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**REPORT TO THE ECONOMIC AND SOCIAL COUNCIL
ON THE SIXTY-FIRST SESSION OF THE COMMISSION**

Draft report of the Commission

Rapporteur: Ms. Deirdre KENT (Canada)

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under colonial or alien domination or foreign occupation**

* Documents E/CN.4/2005/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.4/2005/L.11 and addenda.

V. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

1. The Commission considered agenda item 5 at its 12th and 13th meetings on 18 March 2005, and at its 38th meeting on 7 April.
2. For the documents issued under agenda item 5, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.
3. At the 12th meeting, on 18 March 2005, Ms. Shaista Shameem, Special Rapporteur on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, introduced her report (E/CN.4/2005/14). During the ensuing interactive dialogue, the representative of Cuba addressed questions to the Special Rapporteur, to which she responded.
4. In the general debate on agenda item 5, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

Question of Western Sahara

5. At the 38th meeting, on 7 April 2005, the Chairperson made a statement, the text reads as follows:

“Question of Western Sahara

“The Commission of Human Rights decided, without a vote, to defer consideration of the matter to its sixty-second session under the same agenda item.”

Situation in occupied Palestine

6. Also at the 38th meeting, on 7 April 2005, the representative of the Libyan Arab Jamahiriya (on behalf of the Arab Group) introduced draft resolution E/CN.4/2005/L.5, sponsored by Indonesia, Libyan Arab Jamahiriya (on behalf of the Arab Group) and Turkey. Andorra, Austria, Belgium, China, Cuba, Cyprus, Estonia, Finland, France, Greece, Guinea, Ireland, Lithuania, Malaysia, Malta, Oman, Pakistan, Portugal, San Marino, Slovenia, South Africa, Spain, Sweden, Switzerland, Zimbabwe subsequently joined the sponsors.
7. The representative of the Libyan Arab Jamahiriya (on behalf of the Arab Group) orally revised the draft resolution by deleting the eighth and ninth preambular paragraphs as well as operative paragraphs 4, 5, 6 and 7 and by modifying operative paragraph 3 and renumbering the following paragraph accordingly.

8. Statements in connection with the draft resolution were made by the observers for Israel and Palestine.

9. At the request of the representative of the United States of America, a recorded vote was taken on the draft resolution, as orally revised, which was adopted by 49 votes to 1 with 2 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Australia, Bhutan, Brazil, Canada, China, Congo, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Gabon, Germany, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Ireland, Italy, Japan, Kenya, Malaysia, Mauritania, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland, Zimbabwe.

Against: United States of America.

Abstaining: Burkina Faso, Costa Rica.

10. Statements in explanation of vote after the vote were made by the representatives of Costa Rica, Guatemala and the United States of America.

11. For the text of the resolution as adopted, see chapter II, section A, resolution 2005/1.

Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

12. Also at the 38th meeting, the representative of Cuba introduced draft resolution E/CN.4/2005/L.6, sponsored by Bangladesh, Burundi, Cameroon, Congo, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Guinea, Libyan Arab Jamahiriya, Madagascar, Mauritania, Sudan, Swaziland, Togo, Tunisia, Uganda, United Republic of Tanzania, Vietnam, Zambia and Zimbabwe. Algeria, El Salvador, Qatar, Syrian Arab Republic, the Russian Federation, Uruguay subsequently joined the sponsors.

13. A statement in explanation of vote before the vote was made by the representative of the Netherlands (on behalf of the States members of the European Union that are members of the Commission – Finland, France, Germany, Hungary, Ireland, Italy, the Netherlands, the United Kingdom of Great Britain and Northern Ireland as well as Bulgaria, Croatia, Romania and Turkey, which aligned themselves with the statement).

14. At the request of the representative of the Netherlands, a recorded vote was taken on the draft resolution, which was adopted by 35 votes to 15, with 2 abstentions. The voting was as follows:

In favour: Argentina, Armenia, Bhutan, Brazil, Burkina Faso, China, Congo, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, Ethiopia,

Gabon, Guatemala, Guinea, India, Indonesia, Kenya, Malaysia, Mauritania, Mexico, Nepal, Nigeria, Pakistan, Paraguay, Peru, Qatar, Russian Federation, South Africa, Sri Lanka, Sudan, Swaziland, Togo, Zimbabwe.

Against: Australia, Canada, Finland, France, Germany, Hungary, Ireland, Italy, Japan, Netherlands, Republic of Korea, Romania, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Honduras, Saudi Arabia.

15. 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 the estimated administrative and programme budget implications of the draft resolution.

16. A statement in explanation of vote after the vote was made by the representative of Armenia.

17. For the text of the resolution as adopted, see chapter II, section A, resolution 2005/2.
