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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session
Agenda item 13 (c)

CONCLUDING ITEMS:

ADOPTION OF THE REPORT ON THE FIFTY-SECOND SESSION

Draft report of the Sub-Commission on the Promotion
and Protection of Human Rights

Rapporteur: Mr. Rajendra Kalidas Wimala GOONESEKERE

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* E/CN.4/Sub.2/2000/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.2/2000/L.11 and Addenda.

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Chapter XIV

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED:

- (a) REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO: (i) PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS; (ii) ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF; (iii) ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS AND OBSERVANCE OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS BY STATES WHICH ARE NOT PARTIES TO UNITED NATIONS HUMAN RIGHTS CONVENTIONS
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- (e) OTHER NEW DEVELOPMENTS: (i) ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS; (ii) ARBITRARY DEPRIVATION OF NATIONALITY

1. The Sub-Commission considered agenda item 12 at its 24th meeting, on 16 August, at its 25th meeting, on 17 August, and at its 27th and 28th meetings, on 18 August 2000.

2. For the list of documents issued under agenda item 12, see annex VII to the present report.

3. At the 24th meeting, on 16 August 2000:

(a) Mr. Marc Bossuyt presented his working paper on the adverse consequences of economic sanctions on the enjoyment of human rights (E/CN.4/Sub.2/2000/33). At the 25th meeting, on 17 August 2000, Mr. Bossuyt made his concluding remarks;

(b) Ms. Kalliopi Koufa, Special Rapporteur on terrorism and human rights, made a statement with reference to her progress report on this question (E/CN.4/Sub.2/2000/31). At the 25th meeting, on 17 August 2000, Ms. Koufa made her concluding remarks;

(c) Ms. Françoise Hampson, Special Rapporteur on reservations to human rights treaties, made a statement on the revised terms of reference for her proposed study clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission (see E/CN.4/Sub.2/2000/32). At the 25th meeting, on 17 August 2000, Ms. Hampson made her concluding remarks;

(d) Mr. Vladimir Kartashkin, presented an additional working paper on the encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions (E/CN.4/Sub.2/2000/2). At the 25th meeting, on 17 August 2000, Mr. Kartashkin made his concluding remarks.

4. In the general debate on agenda item 12, statements were made by members of the Sub-Commission and observers for Governments and non-governmental organizations. For a detailed list of speakers, see annex II.

Human rights and human responsibilities

5. At its 27th meeting, on 18 August 2000, the Sub-Commission considered draft decision E/CN.4/Sub.2/2000/L.4, sponsored by Mr. Fan Guoxiang, Mr. Fix-Zamudio, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer and Ms. Zerrougui. Mr. Sorabjee subsequently joined the sponsors.

6. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan Guoxiang, Mr. Goonesekere, Mr. Guissé, Mr. Joinet, Ms. Mbonu, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi and Mr. Yokota.

7. Mr. Joinet proposed to amend the draft decision by adding after the words “Mr. Miguel Alfonso Martínez” the words “and Mr. Paolo Sergio Pinheiro”.

8. Mr. Guissé requested a vote on the amendment proposed by Mr. Joinet. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on the proposed amendment, which was rejected by 12 votes to 8, with 3 abstentions. The voting was as follows:

In favour: Mr. Bengoa, Ms. Daes, Mr. Eide, Ms. Hampson, Mr. van Hoof,
Mr. Joinet, Mr. Pinheiro, Mr. Weissbrodt.

Against: Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Fix-Zamudio, Mr. Guissé,
Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango,
Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Ms. Zerrougui.

Abstaining: Ms. Chung, Mr. Goonesekere, Mr. Rodríguez-Cuadros.

9. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Kartashkin, Ms. Mbonu, Mr. Pinheiro, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota.

10. Ms. Warzazi requested a vote on draft decision E/CN.4/Sub.2/2000/L.4. The draft decision was adopted by a roll-call vote of 14 votes to 4, with 5 abstentions. The voting was as follows:

In favour: Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Fix-Zamudio, Mr. Guissé,
Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango,
Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer,
Mr. Yokota, Ms. Zerrougui.

Against: Mr. Eide, Ms. Hampson, Mr. Joinet, Mr. Pinheiro.

Abstaining: Mr. Bengoa, Ms. Chung, Ms. Daes, Mr. van Hoof, Mr. Weissbrodt.

11. For the text as adopted, see chapter II, section B, decision 2000/111.

Human rights and human responsibilities

12. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2000/L.5, sponsored by Mr. Eide, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Joinet and Mr. Weissbrodt. Mr. Bengoa, Ms. Daes and Mr. Park subsequently joined the sponsors. Draft decision E/CN.4/Sub.2/2000/L.5 read as follows:

“Human rights and human responsibilities

“The Sub-Commission on the Promotion and Protection of Human Rights, recalling Commission resolution 2000/63 in which the Commission requested the Sub-Commission to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission on Human Rights at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session, decides to entrust Mr. Paulo Sergio Pinheiro with the task of preparing, without financial implications, a working paper on human rights and responsibilities, to be submitted to the

Sub-Commission at its fifty-third session, and also to submit an interim study to the Commission on Human Rights at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session.”

13. Mr. Eide requested a vote. At the request of Ms. Warzazi, a roll-call vote was taken on draft decision E/CN.4/Sub.2/2000/L.5, which was rejected by 12 votes to 6, with 5 abstentions.

The voting was as follows:

In favour: Ms. Chung, Ms. Daes, Mr. Eide, Ms. Hampson, Mr. van Hoof,
Mr. Weissbrodt.

Against: Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Guissé, Mr. Kartashkin,
Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Sik Yuen,
Ms. Warzazi, Mr. Yimer, Mr. Yokota, Ms. Zerrougui.

Abstaining: Mr. Bengoa, Mr. Fix-Zamudio, Mr. Joinet, Mr. Pinheiro,
Mr. Rodríguez-Cuadros.

Promotion of dialogue on human rights issues

14. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.17, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix-Zamudio, Ms. Frey, Mr. Goonesekere, Mr. Guissé, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Joinet, Ms. Hampson and Mr. van Hoof subsequently joined the sponsors.

15. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2000/22.

Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to the International Covenants on Human Rights

16. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.18, sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango,

Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Sorabjee, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Joinet subsequently joined the sponsors.

17. Statements in connection with the draft resolution were made by Mr. Fan Guoxiang and Mr. Kartashkin.

18. Mr. Kartashkin orally revised operative paragraphs 1 and 5 of draft resolution E/CN.4/Sub.2/2000/L.18. He further revised the draft resolution by adding a new preambular paragraph before the last preambular paragraph.

19. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2000/23.

Humanitarian situation in Iraq

20. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2000/L.32 sponsored by Mr. Guissé, Mr. Joinet, Mr. Pinheiro, Mr. Sik Yuen, Ms. Warzazi, Mr. Yimer, Ms. Zerrougui. Ms. Mbonu subsequently joined the sponsors.

21. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Fan Guoxiang, Mr. Guissé, Ms. Hampson, Mr. Joinet, Mr. Ramishvili, Mr. Rodríguez-Cuadros, Ms. Warzazi, Mr. Weissbrodt, Mr. Yokota and Ms. Zerrougui.

22. Ms. Warzazi proposed to change the title of the draft decision to read as follows: “Humanitarian situation of the Iraqi people”.

23. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2000/112.

Adverse consequences of economic sanctions on the enjoyment of human rights

24. At the 28th meeting, on 18 August 2000 the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.33, sponsored by Ms. Daes, Mr. Eide, Mr. Fix-Zamudio, Ms. Hampson, Mr. Joinet, and Ms. Warzazi. Mr. Alfonso Martínez, Mr. Bengoa, Mr. Guissé, Mr. Ogurtsov, Mr. Rodríguez-Cuadros, Mr. Yokota and Ms. Zerrougui subsequently joined the sponsors.

25. A statement in connection with the draft resolution was made by Mr. Alfonso Martínez.

26. The draft resolution was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2000/25.

Terrorism and human rights

27. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2000/L.34, sponsored by Mr. Bengoa, Ms. Daes, Mr. Eide, Ms. Warzazi, Mr. Weissbrodt and Mr. Yokota. Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Fix-Zamudio, Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Ramishvili, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Mr. Yimer and Ms. Zerrougui subsequently joined the sponsors.

28. Statements in connection with the draft decision were made by Mr. Alfonso Martínez, Ms. Daes and Mr. Guissé.

29. Draft decision E/CN.4/Sub.2/2000/L.34 was orally revised by Ms. Daes.

30. The draft decision, as revised, was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2000/115.

Promotion and consolidation of democracy

31. At the same meeting, the Sub-Commission considered draft decision E/CN.4/Sub.2/2000/L.35 sponsored by Mr. Alfonso Martínez, Mr. Bengoa, Ms. Daes, Mr. Eide, Mr. Fan Guoxiang, Mr. Fix-Zamudio, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Ms. Mbonu, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer, Mr. Yokota and Ms. Zerrougui. Mr. Goonesekere subsequently joined the sponsors.

32. Statements in connection with the draft decision were made by Mr. Alfonso Martínez and Mr. Joinet.

33. The draft decision was adopted without a vote. For the text of the decision, see chapter II, section B, decision 2000/116.

Reservations to human rights treaties

34. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.39 sponsored by Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. van Hoof, Mr. Kartashkin, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Park and Mr. Yokota. Ms. Daes, Mr. Guissé, Mr. Ogurtsov, Mr. Weissbrodt and Ms. Zerrougui subsequently joined the sponsors.

35. Mr. Alfonso Martínez orally amended operative paragraph 3 of draft resolution E/CN.4/Sub.2/2000/L.39.

36. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez and Mr. Yokota.

37. The draft resolution, as amended, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2000/26.

38. After the adoption of the resolution, Mr. Weissbrodt made a statement in explanation of his position.

State cooperation with United Nations human rights mechanisms

39. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.40 sponsored by Mr. Eide, Mr. Fix-Zamudio, Mr. Goonesekere, Ms. Hampson, Mr. Oloka-Onyango, Mr. Park, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen and Mr. Yokota. Mr. Sik Yuen subsequently withdrew as a sponsor.

40. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang, Mr. Guissé, Ms. Hampson, Ms. Mbonu, Mr. Ramishvili, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi and Mr. Yimer.

41. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Ms. Hampson proposed that the debate on this subject be adjourned. Her motion was carried without a vote. See decision 2000/117.

Continuing obligations under international human rights instruments

42. At the same meeting, the Sub-Commission considered draft resolution E/CN.4/Sub.2/2000/L.41 sponsored by Ms. Daes, Mr. Eide, Mr. Fix-Zamudio, Mr. Guissé, Ms. Hampson, Mr. van Hoof, Mr. Joinet, Mr. Kartashkin, Mr. Ogurtsov, Mr. Oloka-Onyango, Mr. Pinheiro, Mr. Rodríguez-Cuadros, Mr. Sik Yuen, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Yokota. Mr. Goonesekere and Ms. Zerrougui subsequently joined the sponsors.

43. Statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. Fan Guoxiang and Mr. Rodríguez-Cuadros.

44. Operative paragraph 2 of draft resolution E/CN.4/Sub.2/2000/L.41 was orally revised by Mr. Rodríguez-Cuadros.

45. The draft resolution, as revised, was adopted without a vote. For the text of the resolution, see chapter II, section A, resolution 2000/27.

The adverse effects on human rights of the proliferation and transfer of small arms and light weapons

46. At the same meeting, the Sub-Commission considered a draft decision entitled “The adverse effects on human rights of the proliferation and transfer of small arms and light weapons”, submitted by Mr. Weissbrodt.

47. A statement in connection with the draft decision was made by Mr. Alfonso Martínez.

48. Under rule 49 of the rules of procedure of the functional commissions of the Economic and Social Council, Mr. Weissbrodt proposed that the debate on the subject be adjourned until the fifty-third session of the Sub-Commission. His motion was carried without a vote. See decision 2000/18.
