COMMISSION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE SECOND PART OF THE 57th MEETING */

held at the Palais des Nations, Geneva, on Friday 11 March 1988, at 3 p.m.

Chairman: Mr. SENE (Senegal)

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Closure of the forty-fourth session

*/ The summary record of the first part of the meeting appears as document E/CN.4/1988/SR.57

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Any corrections to the records of the public meetings of the Commission of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.
The meeting, which had been suspended at 5.10 p.m., was resumed at 7.05 p.m.


1. The CHAIRMAN invited the Commission to adopt its report to the Economic and Social Council, and pointed out that the draft report was arranged in the same way as previous reports. The resolutions and decisions of the Commission reproduced in documents E/CN.4/1988/L.11 and Add.1 to 14 having been adopted very late, all the addenda in which they appeared were not yet available in all the working languages; it was to be hoped that, in those circumstances, the Commission would agree to adopt part of its draft report in the language versions already available. He suggested that amendments of pure form should not be proposed during the meeting, but merely pointed out to him or to the secretariat after the meeting ended. Members could rest assured that those amendments would be duly made in the final version of the report. He thanked all delegations in advance, and said he was sure that, subject to the conditions he had proposed, the draft report could be quickly adopted.

2. There being no comments by members of the Commission, documents E/CN.4/1988/L.10 and Add.1 to 21 were adopted without a vote.

3. There being no comments by members, the Commission took note of documents E/CN.4/1988/L.11 to 14, containing the resolutions and decisions already adopted.


5. The CHAIRMAN announced that in accordance with Rule 21 of the Rules of Procedure and after consultation with regional groups, the following members of the Commission had been nominated to serve, in their personal capacity, on the Working Group on Situations involving Violation of Human Rights: Mr. António da Costa Lobo (Portugal), Mr. Todor Ditchev (Bulgaria), Mr. Aregba Polo (Togo) and Mr. Armando Villanueva del Campo (Peru). The name of the Asian member of the Group, who was on the delegation of Iraq would be announced later.

6. There being no comments, it was so decided.

7. The CHAIRMAN thanked the Rapporteur, who had successfully accomplished the difficult task of drafting the report on the session, with the loyal assistance of the secretariat.


8. The CHAIRMAN drew the attention of members of the Commission to the draft provisional agenda contained in document E/CN.4/1988/L.1. That document did not really require a decision by the Commission; it would be sufficient to take note of it. He hoped that it would be possible to avoid reopening the discussion on item 12 (h), the future report on the situation of human rights
in Cuba, which was to be drawn up in conformity with decision 1988/106. It had been possible to reach a consensus on the matter the previous day, and the decision taken should now be put into effect.

9. Mr. Heller (Mexico) said that the decision reached by the Commission the previous day concerning a visit to Cuba by the Chairman and five of its members, was indeed very constructive; moreover, the Commission had met the Chairman's wishes by adopting decision 1988/106 without a vote. He pointed out, however, that in that decision the Commission had provided that it would decide at the next session on the manner in which the report on the visit was to be examined; that was stated in subparagraph (b). It would therefore be preferable not to place the examination of the report under item 12 (h) of the provisional agenda, as in document E/CN.4/1988/L.1.

10. Mr. Rodriguez (Peru) pointed out that according to resolution 1894 (LVII) of the Economic and Social Council, at each session of the functional commissions of the Council there must be submitted a draft provisional agenda for the following session, indicating the documents to be submitted for each item. In view of those provisions, to which the Commission was bound to conform, to place the question of a visit to Cuba and a report on that visit under item 12 of the draft provisional agenda, as in document E/CN.4/1988/L.1, was to assume that those matters would be examined under that item. That was incompatible with subparagraph (b) of decision 1988/106, which provided that the Commission would decide at its next session the manner in which the report on the visit to Cuba would be examined. He therefore endorsed the comments of the representative of Mexico and proposed that the visit to Cuba and the report thereon should rather be placed under item 2 of the draft provisional agenda, relating to the adoption of the agenda for the forty-fifth session.

11. Mr. Lopez (Colombia) associated himself with the comments made by the representatives of Mexico and Peru. In view of the mandate set out in decision 1988/106, the Commission should provisionally place examination of the report on the human rights situation in Cuba under item 2. When discussing item 2 at the beginning of its next session, the Commission would decide how the report was to be examined, in accordance with decision 1988/106.

12. The Chairman stressed that the item of the draft agenda providing for examination of the report on Cuba did not prejudice the destination of that report. It would be desirable for the Commission to avoid a debate at that stage and to confine itself to taking note of document E/CN.4/1988/L.1 it being understood that at its next session it would decide on the manner in which the report was to be examined, as provided in subparagraph (b) of decision 1988/106.

13. Mr. Steel (United Kingdom) endorsed the wise interpretation of decision 1988/106 just given by the Chairman and said he hoped that all delegations would accept it. Otherwise the Commission might start on a procedural debate which would renew the differences of opinion so felicitously overcome the day before thanks, in particular, to the wisdom of the Chairman.

14. Mr. Bossuyt (Belgium) said that the Commission had just examined the question of a visit to Cuba under item 12 of its agenda and that decision 1988/106 had also been adopted under that item. But that did not prejudice the tenor of the report on the visit or the manner in which it was to be examined. In fact, when the Commission received the report it would have
three options: to decide not to proceed with the matter, to examine it under item 12; or to examine it as a new item of the agenda. Moreover, it was not certain that the Commission would have the report at the beginning of its next session, at least not in all the working languages. Hence the Commission would have a difficult decision to make on that question next year; but for the present, some item of the agenda must be chosen and it was under item 12 that the question had been studied so far.

15. Mr. LOMEIKO (Union of Soviet Socialist Republics) said he agreed with the representatives of Mexico, Peru and Colombia. To place the question of the visit to Cuba and the report on that visit under item 12 of the draft agenda would not be in conformity with the spirit of decision 1988/106 adopted the previous day by consensus. As those representatives had pointed out, subparagraph (b) of that decision provided that the Commission would decide later on the manner in which the report was to be examined. Hence it would be logical to place the question under item 2 provisionally. When the Commission received the report it could choose the appropriate item during the examination of its agenda. The discussion in progress was not merely procedural: the Commission must be guided by a principle, namely, respect for decision 1988/106 adopted by consensus.

16. Mr. CASCO (Nicaragua) said he endorsed the manner in which the representatives of Mexico, Peru, Colombia and the Soviet Union interpreted the spirit and the letter of decision 1988/106.

17. Mr. PRASAD (India), observing that the consensus reached the previous day had been mainly due to the Chairman's sense of diplomacy, said that like the United Kingdom representative he hoped the Commission would not engage in a procedural debate. As stated in subparagraph (b) of decision 1988/106, the Commission would decide at its next session under which item the report on the visit to Cuba was to be examined. It could, of course, be placed not only under item 2, but also under item 3 of the draft provisional agenda, namely, organization of the work of the session; but the best course would be to leave the matter to the judgement of the Chairman.

18. Mr. LILLIS (Ireland) said that when decision 1988/106 had been adopted, his delegation had wished to respond to the Chairman's appeal for confidence in him. It had, however, had doubts about some aspects of the decision. Nevertheless, it was glad to note that that decision, which was perhaps the most difficult one the Commission had had to take in recent years, had been adopted in a friendly atmosphere. His delegation hoped that that atmosphere would be maintained and that the Commission would respond to the Chairman's appeal.

19. Mr. KOLBY (Norway) endorsed the comments just made by the representative of Ireland.

20. Mr. HACENE (Algeria) said that, like the representative of Ireland, he hoped that the atmosphere of unity would be maintained, but with respect for the intention of the delegations which had originated decision 1988/106.

21. Mr. TAYLHARDAT (Venezuela) said he thought that the Chairman, in giving his interpretation of decision 1988/106, had made a ruling under Rule 42 of the Rules of Procedure, which would be helpful to the Commission's work. He approved of that ruling and hoped that good sense would prevail.
22. Mr. DESPOUY (Argentina) said that, in his view, an interpretation of decision 1988/106 should not be allowed to compromise the positive initiative reflected in that text. It should be remembered that it was Cuba which had invited the Commission to send a mission. Initially, a draft resolution had been submitted under item 12, but the Commission had never decided to examine the question under that item, as it had, for example, in regard to the situation in El Salvador. Fearing dangerous confusion, although he supported the Chairman's appeal and interpretation, he suggested that the Chairman should submit to the Commission, by way of explanation, a formula to be included in the report on the forty-fourth session.

23. Mr. MADAK (Somalia) reminded the Commission that the previous day it had adopted a decision on a visit to Cuba, the authors of which had been four Latin American countries. That decision had been adopted after a discussion under item 12 of the agenda. Even the financial implications had been examined under that item. Hence there was no justification for reopening the debate and it would be better to comply with the Chairman's appeal.

24. Mr. LE PRETTE (France) said he was glad it had been possible to take such an important decision in a spirit of co-operation and thanks to the wisdom of the Chairman. It would be a pity to spoil the atmosphere thus created by getting bogged down in a procedural debate. If there must be a discussion it should be at the next session.

25. The CHAIRMAN said that various delegations had reminded him that the Commission had adopted its decision 1988/106 in a good atmosphere, which should not now be spoilt by dwelling on a question that was really only a technical one. It was not now, but at the next session, that the Commission would decide what was to be done with the report on the mission to Cuba. For the time being, the essential point was to maintain the good faith which had been shown when the decision was adopted. He therefore asked the Commission once again to agree merely to take note of the draft provisional agenda as it appeared in document E/CN.4/1988/L.1.

26. Mr. HELLER (Mexico) objected that placing the question of the visit to Cuba and the report on that visit under item 12 did not correspond to the spirit of decision 1988/106. He therefore formally proposed that subparagraph (h) of item 12 in document E/CN.4/1988/L.1 should be transferred to item 2.

27. Mr. CASCO (Nicaragua) requested that the proposal just made by the representative of Mexico be put to the vote.

28. Mr. RODRIGUEZ (Peru) supported that request.

29. Mr. KOLBY (Norway) said he thought it was the Chairman's ruling under Rule 42 of the Rules of Procedure that should be put to the vote first.

30. The CHAIRMAN said that strictly speaking he had not made a ruling, he had only made comments, the main purpose which had been to avoid a confrontation. He noted, however, that the Mexican delegation had made a formal proposal which was supported by two other delegations.
31. Mr. JOHNSON (United States of America) agreed with the representatives of Venezuela, the United Kingdom, Belgium, Norway and Somalia, that the Commission should accede to the Chairman's appeal and take note of the draft provisional agenda as it stood. That document was of a purely technical nature and conformed to the Commission's usual practice. It did not prejudge any future decision. Moreover, the good faith shown when decision 1988/106 had been adopted should be maintained as the Chairman had requested. For those reasons, he opposed the proposal of the Mexican delegation.

32. Mr. DESPOUY (Argentina) said he believed that a short suspension of the meeting would make it possible to hold a final consultation with a view to adopting a text, of a few sentences, to be inserted in the report on the session. To state things clearly in that way would facilitate satisfactory initiation of the mission which the Chairman and five members of the Commission were to undertake.

33. Mr. AZIKIWE (Nigeria) was also in favour of a short suspension of the meeting, to see if there was not a better solution than taking a vote.

34. Mr. HELLER (Mexico) said that he did not want a confrontation either, but had only wished to indicate the reasons for which his delegation was not satisfied with the draft provisional agenda. He supported the Argentine proposal that the meeting be suspended to avoid taking a vote.

35. Mr. TANIGUCHI (Japan) said he regretted the deterioration in the good atmosphere created by Mr. Sene, who was probably the best Chairman he had ever seen. A vote would spoil that atmosphere irretrievably.

36. Mr. CASCO (Nicaragua) supported the motion of the Argentine representative to suspend the meeting for a few minutes.

37. Mr. JOHNSON (United States of America) said he doubted whether an interruption of the meeting would be useful at that stage. It would be better for the Commission to support the Chairman's proposal and reject that of the Mexican delegation.

38. Mr. KOLBY (Norway) said that he, too, saw no point in suspending the meeting.

39. Mr. LOMEIKO (Union of Soviet Socialist Republics) said that the wisdom with which the Chairman was conducting the debates was not in question. He merely found that the draft provisional agenda, in its present form, did not give satisfaction to all delegations. He supported the request made by the Argentine delegation with a view to a final consultation.

40. Mr. DESPOUY (Argentina) said that he was asking for a short suspension of the meeting in accordance with Rule 48 of the Rules of Procedure.

41. The CHAIRMAN said that under the Rules of Procedure the Commission must vote on the formal proposal to suspend the meeting submitted by the Argentine representative.

42. The motion for suspension of the meeting proposed by the Argentine delegation was carried by 21 votes to 15, with 2 abstentions.

43. The meeting was suspended at 9.05 p.m. and resumed at 9.20 p.m.
44. The CHAIRMAN said that the brief consultation which had taken place had made it possible to re-establish the spirit of understanding, which had been momentarily endangered. He would leave it to the Argentine representative to present the results of the consultation.

45. Mr. DESPOUY (Argentina) said that his delegation and other delegations which had likewise felt certain doubts about the draft provisional agenda (E/CN.4/1988/L.1) had accepted that it was a technical document which did not prejudge the Commission's future decision on the manner in which the report on the human rights situation in Cuba would be examined. Thus it was possible to reach a consensus on that document. He thanked the Chairman for the good faith and wisdom he had shown.

46. The CHAIRMAN thanked all delegations in their entirety. The doubts felt by some of them having been dispelled, a consensus was clearly emerging. The Commission could therefore take note of the draft provisional agenda in document E/CN.4/1988/L.1, together with the comments he had made when that document had been introduced.

47. It was so decided.

CLOSURE OF THE FORTY-FOURTH SESSION

48. The CHAIRMAN, emphasizing the contribution made by the forty-fourth session of the Commission to the cause of human rights, said that he believed that the session would mark an important stage in the recognition of the significance of that veritable charter for mankind, the Universal Declaration of Human Rights, whose fortieth anniversary was being commemorated that year. Today, no country could continue to turn a deaf ear to allegations of human rights infringement. Not even the argument of reason of State or sovereignty, or fear of outside interference could withstand the pressure of public opinion and the moral requirement of respect for human rights.

49. After underscoring the reciprocal links between civil and political rights, on one hand, and economic, social and cultural rights, on the other, he drew attention to the fate of millions of individuals and people who continued to endure injustice, oppression, discrimination and violation of their fundamental rights, in their worst forms. Racism was established as a system of government in the country of apartheid, and repression was the lot of entire populations in the occupied Arab territories. Elsewhere, prejudice led to suffering for minorities because of their skin colour, their religious persuasion or their customs. Many were exposed to religious intolerance, terrorism, hostage-taking, torture, enforced or involuntary disappearance, summary or arbitrary executions. The situation of minorities, indigenous populations, migrant workers, children and so on, should also be mentioned.

50. However, mankind was bound to live in the era of solidarity if it was not to experience the era of barbarism. Consequently, the Commission on Human Rights had for decades been applying mechanisms and procedures that focused on discussion, contacts and agreement. It must continue to play its role in a world that was in the process of change, not only technological change but also moral change, which sometimes plunged the young, who were eager for progress, into confusion and anxiety. Today, man possessed the most phenomenal technological power of all time, and he had the resources to eliminate the scourges of illness, hunger, ignorance and prejudice. For that, he needed to advance on the road to development.
51. Among the Commission's tasks, the codification of international standards in the field of human rights had advanced, in respect of the draft convention on the rights of the child, the preparation of the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human and fundamental freedoms, as well as the declaration on the rights of minorities. The Commission had made progress by introducing innovations in various spheres, rationalizing its activities and strengthening the advisory services financed by voluntary contributions.

52. He congratulated all the rapporteurs, special rapporteurs and experts on their role in the consideration of the human rights situation in the various countries. He also congratulated the 26 experts elected to the Sub-Commission. He drew attention to the fact that the Commission had had the honour of receiving several ministers and secretaries of State, the Chairman of the Executive Committee of the Palestine Liberation Organization, the Secretary-General of the League of Arab States and the President of the Inter-American Commission on Human Rights. In conclusion, the abundant and varied contribution of 113 non-governmental organizations could not be over-estimated. After paying a tribute to the members of the Commission and the observers, the Under Secretary-General for Human Rights and the members of the secretariat, he concluded by stating his belief that at the end of the session the United Nations permanent machinery for international co-operation in the field of human rights had been strengthened.

53. After expressions of congratulations and thanks by Mr. HACENE (Algeria) on behalf of the Group of African countries, Mr. RASHID (Bangladesh) on behalf of the Group of Asian countries, Mr. DITCHEV (Bulgaria) on behalf of the Group of Eastern European countries, Mr. DELGADO BARRETO (Peru) on behalf of the Group of Latin American countries and Mr. KOLBY (Norway) on behalf of the Group of Western European and other countries, the CHAIRMAN said that the forty-fourth session of the Commission had concluded its work.

The meeting rose at 10.15 p.m.