

# sur

international journal  
on human rights

3

2005  
Number 3 • Year 2  
English Edition

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HUMAN RIGHTS  
UNIVERSITY NETWORK

**SUR**

ISSN 1806-6445

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SUR - INTERNATIONAL JOURNAL ON HUMAN RIGHTS is a biannual journal published in English, Portuguese and Spanish by Sur - Human Rights University Network. It is available on the Internet at <<http://www.surjournal.org>>

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## PRESENTATION



***Sur – International Journal on Human Rights*** is a biannual publication that presents an analytical and balanced standpoint on human rights in Southern Hemisphere countries. With the aim to strengthen the South-South and the South-North dialogue among human rights activists, scholars and UN officials, this journal promotes a critical debate on several issues related to the theme. It breaks away from a pseudo-consensus and opens up spaces to improve the quality of this discussion. It therefore invites dissent, since we believe that a consistent human rights doctrine will only be put into place after a wide-ranging exchange of ideas.

We firmly believe that the information that is being produced must be widely publicized and, for this reason, this journal is issued in three languages (English, Portuguese and Spanish). Approximately 6,000 copies of the first two issues have been distributed free of charge in over 100 countries and, to ensure an extended readership, we have made an unabridged version available at <[www.surjournal.org](http://www.surjournal.org)>, in the three languages.

For this edition, papers have been submitted from thirteen countries (Argentina, Brazil, Cameroon, Chile, India, Ireland, Namibia, Nigeria, Switzerland, Tanzania, Uganda, United Kingdom, and United States). After a selection by an International Editorial Board, whose members are human rights scholars, specialists and UN officials, we are publishing eight contributions, one of which reports on a research project. The subject matters dealt with are: security and human rights; trade and human rights; access to justice on domestic and international levels; and land reform.

Two papers contributed by participants of the Knowledge Development Group, organized by **Sur** in April 2005, focus on the subject of **trade and human rights**. Caroline Dommen discusses mechanisms that, by protecting human rights, actually favor the trade practices in which they are inserted. Carlos Correa depicts the progresses made in the

process to lend more flexibility to the TRIPS Agreement for medical drugs, and shows how the Doha Declaration and the 2003 Decision of the TRIPS Board are insufficient to ensure a reduction in prices and the negotiation of voluntary licenses.

Tracing a bridge between **security and human rights**, the article of Bernardo Sorj deals with the concept of human security applied to Latin American problems.

Four articles – contributed by Alberto Bovino, Nlerum S. Okogbule, Maria José Guembe and José Roberto Cunha – discuss different aspects concerning **access to justice**, on domestic and international planes. From an international perspective, Bovino dwells on the peculiarities of evidence evaluation conducted by the Inter-American Court of Human Rights, underlining the flexibility shown by this jurisdictional body in dealing with grievous infringements of rights. Okogbule weighs the specific obstacles hampering access to justice in the Nigerian context. Guembe discusses the decision of the Supreme Court of Argentina, which deemed unconstitutional the amnesty laws that benefited military personnel involved in violations of human rights during the dictatorship. Cunha presents the results of his survey among magistrates in the state of Rio de Janeiro, Brazil, as to the extent of their familiarity with and their actual use of international law in issues involving human rights.

Land reform in Namibia is the theme of the text by Nico Horn, who considers the implications of the colonizing process and custom-law.

Although very varied in their themes and approaches, all these papers share a common point of departure – the contextualization of human rights – attempting to contribute to the reconstruction of these rights, with a view at their implementation, and to ensure a better coverage of local and regional demands.

We are wrapping up this issue with a summary of the plan of action submitted by the High Commissary for Human Rights, Louise Arbour, who proposes mechanisms to increase the effectiveness of human rights protection in the several UN member countries.

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## PLAN OF ACTION SUBMITTED BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS\*

Louise Arbour

*We will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.*  
(A/59/2005, paragraph 17)

The present plan of action, which was called for by the Secretary-General in his report entitled “In larger freedom: towards development, security and human rights for all” (A/59/2005), presents a strategic vision for the future direction of the Office of the United Nations High Commissioner for Human Rights (OHCHR). It builds on his assertion, shared by many, that much more needs to be done by the international community to address today’s threats to human rights and that OHCHR must be considerably better resourced to play its central role in meeting this challenge.

The plan is anchored in the mandate given to the High Commissioner to promote and protect the effective enjoyment by all of all human rights and it seeks, in particular, to remedy longstanding shortcomings in the mandated task to “... play an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world ...” (see General Assembly Resolution 48/141, paragraph 4.f).

The historic legacy of the United Nations human rights programme is

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\*This is a summary of the plan of action drawn up by the United Nations High Commissioner for Human Rights, Louise Arbour, included as an annex to the UN Secretary-General Report “In larger freedom: towards development, security and human rights for all” submitted to the 59th session of the United Nations General Assembly (UN A/59/2005/Add.3, May 26 2005). The complete version is available at <[www.ohchr.org](http://www.ohchr.org)>.

found especially in the wide-ranging body of human rights norms and standards produced in the past 60 years. But putting new resources and capacities to work in response to the human rights problems posed today by poverty, discrimination, conflict, impunity, democratic deficits and institutional weaknesses will necessitate a heightened focus on implementation.

Thus, the present plan envisages attention to a range of “implementation gaps” on the ground, including those related to knowledge, capacity, commitment and security. Helping to close those gaps and thereby protecting people and helping to empower them to realize their rights must be seen as the essential mission of the United Nations human rights office.

To these ends, the plan sets forth action points in five areas:

- a. Greater country engagement through an expansion of geographic desks, increased deployment of human rights staff to countries and regions, the establishment of standing capacities for rapid deployment, investigations, field support, human rights capacity-building, advice and assistance, and work on transitional justice and the rule of law.
- b. An enhanced human rights leadership role for the High Commissioner, including through greater interaction with relevant United Nations bodies and actors and regular system-wide human rights consultations, a reinforced New York presence, an annual thematic human rights report, a global campaign for human rights and more involvement in efforts to advance poverty reduction and the Millennium Development Goals.
- c. Closer partnerships with civil society and United Nations agencies through the establishment of a civil society support function, support for human rights defenders, stepped up commitment to Action 2 activities for rights-based approaches and national protection systems and human rights guidance to the resident coordinator system.\*
- d. More synergy in the relationship between OHCHR and the various United Nations human rights bodies, an intergovernmental meeting to consider options for a unified standing human rights treaty body, including consideration of the possible relocation of the Committee on the Elimination of Discrimination against Women to Geneva and a review of the special procedures.
- e. Strengthened management and planning for OHCHR through the establishment of a policy and planning unit, significantly increased staffing levels, staff diversity initiatives, updated staff training, a staff field rotation policy and new administrative procedures.

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\* Action 2 is a global programme designed to strengthen the capacity of UN country teams to support the efforts of Member States, at their request, in strengthening their national human rights promotion and protection systems. [EN]

While the present plan of action focuses on the work of OHCHR, it is written against a backdrop of discussion on the future of the Commission on Human Rights, in the context of the Secretary-General's call for the Commission to be replaced by an upgraded Human Rights Council. OHCHR strongly supports the proposal that country scrutiny be exercised through an effective, fair and transparent system of peer review that should be built on the principle of universal scrutiny. OHCHR stands ready to contribute to discussions as to how best this might be achieved.

The present plan carries with it considerable consequences – strategic, operational and material. Consolidated action points are provided in section V for ease of reference.

The implementation of aspects of the plan can begin in the coming months through more effective prioritization of existing resources and improved planning and policy development so that all components of OHCHR can better work towards bridging implementation gaps, at the country-level, in a coordinated and sustained manner.

However, to be implemented in full the plan requires that OHCHR receive considerably more resources, otherwise it will remain merely aspirational. At present, the human rights program receives only 1.8 per cent of the United Nations budget. The bulk of OHCHR resources, including for key activities requested by United Nations bodies, are therefore in the form of extrabudgetary contributions. The total annual budget of OHCHR is US\$86.4 million. We estimate that in order to address the shortcomings identified in the Secretary-General's report and make a serious effort to step up the work of the Office along the lines suggested in the present plan of action, OHCHR will need to double its overall resources over the next five to six years.