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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Zdislaw KEDZIA (Poland)

CONTENTS\*

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
VII.	QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND IN THE STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT	

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\* E/CN.4/1993/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council will be contained in documents E/CN.4/1993/L.11 and addenda.

VII. QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

1. The Commission considered agenda item 7 concurrently with items 8, 17 and 18 (see chaps. VIII, XVII and XVIII) at its 17th to 21st meetings, on 11, 12 and 15 February, at its 42nd meeting, on 26 February, and at its 53rd meeting, on 4 March 1993. 2/

2. The Commission had before it the following documents:

The right of everyone to own property alone as well as in association with others, final report submitted by Mr. Luis Valencia Rodríguez, Independent Expert (E/CN.4/1993/15);

Note verbale dated 4 January 1993 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Centre for Human Rights (E/CN.4/1993/77);

Written statement submitted by the International Movement ATD Fourth World and Zonta International, non-governmental organizations in consultative status (category I); Caritas Internationalis, Development Innovations and Networks, International Catholic Peace Movement, the International Council of Jewish Women, the International Federation of Social Workers, the International Federation Terre des Hommes, the International Federation of Women in Legal Careers, Pax Christi International, the World Federation of Methodist Women, the World Movement of Mothers, and the World Union of Catholic Women's Organizations, non-governmental organizations in consultative status (category II); and the Centre Europe-Tiers Monde, the International Association of Charities, the Movement against Racism and for Friendship among Peoples, the World Association for the School as an Instrument of Peace, and the World Christian Life Community, non-governmental organizations on the Roster (E/CN.4/1993/NGO/30).

3. At the 17th meeting, on 11 February 1993, Mr. Luis Valencia Rodríguez, Independent Expert on the right to property, introduced his report (E/CN.4/1993/15).

4. In the general debate on item 7, statements 3/ were made by the following members of the Commission: Australia (19th), Brazil (21st), Burundi (18th), Canada (21st), Chile (19th), Colombia (21st), Cuba (19th), Guinea-Bissau (21st), India (21st), Kenya (21st), Malaysia (17th), Mexico (21st), Netherlands (21st), Nigeria (17th), Poland (21st), Romania (21st), Russian Federation (21st), Sri Lanka (19th), Sudan (21st), Syrian Arab Republic (20th), Venezuela (20th).

5. The Commission also heard statements by the observers for: Denmark (on behalf of the European Community and its member States) (20th), Ecuador (20th), Iraq (19th), Israel (21st), Morocco (19th), Senegal (21st), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (21st).

6. The observer for the Holy See also made a statement (19th).

7. The representative of the International Monetary Fund made a statement (20th).

8. The Commission also heard statements by the following non-governmental organizations: American Association of Jurists (21st), Baha'i International Community (18th), Christian Democrat International (19th), Commission of the Churches on International Affairs of the World Council of Churches (20th), Commission for the Defence of Human Rights in Central America (20th), Habitat International Coalition (19th), Indian Council of South America (21st), International Association against Torture (20th), International Commission of Jurists (18th), International Federation of Rural Adult Catholic Movements (18th), International Federation Terre des Hommes (19th), International Fellowship of Reconciliation (19th), International Humanist and Ethical Union (18th), International Immigrants Foundation, Inc. (20th), International Indian Treaty Council (21st), International Movement ATD Fourth World (17th), International Organization for the Development of Freedom of Education (18th), International Work Group for Indigenous Affairs (19th), Centre Europe-Tiers Monde (18th), Latin American Federation of Associations of Relatives of Disappeared Detainees (19th), Minority Rights Group (18th), Movement against Racism and for Friendship among Peoples (18th), Service, Peace and Justice in Latin America (21st), World Organization against Torture (20th), Women's International League for Peace and Freedom (17th), World Alliance of Reformed Churches (21st), World Christian Life Community (20th), World Confederation of Labour (21st), World Conference on Religion and Peace (21st), World Federation of Trade Unions (21st), World University Service (21st).

9. Statements in exercise of the right of reply were made by the representatives of Cuba (20th), Sri Lanka (21st) and the Sudan (21st).

10. Statements equivalent to the right of reply were made by the observers for the Philippines (21st) and Rwanda (19th).

11. At its 42nd meeting, on 26 February 1993, the Commission took up consideration of draft resolutions and draft decisions submitted under item 7.

12. The Commission postponed its consideration of draft resolution E/CN.4/1993/L.19, sponsored by the Czech Republic, Germany, Japan, Slovakia\*, Switzerland\*, Turkey\* and the United States of America.

13. At its 53rd meeting, on 4 March 1993, the Commission resumed consideration of draft resolution E/CN.4/1993/L.19. The representative of the United States of America introduced the draft resolution. The Philippines\*, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

14. The representative of the United States of America orally revised the draft resolution as follows:

(a) After the second preambular paragraph, two new paragraphs were inserted as the third and fourth preambular paragraphs;

(b) In the last preambular paragraph and in operative paragraph 1, the word "final" between the word "the" and the word "report" was deleted;

(c) Operative paragraphs 2, 3 and 4 which read:

"2. Expresses its thanks to the Secretary-General for the assistance provided to the Independent Expert in the preparation of his report;

"3. Expresses its thanks also to the Independent Expert for his final report;

"4. Decides not to renew the mandate of the Independent Expert on the right of everyone to own property alone as well as in association with others."

were replaced by four new paragraphs as operative paragraphs 2, 3, 4 and 5.

15. Statements in connection with the revised draft resolution were made by the representatives of France and the Sudan.

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of the draft resolution E/CN.4/1993/L.19.

17. The draft resolution, as orally revised, was adopted without a vote.
18. For the text as adopted, see chapter II, section A, resolution 1992/21.
19. The representatives of Cuba and the Sudan made statements after the adoption of the draft resolution.
20. At its 42nd meeting, on 26 February 1993, the Commission postponed consideration of draft resolution E/CN.4/1993/L.24, sponsored by Chile and Colombia. The draft resolution read as follows:

"The Commission on Human Rights,

"Recalling General Assembly resolution 45/98 of 14 December 1990 and its own resolutions 1991/19 of 1 March 1991 and 1992/21 of 28 February 1992,

"Recalling also Economic and Social Council decision 1991/236 of 31 May 1991, which established the mandate of an independent expert on the right to own property alone as well as in association with others,

"Reaffirming the right of States and their peoples freely to choose and develop their political, social, economic and cultural systems and to determine their laws and regulations,

"Recognizing that there exist in Member States many forms of legal property ownership, including private, communal, cooperative and State forms, each of which should contribute to ensuring effective development and utilization of human resources through the establishment of sound bases for political, economic and social justice,

"1. Welcomes the preliminary (E/CN.4/1992/9) and final (E/CN.4/1993/15) reports of the Independent Expert on the means whereby the right of everyone to own property alone as well as in association with others promotes, strengthens and contributes to the exercise of other human rights and fundamental freedoms;

"2. Decides to renew the mandate of the Independent Expert so that he may update his report using the observations and comments submitted by Governments and organizations which could not be included owing to the time when they were received;

"3. Invites States and organizations that have not yet done so to submit their comments, so that the report may provide the most faithful possible overall impression of the current legal situation;

"4. Requests the Expert, on the basis of the replies received, to compile separate reports on the following topics:

"(a) Scope of the right to property in its private, State and collective forms; the implications of each form for the promotion of individuals' economic and social development;

"(b) Economic and social consequences of transferring State property to the private sector;

"(c) Recommended means of fostering respect for the right to own property; and

"(d) Expropriation and legal compensation;

"5. Requests the Secretary-General to provide all necessary assistance to the Independent Expert and to transmit his final report to all Member States and interested intergovernmental and non-governmental organizations, requesting them to submit their comments so that they can be taken into account in the work of the Independent Expert;

"6. Decides to consider the updated report of the Independent Expert and the separate reports referred to in paragraph 4 above at its fiftieth session, under the same agenda item."

21. At its 53rd meeting, on 4 March 1993, draft resolution E/CN.4/1993/L.24 was withdrawn by the sponsors.

22. At the 42nd meeting, on 26 February 1993, the representative of Cuba introduced draft resolution E/CN.4/1993/L.22, sponsored by Colombia, Costa Rica, Cuba, the Democratic People's Republic of Korea\*, Ghana\*, Guatemala\*, Indonesia, Kenya, Lesotho, Malaysia, Nigeria, Pakistan, the Philippines\*, Sri Lanka, the Sudan, the Syrian Arab Republic, Venezuela, Viet Nam\* and Zambia. Angola, the Islamic Republic of Iran, Iraq\*, Madagascar\*, Mexico, Tunisia and Zimbabwe\* subsequently joined the sponsors.

23. At the request of the representative of Japan, a roll-call vote was taken on draft resolution E/CN.4/1993/L.22. The draft resolution was adopted by 36 votes to 2, with 12 abstentions. The voting was as follows:

In favour: Angola, Australia, Bangladesh, Barbados, Bulgaria, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Venezuela.

Against: Japan, United States of America.

Abstaining: Argentina, Austria, Canada, Czech Republic, Finland, Germany, Netherlands, Peru, Poland, Russian Federation, United Kingdom of Great Britain and Northern Ireland, Uruguay.

24. Statements in explanation of vote after the vote were made by Japan and the United Kingdom of Great Britain and Northern Ireland.

25. The representative of Romania subsequently indicated that had he been present at the voting he would have abstained in the vote on draft resolution E/CN.4/1993/L.22.

26. For the text as adopted, see chapter II, section A, resolution 1993/12.

27. At the same meeting, the representative of France introduced draft resolution E/CN.4/1993/L.27, sponsored by Argentina, Australia, Belgium\*, Burundi, Chile, Colombia, Cuba, the Czech Republic, France, Germany, Greece\*, Honduras\*, Italy\*, Kenya, Lesotho, Madagascar\*, Mexico, Nigeria, Peru, the Philippines\*, Poland, Portugal, Romania, the Russian Federation, Rwanda\*, Slovakia\*, Spain\*, Switzerland\*, the Syrian Arab Republic, Uruguay and Venezuela. Bangladesh, Brazil, Cyprus, Denmark\*, Equatorial Guinea\*, Iraq\*, Madagascar\*, Nicaragua\*, Senegal\* and Tunisia subsequently joined the sponsors.

28. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft resolution E/CN.4/1993/L.27.

29. The draft resolution was adopted without a vote.

30. For the text as adopted, see chapter II, section A, resolution 1993/13.

31. In view of the adoption of resolution 1993/13 (see paras. 19-22), the Commission took no action on draft resolution VII, recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. A).

32. At the same meeting, the representative of Portugal introduced draft resolution E/CN.4/1993/L.28, sponsored by Australia, Austria, Belgium\*, Bulgaria, Colombia, Costa Rica, Cyprus, the Czech Republic, France, Guinea-Bissau, the Netherlands, Norway\*, Peru, the Philippines\*, Poland, Portugal, Russian Federation, Senegal\*, Slovakia\*, Spain\*, Switzerland\* and Zimbabwe\*. Angola, Denmark\*, Finland, Germany, Greece\*, Hungary\*, Madagascar\*, Romania, Switzerland\* and Tunisia subsequently joined the sponsors.

33. The representative of Portugal orally revised the draft resolution by replacing, with a new paragraph, operative paragraph 18, which read as follows:

"Requests the Secretary-General to consider organizing, within the framework of the overall budget of the United Nations and under the programme for human rights activities, an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights;".

34. The draft resolution, as orally revised, was adopted without a vote.

35. For the text as adopted, see chapter II, section A, resolution 1993/14.

36. Also at the same meeting, the Commission considered draft decision 5, recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. I, sect. B).

37. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 1/ of draft decision 5.

38. The draft decision was adopted without a vote.

39. For the text as adopted, see chapter II, section B, decision 1993/103.

40. At the same meeting, the Commission considered draft decision 6 recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1993/2, chap. 1, sect. B).

41. The representative of the United States of America requested a vote.

42. A statement in explanation of vote before the vote was made by the representative of the United States of America.

43. The draft decision was adopted by 48 votes to 1.

44. A statement in explanation of his delegation's position was made by the representative of Colombia.

45. For the text as adopted, see chapter II, section B, decision 1993/104.

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