaty.

The Council also adopted by a roll-call vote of 30 in favour to 2 against and 12 abstentions a resolution on the Declaration on the Rights of Indigenous Peoples. The Council adopted the declaration as proposed by the Chairperson-Rapporteur of the Working Group of the Commission on Human Rights to elaborate a draft declaration and recommended that the General Assembly adopt the non-binding declaration.

Also adopted by consensus was a resolution on the Open-ended Working Group to draft an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The Council welcomed the report of the Working Group with a view to considering options regarding the elaboration of an Optional Protocol and decided to extend the mandate of the Working Group for a period of two years in order to elaborate the Optional Protocol.

Participating in the debate to adopt the resolutions were the representatives of Argentina, Guatemala, Finland, Peru, Japan, Algeria, United Kingdom, Canada, Sri Lanka, Ecuador, Guatemala, Switzerland, Mexico, Indonesia, Bangladesh, Russian Federation, China, Philippines, Brazil, Ukraine, Mauritius, Germany and Saudi Arabia.

When the Human Rights Council reconvenes at 9 a.m. on Friday, 30 June, it will hold a non-stop meeting until 6 p.m. to take further action on remaining draft resolutions and decisions before adjourning its first session.

Action on Resolution on Convention on Protection from Enforced Disappearance

In a resolution (A/HRC/1/L.2), entitled International Convention for the Protection of All Persons from Enforced Disappearance, adopted by consensus, the Human Rights Council: adopts the International Convention for the Protection of All Persons from Enforced Disappearance as annexed to the resolution; recommends to the General Assembly adoption of the International Convention for the Protection of All Persons from Enforced Disappearance; recommends that, once adopted by the General Assembly, the Convention be opened for signature at a signing ceremony in Paris; and recommends to the General Assembly adoption of the following draft resolution:

"The General Assembly, taking note of Human Rights Council resolution 2006/... dated 29 June 2006, by which the Council adopted the International Convention for the Protection of All Persons from Enforced Disappearance, hails the Council's adoption of the International Convention for the Protection of All Persons from Enforced Disappearance; adopts and opens for signature, ratification and accession the International Convention for the Protection of All Persons from Enforced Disappearance, the text of which is annexed to this resolution; and recommends that the Convention be opened for signature at a signing ceremony in Paris."

The International Convention for the Protection of All Persons from Enforced Disappearance affirms the right of any victim to know the truth about the circumstances of an enforced disappearance, and the fate of the disappeared person, and the right to freedom to seek, receive and impart information to this end. It states that no one should be subjected to enforced disappearance. Each State party should take appropriate measures to ensure that enforced disappearance constitutes an offence under its criminal law. The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law. Each State party shall make the offence of enforced disappearance punishable by appropriate penalties which take into account its extreme seriousness.

JORGE TAIANA (Argentina), in a general comment, said that this was an historic moment for the cause of human rights when they had before them for approval the draft International Convention for the Protection of All Persons from Enforced Disappearance. That draft had been developed by States, also with the input of non-governmental organizations and that of victims and their families.

The Council was moving to a new stage in the promotion and protection of human rights. Argentina hoped that the declaration would be adopted by consensus and acclamation. The new era for human rights that had begun with the Human Rights Council could not start in a more appropriate or auspicious way than by adopting the convention. Finally, Argentina wished to salute all the human rights defenders present today, in particular those from Argentinean human rights organizations, including that of the Mothers of the Plaza de Mayo.

CARLA RODRIGUEZ MANCIA (Guatemala), in a general comment, said Guatemala supported the draft resolution on the International Convention on the Protection of All Persons from Enforced Disappearance. Guatemala, since the signing of the peace agreement, had been working to elucidate cases of

disappearances that took place during the civil war. The Government was also making further efforts to trace the victims and to bring to justice the perpetrators. The authorities were also making everything possible to provide compensation to the families of the victims.

VESA HIMANEN (Finland), in a general comment on behalf of the European Union, said the European Union would like to call for the adoption by consensus of the draft International Convention on the Protection of All Persons from Enforced Disappearance. The Working Group had received 523 new cases in 2005 from 22 countries. This year again, more than 500 families around the world were tortured by the terrible question of what had happened to their loved ones. The issue of enforced disappearances had been at the heart of the work of the Commission for more than five decades. In 1992, the Declaration on the Protection of All Persons from Enforced Disappearance was adopted by the General Assembly, but the problem had remained.

There were high hopes for the Council. It had the duty of making recommendations to the General Assembly for developments in the field of international law in human rights. It was hoped the adoption of this convention would bring to a fruitful end the work of the Commission, and contribute to the enhancing of the protection of human rights. Families of victims had appreciated the work done in the Commission, and the Council should hear their voices as well. The Council should live up to the expectations of all those who needed a new convention to put an end to this odious crime. The Member States should adopt this resolution by consensus.

MANUEL RODRIGUEZ CUADROS (Peru), in a general comment, said that the fact that in this room they had one of the Mothers of the Plaza de Mayo, added special symbolic value to the memory of all of those who were victims of enforced disappearance as they prepared to adopt this International Convention on the Protection of All Persons from Enforced Disappearance. Enforced disappearance was one of the most serious crimes. It had the element of multiplicity and progressivism included within it, as enforced disappearance did not happen singly, but was associated with collectivity. It was also associated with torture. The Human Rights Council, wisely complying with the decisions taken by the Commission on Human Rights as it concluded its historic cycle, would now adopt decisions that were before it as part of that legacy.

Peru urged all delegations to accede immediately, as soon as it was available to them to do so, to the convention in Paris. Peru hoped that the convention would be adopted unanimously by consensus.

HIROSHI MINAMIAL (Japan), in a general statement, said the delegation of Japan supported the draft resolution as well as the draft convention. The Government of Japan interpreted article 2 of the draft convention that the definition of enforced disappearance consisted of four elements: an arrest, detention, abduction or any other form of deprivation of liberty; that such an act was committed by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State; that the act was followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person; and that the disappeared person was placed outside the

protection of the law. Regarding article 4, Japan interpreted that article as meaning that enforced disappearance as stipulated in article 3 should be covered under its criminal law, but that article should not require Japan's legal system to enact a law making an autonomous offence for enforced disappearance.

IDRISS JAZAIRY (Algeria), in a general comment, said it had fortunately come out of the black decade of the 1990s and had embarked on the path of democracy and the rule of law. It had embarked with fresh serenity on the path of national reconciliation, ensuring the widespread exercise of all human rights. Algeria was now forward looking, and said "never again", and this applied also to the disappeared.

It was in this spirit that Algeria had expressed during the debate and presentation on the Convention the wish that it be adopted by consensus. The entire international community would help to contribute to this general improvement in the protection of persons throughout the world.

NICHOLAS THORNE (United Kingdom), in a general comment, said that the United Kingdom fully endorsed the general statement made by Finland on behalf of the European Union. The adoption of the International Convention on the Protection of All Persons from Enforced Disappearance, and its submission to the General Assembly would pave the way for the conclusion of this historic process. The United Kingdom also wished to pay tribute to those Members States, non-governmental organizations and families of victims that had contributed to this process.

In relation to article 2, the United Kingdom noted that the placing of a person outside the protection of the law was an important element of the definition of enforced disappearance. Accordingly, the United Kingdom understood article 20 to apply to all situations where a person was without the protection of the law. Article 43 was understood to confirm that a State party's obligation under international law remained the *lex specialis* in situations of armed conflict and other situations to which international humanitarian law applied.

JOHN VON KAUFMANN (Canada), in a general comment, said Canada had long been committed to combating enforced disappearance. Canada had helped to establish the Working Group on enforced and involuntary disappearances, and supported the adoption of the UN Declaration on the Protection of All Persons from Enforced Disappearance. While Canada's preference would have been to allocate effective monitoring functions to the Human Rights Committee, as being best placed to provide a comprehensive remedy to victims, Canada joined the consensus on the creation of a new body, and would contribute to its strengthening. Canada hoped that the new convention would provide additional protection from enforced disappearance and contribute to ending impunity for that grave human rights violation.

O. AMEER AJWAD (Sri Lanka), speaking in an explanation of the vote after the vote, said that Sri Lanka had joined in the consensus. The new instrument was widely considered as a major step in international human rights law, but, there was a lacuna in the text, as non-state actors who were involved in mass violations of human rights, were excluded from the text. This was an important fact of today's world,

which could not be ignored.

GALO LARENAS SERRANO (Ecuador), speaking in an explanation of the vote after the vote, said that although Ecuador had expressed its support specifically for this draft resolution, it would have liked to have been able to co-sponsor the resolution. That had not been possible for logistical reasons. In article 7, paragraph 2 (a), Ecuador agreed it was proper to consider mitigating circumstances against perpetrators of these crimes. While admitting that possibility, however, that should not lead to impunity for such crimes.

Action on Resolution on Declaration on Rights of Indigenous Peoples

In a resolution (A/HRC/1/L.3), entitled Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994, adopted after a roll-call vote by thirty in favour, two against, and twelve abstentions, the Human Rights Council adopts the United Nations Declaration on the Rights of Indigenous Peoples as proposed by the Chairperson-Rapporteur of the Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994 in annex I to the report of the Working Group on its eleventh session (E/CN.4/2006/79); recommends to the General Assembly that it adopt the following draft resolution:

The General Assembly, expresses its appreciation to the Council for the adoption of the United Nations Declaration on the Rights of Indigenous Peoples; and adopts the Declaration as contained in the annex to Council resolution 2006/....

The United Nations Declaration on the Rights of Indigenous Peoples says indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity. Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

The result of the vote was as follows:

In favour (30):

Azerbaijan, Brazil, Cameroon, China, Cuba, Czech Republic, Ecuador, Finland, France, Germany, Guatemala, India, Indonesia, Japan, Malaysia, Mauritius, Mexico, Netherlands, Pakistan, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, South Africa, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, Uruguay, Zambia.

Against (2):

Canada, Russian Federation.

Abstentions (12):

Algeria, Argentina, Bahrain, Bangladesh, Ghana, Jordan, Morocco, Nigeria, Philippines, Senegal, Tunisia, Ukraine.

Absent (3):

Djibouti, Gabon, Mali.

CARLA RODRIGUEZ MANCIA (Guatemala), in a general comment, said enough time had gone during the last 20 years in drafting the Declaration on the Rights of Indigenous Peoples. The declaration would be a historical achievement in the efforts of the international community towards the rights of the indigenous peoples. The adopting the draft declaration would help the indigenous peoples. Guatemala called on all States to adopt the draft by consensus.

JEAN-DANIEL VIGNY (Switzerland), in a general comment, said the text was a compromise one which met with agreement with most of the delegations and most of the representatives of indigenous groups. Switzerland would have wished for the text to be adopted by consensus, but if this was not the case, it would vote in favour of the text.

XOCHITI GALVEZ (Mexico), in a general comment, said that they had finally closed the circle. They were at an historic point in time, finally acknowledging the fundamental rights of the world's indigenous peoples. Mexico was prepared to support the adoption of the draft Declaration on the Rights of Indigenous Peoples. Where there was a collective political will, they could achieve a great deal. That had been seen in the Working Group, where the spirit of cooperation and dialogue had prevailed.

Mexico exhorted those countries that still had misgivings to vote favourably on this resolution. It was important for the Human Rights Council to give a clear signal to indigenous peoples throughout the world that it was working to promote and protect their human rights.

PAUL MEYER (Canada), in an explanation of the vote before the vote, acknowledged the important role that Canada, as well as other indigenous organizations, had played in the process of the drafting of the Declaration on the Rights of Indigenous Peoples. The proposal did not receive the necessary support, even though Canada, some other countries and a few indigenous representatives noted in their statements difficulties with a process where all parties had not discussed proposed language on several key issues. Canada had worked for a declaration that would promote and protect the human rights and fundamental freedoms of every indigenous person without discrimination and recognized the collective rights of indigenous peoples around the world. Canada had a long and proud tradition of not only supporting but also actively advocating Aboriginal and treaty rights at home and was fully committed to working internationally on

indigenous issues. Regrettably, however, Canada would vote against the resolution.

AJAI MALHOTRA (India), in an explanation of the vote before the vote, said India had consistently favoured the rights of indigenous peoples, and had worked for the Declaration on the Rights of Indigenous Peoples. The text before the Council was the result of 11 years of hard work. The text did not contain a definition of "indigenous". The entire population of India was considered to be indigenous. With regards to the right to self-determination, this was understood to apply only to peoples under foreign domination, and not to a nation of indigenous persons. With this understanding, India was ready to support the proposal for the adoption of the draft Declaration, and would vote in its favour.

GUSTI AGUNG WESAKA PUJA (Indonesia), speaking in an explanation of the vote before the vote, said that Indonesia had been following closely over 11 years the negotiations on this draft Declaration on the Rights of Indigenous Peoples. The Human Rights Council, as a new body, had to address such important issues as this draft declaration. Therefore Indonesia supported the adoption of the draft declaration to protect and support the rights of indigenous peoples worldwide. Indonesia was a multicultural nation that did not discriminate against its population on any grounds. All of Indonesia's citizens enjoyed the right to equal treatment before the law.

TOUFIQ ALI (Bangladesh), speaking in an explanation of the vote before the vote, said that the text did not follow the usual procedure before it was put as a final text for adoption. Bangladesh was a party to the International Covenants on Economic, Social and Cultural Rights, and Civil and Political Rights and was making all efforts to implement them. Until some of the articles in the text were not amended, Bangladesh would abstain from the voting.

ALEXEY AKZHIGITOV (Russian Federation), in an explanation of the vote before the vote, said great importance was given to defending the rights of indigenous peoples. The adoption by consensus of the draft would constitute a major step forward in ensuring the powers of indigenous peoples. Many provisions of the draft were acceptable. The draft should be effective and an authoritative international document. To date, the proposed text which had been submitted to the Council did not represent all of these characteristics, as the text did not enjoy genuine consensus, and had not been agreed on by all sides. Its adoption would set a negative precedent, and in this context Russia could not support the draft declaration in this form and in the procedure that had been used, and would vote against it. However, this did not mean that Russia was against a continuation of a discussion of the issue, and would work for international cooperation in the protection of the rights of indigenous persons.

SHA ZUKANG (China), speaking in an explanation of the vote before the vote, said that China was in favour of the draft resolution under review on a draft United Nations Declaration on the Rights of Indigenous Peoples. The adoption of this United Nations instrument would be done after extensive consideration, China noted. China regretted that this instrument would have to be adopted by voting, at this very early stage of the work of the Human Rights Council. China hoped that in the future work of the Council members would conduct their work in a constructive spirit of cooperation.

ENRIQUE MANALO (Philippines), in an explanation of the vote before the vote, said the Government of the Philippines was fully committed to safeguarding and promoting the rights of its indigenous peoples. Because of that commitment, the Government had enacted a national indigenous people's rights act and had two autonomous regions in the country. If the draft resolution on the declaration were to be put for a vote, the delegation of the Philippines would abstain.

CLODOALDO HUGUENEY (Brazil), speaking in an explanation of the vote after the vote, said Brazil had voted for the resolution, and believed that the decision was a major achievement which augured well for the Council's work, and commended States and indigenous peoples who had made great efforts to ensure this memorable result. The Declaration asserted the importance of the indigenous peoples in societies, acknowledged diversity as a richness of countries, and aligned the past and present contribution of indigenous peoples to States. Brazil recognised the invaluable contribution of indigenous peoples to the political, economic, social, cultural and spiritual development of its society. The Declaration on the Rights of Indigenous Peoples would be of utmost importance to fight discrimination against indigenous peoples and distortion created by centuries of discrimination. It would help to create societal harmony. Brazil had no doubt that the declaration was a reaffirmation of the commitment of the international community to ensure the enjoyment of indigenous peoples of all human rights and fundamental freedoms and to respect the value of their indigenous cultures and identity.

IDRISS JAZAÏRY (Algeria), speaking in an explanation of the vote after the vote, said that he wanted it to be noted that he had joined in the standing ovation that had marked the adoption of this declaration by the Council. Unfortunately, Algeria had had to abstain. He would like to plead for this declaration to have the maximum number of positive votes. In fact, Algeria had numerous indigenous peoples and had hoped the declaration would have been adopted unanimously, in which case it would have been able to join the consensus. Unfortunately the declaration was in conflict with the Constitution of Algeria, which contained a provision on political parties that stipulated they could not be on the basis of race, gender, or ethnicity. For that reason Algeria could not vote in favour.

HIROSHI MINAMI (Japan), speaking in an explanation of the vote after the vote, said the delegation of Japan had been participating in the Working Group for the drafting of the Declaration on the Rights Indigenous People for the last 12 years and it had voted in favour of the draft resolution. The Government would interpret the declaration that the meaning of autonomy that it might not affect the territorial integration of State sovereignty. Further, the Government did not recognize collective rights.

SERGIO CERDA (Argentina), speaking in an explanation of the vote after the vote, said Argentina had abstained, and regretted it had not been able to join the favourable vote. Despite Argentina's clear adherence to the rights of indigenous peoples, Argentina regretted the lack of time to deal with certain provisions of the declaration, which were of particular importance, namely the process of self-determination and territorial integrity. Argentina hoped that the situation would be rectified in the General Assembly, and Argentina would be able to vote in favour there, especially as

this was one of the most important and legitimate topics to be dealt with by the international community.

VOLODYMYR VASSYLENKO (Ukraine), speaking in an explanation of the vote after the vote, said that Ukraine had always supported the elaboration of an international instrument for the promotion and protection of the rights of indigenous peoples. The protection of indigenous peoples was one of the core rules of Ukrainian law. For that reason, Ukraine had been striving to elaborate an instrument that would provide the proper balance between the rights of indigenous peoples and those of sovereign States.

Ukraine said that the document just adopted by the Council contained important protections for the rights of indigenous peoples, but it also contained important flaws. It purported to define a right of self-determination for indigenous peoples. For that reason, and because it failed to fulfil the need to preserve the territorial and political integrity of sovereign States, Ukraine could not support it. Ukraine regretted that the text had been adopted without allowing Member States to improve the document so that it could reach consensus.

NARSINGHEN HAMTYRAGEN (Mauritius), speaking in an explanation of the vote after the vote, said the declaration would consolidate the existing universal human rights. It was expected that all States would contribute in resolving the difficulties of indigenous peoples. There was a fear that some self-designated indigenous groups might threaten the sovereignty of a State by following a wrong interpretation of the declaration. The concept of autonomy should not be interpreted to jeopardize the sovereignty of a State.

ANDREAS PFAFFERNOSCHKE (Germany), speaking in an explanation of the vote after the vote, said along with other efforts undertaken during the past decade to improve the situation of indigenous peoples throughout the world, Germany had closely monitored the development of the Declaration on the Rights of Indigenous Peoples. The adoption of the document proved that the new Council was able to produce concrete results for the benefit of indigenous peoples, who were entitled to the same human rights and fundamental freedoms as everybody else. The respect and application of existing binding international human rights law remained essential. The primary importance of individual human rights protection was asserted in the Declaration. Germany understood the right to self-determination set out in the Declaration to be a new right, specific to indigenous peoples, and it could not influence the territorial integrity of a State. The Declaration, being an important instrument to enhance the rights of indigenous peoples was non-legally binding. Germany's own national minorities and ethnic groups, which enjoyed protection of their human rights and fundamental freedoms, did not fall under the scope of the Declaration.

NICHOLAS THORNE (United Kingdom), speaking in an explanation of the vote after the vote, said that the United Kingdom welcomed the declaration as an important tool to enhance the promotion and protection of the rights of indigenous peoples, and regretted that the declaration had had to come to a vote. The United Kingdom felt that its concerns had been addressed in negotiations, as reflected in the declaration, and it fully supported the provisions of the declaration that recognized

the rights of indigenous peoples under international law, on an equal footing with all.

The United Kingdom observed that it did not accept the concept of collective rights in international law. The United Kingdom clarified that it understood the right of self-determination as set out in the declaration as one which was to be exercised within the territory of a State and which was not designed to impact in any way on the territorial integrity of States. The United Kingdom emphasized that the declaration was not legally binding and that the citizens of the United Kingdom and its territories overseas did not fall within the scope of the declaration.

MOHAMMED LOULICHKI (Morocco), in an explanation of the vote after the vote, said the delegation of Morocco had abstained during the vote. The delegation of Morocco would have preferred that the resolution be adopted by consensus so that Morocco could have joined. Morocco was making progress in building its democratic system and in strengthening the human rights of its people.

ADELE WILDSCHUT of the Indigenous Peoples Caucus, said on the adoption of the Declaration on the Rights of Indigenous Peoples that the League of Nations had not acted on the demands of the envoys of the Maoris and others, and the roots of the discrimination went back to the 1970s, a time when the international community had been prompted to pay attention to the indigenous peoples in the Americas. The repeated demands for the distinction of the distinct status of the indigenous peoples had at last been addressed, after substantive debate with positions that had been consistent with international law. The international community had been educated as to the status, rights, and lives of indigenous peoples in every corner of the world. The true legacy of the declaration would be the way in which the lives of the indigenous peoples would be affected on a daily basis. It was the implementation of the declaration at the community level which would have the greatest impact. The States that had worked with the indigenous peoples would not be forgotten. It was hoped that each State would stand with the indigenous peoples at the General Assembly. Indigenous peoples wished for harmony in accordance with the natural world and hoped that all would be brought together to embrace the positive contribution that indigenous peoples made to mankind.

Action on Resolution on Working Group on Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

In a resolution (A/HRC/1/L.4/Rev.1) entitled Open-ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, adopted by consensus, the Human Rights Council welcomes the report of the Open-ended Working Group with a view to considering options regarding the elaboration of an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2006/47); decides to extend the mandate of the Working Group for a period of two years in order to elaborate an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and, in this regard, requests the Chairperson of the Working Group to prepare, taking into account all views expressed during the sessions of the Working Group, on, inter alia, the scope and application of an Optional Protocol, a first draft Optional Protocol which includes draft provisions corresponding the various main approaches outlined in her analytical paper, to be used as a basis for the forthcoming negotiations;

requests the Working Group to meet for ten working days each year and to report to the Human Rights Council; decides to invite a representative of the Committee on Economic, Social and Cultural Rights to attend these meetings as a resource person; and decides that the Human Rights Council shall remain seized of this matter.

ANGELA CHAVEZ (Guatemala), in a general comment, said that the provisions for the possible Optional Protocol to the International Covenant on Economic, Social and Cultural Rights had been exhausted by the Working Group. Guatemala thought that the Chair of the Working Group should now move to the drafting stage, which would be the most rapid way to promote the adoption. Guatemala hoped that the resolution presented by Portugal would be adopted by consensus.

ABDULWAHAB A. ATTAR (Saudi Arabia), in a general comment, said the delegation of Saudi Arabia would stand by its previous stand. The delegation was of the view that the resolution should contain clauses on international cooperation so that developing countries would enjoy economic, social and cultural rights. Saudi Arabia had certain reservations on the Optional Protocol.

ABDULWAHAB A. ATTAR (Canada) in an explanation of the vote after the vote, said Canada was happy to join consensus on this resolution, and was happy for the efforts that had been made to reconcile different positions. It was important for the Working Group to continue its work. It was important that the draft did not prejudice a range of issues. Canada continued to question the merits of a communications procedure for economic, social and cultural rights, and was concerned for the potential of undue interference by an international body, and the absence of a clear definition for many economic, social and cultural rights, as well as for clear criteria for judging compliance. Canada's decision to join consensus was without prejudice to future decisions.

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