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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-eighth session  
Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF  
DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS  
FORTY-EIGHTH SESSION

Rapporteur: Ms. Lucy Gwanmesia

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\* E/CN.4/Sub.2/1996/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1996/L.11 and Addenda.

XIV. INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL  
CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS,  
ABOVE ALL THE RIGHT TO LIFE

1. The Sub-Commission considered item 13 together with items 12 and 19 (see chaps. XIII and XX), at its 14th to 16th, 27th and 34th meetings, on 15, 16, 23 and 29 August 1996.
2. For the documents issued under this item, see annex ... to the present report.
3. In the general debate on the item, statements 1/ were made by the following members of the Sub-Commission: Ms. Daes (16th), Mr. Guissé (15th), Ms. Palley (15th).
4. Statements were made by the observers for: Cyprus (15th), Egypt (15th), Iraq (15th), Republic of Korea (15th).
5. The Sub-Commission also heard statements by representatives of the following non-governmental organizations: Afro-Asian People's Solidarity Organization (15th), Centre Europe-Tiers Monde (15th), Conference of European Churches (15th), International Educational Development, Inc. (14th), International Institute for Peace (15th), International League for the Rights and Liberation of Peoples (14th), International Movement against All Forms of Discrimination and Racism (15th), International Progress Organization (15th), Liberation (14th), Pax Christi (15th), Pax Romana (14th).
6. Statements equivalent to a right of reply were made by the observers for Cyprus (16th), Pakistan (15th) and Turkey (16th).

International peace and security

7. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.17, sponsored by Ms. Daes, Mr. El-Hajjé, Ms. Gwanmesia, Mr. Khalifa, Mr. Maxim, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Guissé, Mr. Fix Zamudio, Mr. Joinet and Mr. Mehedi subsequently joined the sponsors.
8. Mr. Yimer revised the draft resolution by deleting, at the end of the last preambular paragraph, after the words "use of nuclear weapons", the phrase "concluded that the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflicts, and in particular the principles of and rules of humanitarian law, and stated that there exists an obligation for all States to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control,".

9. Statements in connection with the draft resolution and revision were made by Mr. Alfonso Martínez and Mr. Joinet.

10. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/14.

11. A statement after the adoption of the resolution was made by Mr. Weissbrodt.

Injurious effects of anti-personnel and land-mines

12. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.26, sponsored by Mr. Ali Khan, Mr. Bengoa, Mr. Bossuyt, Ms. Daes, Mr. Diaz Uribe, Mr. El-Hajjé, Mr. Fix Zamudio, Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Ms. Mbonu, Ms. McDougall, Mr. Mehedi, Ms. Palley, Ms. Warzazi and Mr. Yimer.

13. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Guissé, Mr. Joinet, Mr. Khalil, Mr. Mehedi, Ms. Warzazi and Mr. Weissbrodt.

14. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 1996/15.

International peace and security

15. At its 27th meeting, on 23 August 1996, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1996/L.18, sponsored by Mr. Ali Khan, Mr. Bengoa, Ms. Daes, Mr. Maxim, Ms. Mbonu, Ms. Palley, Ms. Warzazi and Mr. Yimer. Mr. Guissé, Ms. Gwanmesia, Mr. Fix Zamudio, Mr. Joinet, Mr. Khalil and Mr. Mehedi subsequently joined the sponsors.

16. Ms. Palley proposed to revise the draft resolution by deleting the sixth preambular paragraph. Mr. Guissé requested that the preambular paragraph be retained. Statements in this connection were made by Ms. Gwanmesia, Mr. Joinet, Mr. Maxim, Ms. Palley, Mr. Weissbrodt and Mr. Yimer.

17. Mr. Yokota proposed to amend operative paragraph 2 (a) by replacing the words "other United Nations bodies" by "the competent United Nations bodies and agencies". The amendment was accepted by the sponsors. Mr. Yokota subsequently joined the sponsors.

18. The Sub-Commission then decided to postpone consideration of the draft resolution.

19. At its 34th meeting, on 29 August 1996, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1996/L.18.

20. Ms. Palley proposed to revise the sixth preambular paragraph by replacing the words "provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" by "principles of international human rights and humanitarian law".

21. In connection with Ms. Palley's proposal, Mr. Mehedi proposed to replace the same words by either "selon les principes du droit international des droits de l'homme" or "le droit international des droits de l'homme".

Subsequently, Ms. Palley and Mr. Mehedi revised their proposals to read "with principles of international human rights, international human rights law and international humanitarian law,". At the suggestion of Mr. Eide, the Sub-Commission agreed to the following wording at the end of the sixth preambular paragraph: "with international human rights and humanitarian law,".

22. In connection with the same preambular paragraph, Ms. Gwanmesia proposed to replace the words "provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" by "promotion and protection of international peace and security". At the proposal of Mr. Yimer, the word "protection" was replaced by "maintenance". At the proposal of Ms. Palley, Ms. Gwanmesia's revision was incorporated into a new last preambular paragraph.

23. Statements regarding the revisions and amendments were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Chernichenko, Mr. El-Hajjé, Mr. Weissbrodt and Mr. Yimer.

24. At the request of Ms. Palley, a vote was taken on closure of the debate in accordance with rule 50 of the rules of procedure of the functional commissions of the Economic and Social Council. The motion was adopted by 13 votes to 6, with 3 abstentions.

25. Also at the request of Ms. Palley, a vote was taken on the draft resolution. The draft resolution, as revised, was adopted by 15 votes to 1, with 8 abstentions. For the text of the resolution, see chapter II, section A, resolution 1996/16.

26. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. Bossuyt, Mr. Guissé, Ms. Gwanmesia, Mr. Lindgren Alves and Mr. Weissbrodt.

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