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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities  
Forty-fifth session  
Agenda item 21

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

Rapporteur: Mr. Ioan Maxim

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\* E/CN.4/Sub.2/1993/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 document E/CN.4/Sub.2/1993/L.11 and addenda.

### III. ORGANIZATION OF THE FORTY-FIFTH SESSION

#### A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-fifth session at the United Nations Office at Geneva from 2 to 27 August 1993. It held 36 meetings (E/CN.4/Sub.2/1993/SR.1-...) during the session, of which three meetings were extended to the equivalent of five additional meetings.

2. The session was opened by Mr. Miguel Alfonso Martínez, Chairman of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities at its forty-fourth session, who made a statement. On behalf of the Assistant-Secretary-General for Human Rights, a representative of the Centre for Human Rights addressed the Sub-Commission at its 1st meeting. At its 18th meeting, on 16 August 1993, the Assistant-Secretary-General for Human Rights addressed the Sub-Commission.

#### B. Attendance

3. The session was attended by members of the Sub-Commission, by observers from States Members of the United Nations, by observers from non-member States and by representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. An attendance list is given in annex II to the present report.

#### C. Election of officers

4. At its 1st meeting, on 2 August 1993, the Sub-Commission elected the following officers by acclamation:

<u>Chairman:</u>	Mr. Awn Shawkat Al-Khasawneh
<u>Vice-Chairmen:</u>	Mr. Fisseha Yimer
	Ms. Clemencia Forero Ucros
	Mr. Asbjørn Eide
<u>Rapporteur:</u>	Mr. Ioan Maxim

#### D. Adoption of the agenda

5. Also at its 1st meeting, the Sub-Commission had before it the provisional agenda for the forty-fifth session (E/CN.4/Sub.2/1993/1 and Add.1), drawn up, in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, on the basis of the draft provisional agenda considered by the Sub-Commission at its forty-third session in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII).

6. At the same meeting, with regard to the provisional agenda for the forty-fifth session, statements were made by Mr. Alfonso Martínez, Ms. Chavez, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hakim, Mr. Heller, Mr. Joinet, Mr. Khalifa, Ms. Palley, Mr. Sachar and Ms. Warzazi.

7. Mr. Khalifa proposed to amend agenda item 5 (b), entitled "Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist regime of South Africa", by a new subitem, entitled "Monitoring of the transition to democracy in South Africa".

8. Ms. Warzazi proposed to include a new item in the agenda dealing with the question of humanitarian intervention and assistance.

9. At the same meeting, the agenda was adopted without a vote, subject to proposed amendments to be decided upon later.

10. At its 2nd meeting, on 3 August 1993, upon the recommendation by its officers, the Sub-Commission decided: (i) to replace agenda item 5 (b) by a new subitem entitled "Monitoring the transition to democracy in South Africa" and (ii) to include in the agenda as item 19 a new item entitled "Implication of humanitarian activities for the enjoyment of human rights" and to renumber the original items 19 and 20 accordingly.

11. The agenda as revised was adopted without a vote. For the text, see annex I to the present report.

#### E. Organization of work

12. At its 2nd meeting, on 3 August 1993, upon the recommendation of its officers, the Sub-Commission decided to invite a number of experts and Special Rapporteurs to participate in the meetings at which their reports were to be considered.

13. For the text of the decision as adopted, see chapter II, section B, decision 1993/101.

14. Also at its 2nd meeting, the Sub-Commission accepted the recommendation of its officers regarding the order and the limitation of the frequency and duration of statements, taking into account the guidelines the Sub-Commission had adopted at its forty-fourth session concerning its methods of work (resolution 1992/8). Statements could be made by members at any time. Statements by observers for organizations would be given priority to those by government observers. Members of the Sub-Commission were to be limited to statements of 20 minutes; observers from non-governmental and

intergovernmental organizations and States to one statement of 10 minutes, and on composite items to a second statement of 5 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement would be limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be permitted to speak for 35 minutes on their reports, to be divided between the introduction of the report and the concluding remarks.

15. Also, at its 2nd meeting, the Sub-Commission, bearing in mind the respective priority of the items and the availability of the relevant documentation, accepted the recommendation of its officers to consider the items on its agenda in the following order: 1, 2, 3, 5, 13, 15, 16, 6, 18, 12, 10, 11, 4, 7, 8, 14, 17, 9, 19, 20.

16. Also at its 2nd meeting, the Sub-Commission decided, without a vote, to set up a sessional working group on detention.

17. At its 6th meeting, on 5 August 1993, the Sub-Commission decided that the Working Group on Detention would be composed of Mr. Alfonso Martínez, Mr. V. Boutkevitch, Ms. L. Chavez, Mr. L. Despouy, Mr. El H. Guissé and Mr. R. Sachar. Mr. M. Alfonso Martínez was to replace Mr. Despouy during the time of his absence.

18. For the text of the decision, see chapter II, section B, decision 1993/102.

#### F. Meetings, resolutions and documentation

19. Written communications transmitted by Governments and non-governmental organizations for circulation at the forty-fifth session of the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

20. The Sub-Commission adopted resolutions 1993/1 to 1993/46 and took nine decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B respectively.

21. Draft resolutions and decisions for action or consideration by the Commission on Human Rights are set out in chapter I, sections A and B respectively.

22. Statements concerning the administrative and programme budget implications of the resolutions and decisions adopted by the Sub-Commission at its forty-fourth session appear in annex III.

23. A list of studies under preparation, drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex IV.

24. A list of documents issued for the forty-fifth session of the Sub-Commission appears in annex V.

G. Other matters

25. At its 1st meeting, on 2 August 1993, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of apartheid in South Africa.

26. Also at its 1st meeting, on 2 August 1993, the Chairman of the forty-fourth session made a statement on behalf of the Sub-Commission, expressing condolences on the death on 31 July 1993 of King Baudouin of Belgium. Statements were also made by Mr. Bossuyt and the observer for Belgium.

27. At its 5th meeting, on 4 August 1993, the chairman of the forty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities read out the following statement on behalf of the Sub-Commission:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the repeated reaffirmations by the Security Council that any taking of territory by force or any practice of ethnic cleansing is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,

Deeply disturbed by the fact that the draft constitutional agreement for what is there referred to as the Union of Republics of Bosnia and Herzegovina constitutes a de facto partition of the Republic of Bosnia and Herzegovina on ethnic and religious grounds,

Appeals to the international community to:

(a) Reject any partition which results from aggression, intervention and massive violation of human rights, in particular the abhorrent practice of ethnic cleansing that has developed into religious cleansing;

(b) Deny the validity of any agreement sought to be obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the

way for a subsequent achievement of a peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms."

28. At its 28th meeting, on 23 August 1993, Ms. Attah and Mr. Saboia made a statement with regard to the incident that took place in Brazil, concerning the alleged killing of over 80 Yanomanis.

29. At its 34th meeting, on 26 August 1993, the Chairman read out a letter addressed to him by the delegation of Peru, with regard to the alleged killing of 61 indigenous men, women and children of the Ashaninka population.

30. The letter was issued as an official document (E/CN.4/Sub.2/1993/...).

31. The Chairman proposed to the members of the Sub-Commission to make a proposal for possible action.

32. No action was taken by the Sub-Commission.

33. At its 35th meeting, on 26 August 1993, a joint statement was made by non-governmental organizations, with regard to the status of, and improvement in, the workings and effectiveness of the Sub-Commission.

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