



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/Sub.2/2001/L.11
14 August 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session
Agenda item 7

DRAFT PROVISIONAL AGENDA AND ADOPTION OF THE REPORT

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

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* Documents E/CN.4/Sub.2/2001/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 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.2/2001/L.11 and addenda.

A. Resolutions

2001/1. Recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, of colonialism and wars of conquest

The Sub-Commission on the Promotion and Protection of Human Rights,

Referring to its Decision 2000/114, and drawing the attention of the international community to the cases of massive and flagrant violation of human rights which should be considered as crimes against humanity and which have, to date, benefited from impunity, in spite of the tragic suffering which slavery, colonialism and wars of conquest have inflicted on numerous peoples in the world,

Considering that it is not possible to combat racism and racial discrimination, struggle against impunity or denounce the human rights violations which persist in the world without taking account of the deep wounds of the past,

Considering that, in the framework of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, it is necessary that the international community should consider the causes and consequences of those ills which, historically, have been brought about largely by slavery, colonialism and wars of conquest,

Considering also that the historic responsibility of the relevant powers towards the peoples whom they colonize or reduce to slavery should be the subject of solemn and formal recognition and reparation,

Recalling that this responsibility is all the more well-founded since the periods of slavery and colonialism have brought about a state of economic collapse in the countries concerned, serious consequences in the social fabric and other tragedies which continue even today to affect entire peoples throughout the world,

Considering that the solemn and formal recognition of this historic responsibility towards the peoples concerned should include a concrete and material aspect such as rehabilitation of the dignity of the peoples affected, active cooperation in development not limited to existing measures of development assistance, debt cancellation, implementation of the "Tobin tax", technology transfers for the benefit of the peoples concerned and progressive restoration of cultural objects accompanied by the means to ensure their effective protection,

Considering that it is essential that the implementation of reparations should effectively benefit peoples, notably their most disadvantaged groups, with special attention being paid to the realization of their economic, social and cultural rights,

Convinced that such recognition and reparation will constitute the beginning of a process that will foster the institution of an indispensable dialogue between peoples whom history has put in conflict for the achievement of a world of understanding, tolerance and peace,

1. *Requests* all the countries concerned to take initiatives which would assist, notably through debate on the basis of accurate information, in the raising of public awareness of the disastrous consequences of periods of slavery and colonialism;
2. *Requests* that a process of reflection should be initiated, in a concerted fashion, on appropriate procedures for guaranteeing the implementation of the present resolution;
3. *Decides* to continue its consideration of the question at its fifty-fourth session.

*9th meeting
6 August 2001*

[Adopted unanimously. See chap. VII.]

2001/2. Promotion of the realization of the right to drinking water and sanitation

The Sub-Commission on the Promotion and Protection of Human Rights,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of other texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

Recalling that in section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held in Copenhagen from 6 to 12 March 1995, especially the recommendations in its Programme of Action (A/CONF.166/9, annex II) concerning the United Nations system to strengthen United Nations operational activities for development in order to ensure the implementation of the World Summit outcome, as well as the United Nations system's capacity for gathering and analysing information and development indicators of social development, taking into account the work carried out by different countries, in particular by developing countries (para. 99 (e)),

Recalling resolutions I (Assessment of water resources), II (Community water supply), III (Agricultural water use), IV (Research and development of industrial technologies), VIII (Institutional arrangements for international cooperation in the water sector) and IX (Financing arrangements for international cooperation in the water sector) adopted at the United Nations Water Conference held in Mar del Plata, Argentina, from 14 to 25 March 1977,

Taking particular account of the International Drinking Water Supply and Sanitation Decade (1981-1990) and the celebration, on 22 March of each year, of the World Day for Water, proclaimed by the General Assembly in its resolutions 35/18 of 10 November 1980 and 47/193 of 22 December 1992, respectively,

Bearing in mind the objectives of a "20:20"-type compact concerning in particular the access of all to drinking water supply and sanitation services, as stated in the *Human Development Report 1994*,

Recalling its resolution 1997/18 of 27 August 1997, in which it decided to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services,

Reaffirming the fundamental principles of equality, human dignity and social justice, and the right to drinking water supply and sanitation for every woman, man and child,

Convinced of the urgent and persistent need for increased attention and commitment by all decision makers to the right of everyone to drinking water supply and sanitation,

Bearing in mind the Protocol on Water and Health to the 1992 Convention on the Use of Transboundary Watercourses and International Lakes, adopted in London in 1999 under the auspices of the Economic Commission for Europe, which refers to the principle of equitable access to water which should be provided for all members of the population (art. 5 (l)),

Bearing in mind also the principles of the Madeira Declaration on the sustainable management of water resources, adopted by the European Council on Environment Law on 17 April 1999, and the resolution on drinking water adopted by the Council on 28 April 2000,

Taking into consideration the working paper on the promotion of the realization of the right of everyone to access to drinking water supply and sanitation services prepared by Mr. El Hadji Guissé (E/CN.4/Sub.2/1998/7),

Also taking into consideration Commission on Human Rights resolution 2001/25 of 20 April 2001 on the right to food,

Recalling Commission on Human Rights decisions 1999/108 of 27 April 1999 and 2001/104 of 23 April 2001 on the right to drinking water supply and sanitation services,

Deeply concerned that more than one billion people in the world are still deprived of access to drinking water supply and that almost four billion are not living in decent conditions of sanitation,

1. *Welcomes* Mr. El Hadji Guissé's verbal update of his working paper on the right of everyone to drinking water supply and sanitation services (E/CN.4/Sub.2/1998/7);

2. *Subscribes* to the remarks of the expert to the effect that various obstacles linked to the realization of the right of everyone to drinking water supply and sanitation seriously impede the realization of economic, social and cultural rights, and that equality is an essential element for effective participation in the realization of the right to development and the right to a healthy environment;

3. *Recommends* to the Commission on Human Rights that it authorize the Sub-Commission to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at national and international level, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field;

4. *Requests* the Special Rapporteur to define as accurately and as fully as possible the content of the right to water in relation to other human rights;

5. *Also requests* the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session;

6. *Requests* the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and interested non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. *Also requests* the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate;

8. *Recommends* the following draft decision to the Commission on Human Rights for adoption:

The Commission on Human Rights, taking note of resolution 2001/... of .. August 2001 of the Sub-Commission on the Promotion and Protection of Human Rights, decides to approve the decision to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at national and international level, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field, and defining as accurately and fully as possible the content of the right to drinking water in relation to other human rights, and also endorses the decision to request the Special Rapporteur to submit to the Sub-Commission a preliminary report at its fifty-fourth session, a progress report at its fifty-fifth session and a final report at its fifty-sixth session. The Commission requests the Secretary-General to provide the Special Rapporteur with any assistance necessary to enable him to fulfil his mandate.

*17th meeting
10 August 2001*

[Adopted without a vote. See chap. VI.]

B. Decisions

2001/101. Establishment of a sessional working group on the working methods and activities of transnational corporations under agenda item 4

At its 2nd (closed) meeting, on 31 July 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group to examine the working methods and activities of transnational corporations under agenda item 4, composed of the following members: Mr. Alfonso Martínez, Mr. Guissé, Mr. Kartashkin, Mr. Park and Mr. Weissbrodt.

[See chap. III.]

2001/102. Establishment of a sessional working group on the administration of justice under agenda item 3

At its 2nd (closed) meeting, on 31 July 2001, the Sub-Commission on the Promotion and Protection of Human Rights decided, without a vote, to establish a sessional working group on the administration of justice under agenda item 3, composed of the following members: Ms. Hampson, Ms. Motoc, Mr. Pinheiro, Mr. Yokota and Ms. Zerrougui.

[See chap. III.]

2001/103. Issue of the administration of justice through military tribunals

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, taking into account the recommendation made by the sessional working group on the administration of justice (see E/CN.4/Sub.2/2001/7), decided, without a vote, to request Mr. Louis Joinet to update, without financial implications, his interim report on the evolution of the administration of justice through military tribunals (E/CN.4/Sub.2/2001/WG.1/CRP.3), taking into account the comments made by the participants at the fifty-third session, so as to submit the updated version of his report to the Sub-Commission at its fifty-fourth session.

[See chap. V.]

2001/104. Discrimination in the criminal justice system

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, concerned by the extent of discrimination in the criminal justice system, welcoming the working paper (E/CN.4/2001/Sub.2/WG.1/CRP.1) prepared by Ms. Leila Zerrougui for the sessional working group on the administration of justice, decided, without a vote, to request Ms. Zerrougui to pursue her research, without financial implications, taking into consideration the comments made by members of the Sub-Commission, and to submit her final working paper to the Sub-Commission at its fifty-fourth session.

[See chap. V.]

2001/105. Scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate)

At its 17th meeting, on 10 August 2001, the Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolution 2000/24 of 18 August 2000 and Commission on Human Rights resolution 2000/68 of 26 April 2000, taking note of Commission resolution 2001/70 of 25 April 2001, extremely concerned at the allegations of serious violations of human rights on the part of personnel serving in peace support operations and taking into account the background information provided in document E/CN.4/Sub.2/WP.1, decided, without a vote, to entrust Ms. Françoise Hampson with the task of preparing, without financial implications, a working paper on the scope of the activities and the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations, for submission to the Sub-Commission at its fifty-fourth session.

[See chap. V.]
