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COMMISSION ON HUMAN RIGHTS

Forty-third session

SUMMARY RECORD OF THE 56th MEETING */ (First part)

Held at the Palais des Nations, Geneva,
on Wednesday, 11 March 1987, at 3 p.m.

<u>Chairman:</u>	Mr. EVMENOV	(Byelorussian Soviet Socialist Republic)
later:	Mr. AL-HADDAWI	(Iraq)

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Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories

*/ The summary record of the second part of the meeting is contained in document E/CN.4/1987/SR.56/Add.1.

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The meeting was called to order at 3.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 12) (continued) (E/CN.4/1987/38; E/CN.4/1987/L.29/Rev.1, L.31, L.33/Rev.1-L.36/Rev.1, L.39, L.41/Rev.1, L.49, L.54/Rev.1, L.58, L.63, L.65, L.69, L.70, L.74, L.76, L.78, L.79, L.80, L.83-L.87, L.91)

1. The CHAIRMAN invited the Commission to continue its consideration of the proposal by the representative of India that no decision should be taken on draft resolution E/CN.4/1987/L.29/Rev.1.
2. Mr. BIKOU-M'BYS (Congo), speaking in explanation of vote, said that his delegation would find itself in an embarrassing situation if forced to choose between the United States and Cuban positions. Attitudes of confrontation and the introduction of political considerations could only have a harmful effect on the Commission's work. His delegation would therefore vote in favour of the Indian proposal.
3. Mr. ROBERTSON (Australia), said that his delegation would vote against the Indian proposal, first because no substantive arguments had been advanced in its favour. Second, it was his delegation's position of principle that draft resolutions whose substance was in line with the Commission's mandate should be considered on their merits and not thrust aside by a procedural manoeuvre. Every member delegation should have an opportunity to state its position by a vote on the draft resolution.
4. Mr. SOLER (Costa Rica), said that it had been his delegation's principle and practice to vote against procedural motions such as the Indian proposal. The best procedure was to allow the Commission to take a decision on any draft resolution before it, following prior discussion. His delegation would therefore vote against the Indian proposal.
5. Mr. AL-HADDAWI (Iraq) said that the Commission should adopt a single method of procedure for dealing with future situations similar to the one before it.
6. Mr. MARTIUS (Federal Republic of Germany), said that the Indian representative had given no reason for his proposal. To avoid discussing the draft resolution before it would lay the Commission open to a charge of failure to fulfil its task of discussing human rights violations wherever they occurred. His delegation would therefore vote against the Indian proposal.
7. Miss BOZHKOVA (Bulgaria), said that her delegation would vote in favour of the Indian proposal because the draft resolution to which it referred was unrelated to the cause of human rights and indeed, being politically motivated, ran counter to the Commission's purposes and objectives. It could thus set a dangerous precedent that could seriously damage the Commission's objectivity and credibility. The best way of preserving that body's authority would be to adopt the proposal that no decision should be taken on the draft resolution.

8. Sir Anthony WILLIAMS (United Kingdom of Great Britain and Northern Ireland) said that the draft resolution before the Commission reflected accusations that had been made and that fell within the Commission's mandate. The Indian representative had given no reason for his proposal and no indication as to whether or not it had been made at the request of the observer for Cuba. It would be in the interest of the Cuban delegation for the Commission, within the terms of its mandate, to vote on the draft resolution.

9. Mr. WALLACH (United States of America), said that when, a few years earlier, the great nation of India had been formed, it had been dedicated to the principle that it would be a great democracy living within the rule of law and honouring the right to free debate, open commentary and non-violence. The Indian delegation had that morning put forward a motion aimed at denying those who had submitted a draft resolution and those who wished to discuss it the right to free and open debate. The United States would vote against that effort to block discussion, recognizing that there were present in the Commission men and women of conscience, representing Governments of conscience, who believed in the rule of law and the opportunity to debate issues, and who had confidence in their judgement and that of their colleagues to evaluate the merits of such discussion carefully and reach a fair and honourable decision. They were people who believed in human rights and in keeping them apart from any geo-political considerations.

10. Mr. OGOURTSOV (Byelorussian Soviet Socialist Republic), speaking on a point of order, said that an explanation of vote was meant to be an explanation of a delegation's position on a motion under consideration and not an explanation of the conscience of other delegations.

11. The CHAIRMAN appealed to representatives to observe the rules of propriety in their comments.

12. Mr. WALLACH (United States of America) said that his delegation would vote against the Indian proposal because it wished to discuss the issues raised in its draft resolution and to hear the response of the delegations that would speak on behalf of Cuba. The allegations of political motivation and of insufficient presentation of evidence that had been made should be aired in the course of discussion on the substance of the draft resolution. No valid reason had been given for preventing the Commission from considering the draft resolution, as it was qualified to do. Such consideration could enhance the Commission's credibility and make it more worthy to receive the respect it needed if it was to influence the cause of human rights. He urged other delegations to vote against the Indian proposal.

13. Mr. FRAMBACH (German Democratic Republic), speaking in explanation of vote, said that his delegation would vote in favour of the Indian proposal because it considered the draft resolution to be politically motivated and incompatible with the norms and principles of the Charter of the United Nations, particularly those concerning the self-determination of peoples and their right to choose their own path to political, economic and social development without external interference. The adoption of the draft resolution would create a dangerous precedent.

14. Mr. TEJA (India), speaking on a point of order, said that his delegation, which agreed that the United States of America and India were democratic countries that shared many values, had been saddened at the United States representative's suggestion that it was blocking discussion on the draft resolution. Its motion was fully in keeping with the Commission's democratic spirit and it had no other motive than that of maintaining that body's dignity and authority.

15. At the request of the representative of the United States of America, a vote was taken by roll-call on the Indian proposal that no decision should be taken on draft resolution E/CN.4/1987/L.29/Rev.1.

16. Somalia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, China, Colombia, Congo, Cyprus, Ethiopia, German Democratic Republic, India, Mexico, Mozambique, Nicaragua, Peru, Sri Lanka, Union of Soviet Socialist Republics, Venezuela, Yugoslavia.

Against: Australia, Austria, Belgium, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Italy, Japan, Lesotho, Liberia, Norway, Philippines, Somalia, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bangladesh, Brazil, Iraq, Pakistan, Rwanda, Senegal.

17. The Indian proposal that no decision should be taken on draft resolution E/CN.4/1987/L.29/Rev.1 was adopted by 19 votes to 18, with 6 abstentions.

18. Mr. LOMEIKO (Union of Soviet Socialist Republics), speaking in explanation of vote, said that his delegation had voted in favour of the Indian proposal, but not for the sake of confrontation with the United States. On the contrary, it deeply respected the American people and had demonstrated that respect over the years. It had done so again in the Commission in seeking a common language with the United States delegation, despite the latter's frequent refusal to work in the spirit of co-operation that was so essential in human rights matters.

19. When the United States delegation had introduced its draft resolution on Cuba and his delegation had asked some of its members about the reasons for doing so, they had replied that they were "domestic reasons". The United States had said a great deal about the need to ensure the enjoyment of human rights in all countries, but its reasons for submitting the draft resolution against Cuba had nothing to do with that objective. Mrs. Kirkpatrick, who had attacked Cuba, the Soviet Union and other socialist countries in her statement to the Commission, was seeking votes in forthcoming elections in the United States, where were some 400,000 Cuban emigrants were entitled to vote. That was a "domestic reason" that had nothing to do with human rights.

20. He failed to understand how a Government that did everything possible to create a difficult situation in Cuba could claim to be concerned about the human rights of Cuban citizens. If that concern was genuine the Government in question should lift the economic blockade which for many years had prevented Cuba from maintaining normal trade and economic relations and had thus deprived its people of the necessities of life and caused discontent among them. It should also desist from inciting subversion in Cuba and portraying those arrested for violations of the law as political prisoners and victims of human rights violations: it should stop sending saboteurs to Cuba to destroy sugar cane or tobacco plantations, thus impeding the country's economic development.

21. The use of double standards and double morality in the name of human rights would do nothing to advance the Commission's cause.

22. Every country had its own history and its own type of development and could not be expected to base itself on the model of others. The guidelines it followed must be those laid down in the International Covenants on Human Rights. There was a great deal that the United States Government could do in its own country in that respect before trying to teach others how to behave.

23. Mr. MURARGY (Mozambique), said that his delegation had voted in favour of the Indian proposal because of its firm belief that the delegation that had submitted draft resolution E/CN.4/1987/L.29/Rev.1 had done so for political reasons in the context of super-Power rivalry, which was outside the Commission's scope. Such action diverted consideration from the main problems before that body. Efforts should be focused, for example, on condemning the apartheid régime which was daily killing South Africans because they were fighting for their fundamental rights and freedoms and was using mercenaries and bandits to commit aggression against Mozambique, Angola, Zimbabwe, Zambia, Lesotho and Botswana and to kill their people. Punitive measures should be taken against a régime that had been condemned by all mankind as inhuman. Members of the Commission could not condone the kind of selective action they were witnessing.

Draft resolution E/CN.4/1987/L.31

24. Mr. ROA KOURI (Observer for Cuba) introducing draft resolution E/CN.4/1987/L.31, said that it had been prompted by the fact that millions of North American Indians, blacks, Latin Americans and Puerto Ricans had been obliged by force to be citizens of the United States, and had lived under a system of discrimination and that peoples of the third world, including those of Latin America and Cuba, had been victims of pressure and gross interference in their affairs, preventing them from exercising their right to self-determination and independence.

25. He was speaking on behalf of the millions of blacks who were forced to live in ghettos with other ethnic minorities. He was also speaking for the Puerto Ricans who as second class citizens were prohibited from voting in presidential elections but obliged to fight in imperialist wars. Their sovereignty had been denied by the United States Congress but they had to pay federal income tax. That was a mockery of the values which had led the American patriots to organize the Boston Tea Party and to proclaim "No taxation without representation".

26. He was also speaking for the young who had been unable to go to the Ivy League Universities but had been sent to die in the rice paddies of Viet Nam, where the right of the Vietnamese people to self-determination had been violated. The rights of the people of Cuba had also been violated by the maintenance, against their will, of a naval base in Guantanamo.

27. He hoped that the Commission would give due consideration to the draft resolution.

28. Mr. TEJA (India), speaking on a point of order, said that no purpose would be served by considering draft resolution E/CN.4/1987/L.31 and his delegation therefore moved, under rule 65, paragraph 2, of the rules of procedure, that the Commission should take no action on it.

29. Mr. WALLACH (United States of America) urged that no vote should be taken on the Indian motion. It was unconscionable to prevent the Commission from debating the merits of resolutions submitted however specious or ill-founded they might be.

30. His delegation was more than prepared to meet the issues on the merits offered by the draft resolution. It was not concerned about those who accused the United States when they came to the Commission filled with the historic deeds of their own repression of Hungary, Czechoslovakia, Poland and Afghanistan or their own background of exporting terrorists trained in their countries to other lands or of sending troops to Africa to engage in controversy.

31. His country had no hesitation in combating such opponents in the Commission. It urged all nations to condemn such efforts, however much the proponents of those efforts protested their own adherence to democratic principles. His delegation would welcome debate in the Commission. In conclusion, he said it could be expected that the subject of Cuba would arise again in the Commission.

32. Mr. HACENE (Algeria) supported the motion of the Indian representative.

33. Mr. SOLER (Costa Rica) said that his delegation would not vote in favour of the Indian motion. It was for all the members of the Commission to decide whether to extend courtesy to States, whether Commission members or not, which had submitted draft resolutions for consideration.

34. Mr. BIKOU-M'BYS (Congo) said that his delegation would support the Indian motion.

35. Mr. MAIOLINI (Italy) said that his delegation would vote against the Indian motion, since it was convinced that debates should not be halted artificially by procedural expedients. To do so would be a negation of democracy and of dialogue.

36. At the request of the representative of the United States, a vote was taken by roll-call on the motion by India that no action should be taken on draft resolution E/CN.4/1987/L.31.

37. Togo, having been drawn by lot by the Chairman, was called upon to vote first.

- In favour: Algeria, Argentina, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Mexico, Mozambique, Peru, Togo, Union of Soviet Socialist Republics, Yugoslavia.
- Against: Australia, Austria, Belgium, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Japan, Liberia, Nicaragua, Norway, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America.
- Abstaining: Bangladesh, Brazil, Colombia, Iraq, Lesotho, Pakistan, Rwanda, Senegal, Somalia, Sri Lanka, Venezuela.

38. The Indian motion that no action should be taken on draft resolution E/CN.4/1987/L.31 was adopted by 17 votes to 15, with 11 abstentions.

Draft resolution E/CN.4/1987/L.41/Rev.1

39. The CHAIRMAN invited the Commission to consider draft resolution E/CN.4/1987/L.41/Rev.1.

40. Mr. AL-HADDAWI (Iraq), introducing draft resolution E/CN.4/1987/L.41/Rev.1, said that it reflected the need to respect Lebanon's sovereignty, independence and territorial integrity. The sponsors had tried to avoid any reference containing political implications in respect of the grave situation in the Palestinian refugee camps. They hoped that the draft resolution could be adopted unanimously.

41. Mr. PACE (Secretary of the Commission) announced that Egypt had become a sponsor of the draft resolution.

42. Mr. DIMACHKIE (Observer for Lebanon) said that his Government condemned violations of human rights and fundamental freedoms in any part of the world.

43. The draft resolution under consideration indicated what had happened and was happening in Lebanon, but in areas not under the control of the legitimate Lebanese authorities. The so-called "war of the camps" was part of a war being waged in Lebanon and it affected all citizens living on Lebanese territory. His Government's views in that regard were set forth in document E/CN.4/1987/53.

44. The CHAIRMAN said that the delegation of the United States of America had requested a vote on the draft resolution.

45. At the request of the representative of Gambia, a vote was taken by roll-call.

46. Colombia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, China, Congo, Cyprus, Ethiopia, France, Gambia, India, Iraq, Ireland, Japan, Lesotho, Liberia, Mexico, Mozambique, Nicaragua, Norway, Pakistan, Rwanda, Senegal, Somalia, Sri Lanka, Togo, Yugoslavia.

Against: Costa Rica, Philippines.

Abstaining: Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, German Democratic Republic, Germany, Federal Republic of, Italy, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

47. Draft resolution E/CN.4/1987/L.41/Rev.1 was adopted by 29 votes to 2, with 12 abstentions.

48. Mr. BOSSUYT (Belgium), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution for purely humanitarian considerations vis-à-vis the civilian population in the camps.

49. Ms. PEARCE (Australia) said that her delegation had voted in favour of the draft resolution. It was concerned, however, that the text remained silent about the deprivation and destruction in areas surrounding the camps.

50. Her Government fully supported the efforts of UNRWA to alleviate the suffering in and around the camps. Australia's own efforts in that regard were reflected in its recent contribution of \$250,000 to UNRWA earmarked for people in areas adjoining the camps as well as in the camps.

51. Mr. STROHAL (Austria) said that his delegation's vote in favour of the draft resolution had been based on humanitarian considerations regarding the situation in the camps. It condemned any attempts to prevent the delivery of food and medical supplies to those camps, deliveries in which his Government participated.

52. His delegation noted, however, that it was unusual for a draft resolution to contain a reference to statements by individual delegations.

53. Mr. COLLIARD (France) said that although some of the wording of the draft resolution seemed excessive, his delegation had voted in favour of the text for humanitarian reasons. His country attached particular attention to the fate of the civilian population in the Palestinian refugee camps. In that connection, his Government had informed the Secretary-General of its concern at the situation in West Beirut. France had concurred with the Security Council's statement of 13 February 1987. Through UNRWA, his Government had provided food to the population in the camps.

54. His delegation wished to stress the need for all parties concerned to respect the sovereignty, independence and territorial integrity of Lebanon.

55. Mr. NICOLAIDES (Cyprus), speaking in explanation of vote, said that his delegation had voted for the draft resolution in document E/CN.4/1987/L.41/Rev.1 for purely humanitarian reasons. It was concerned at the suffering of the Palestinian refugees in the camps in Lebanon. He stressed his Government's full support for respect for Lebanon's sovereignty, independence and territorial integrity and his delegation's appreciation to the Government of Syria, other Governments and international organizations for their attempts to alleviate the suffering of the refugees.

56. Mrs. KIMATA (Japan) said that her delegation had voted for the draft resolution because of its concern at the situation in the Palestinian refugee camps. That concern had also been expressed in her Government's financial contribution to UNRWA.

57. Mr. KOLBY (Norway) said that his delegation had voted for the draft resolution on the basis of purely humanitarian considerations. However, it had some reservations in respect to the wording of the text, which did not fully reflect the actual situation. He reiterated his Government's support for the sovereignty and territorial integrity of Lebanon.

58. Miss YOUNG (United Kingdom of Great Britain and Northern Ireland) said that her delegation had abstained in the vote on the draft resolution because it felt that the text did not reflect fully all the factors involved in the tragic and complex situation existing in the Palestinian refugee camps. It was appalled at the extent of suffering of the civilian populations both in and around the camps and called on all the parties involved to end the conflict. At the same time, it urged them to facilitate the humanitarian work of the relief agencies. As soon as regular relief work was allowed to continue, her Government would be ready to respond quickly to requests for emergency aid.

59. Mr. NAHAS (United States of America) said that his delegation had abstained in the vote on the draft resolution. It had done so because it could not vote in favour of a text that referred to statements in which the United States had been criticized. However, his Government remained deeply concerned at the plight of the Palestinians and other refugees, who were a sacred trust of the United Nations. His delegation was pleased to note that the draft resolution stressed respect for Lebanon's sovereignty and hoped for a just and speedy settlement of the tragedy afflicting that country.

60. Mr. SENE (Senegal) said that his delegation had voted in favour of the draft resolution. It hoped that the Lebanese authorities would be able to alleviate the suffering of the civilian population in the camps and that the conflicting parties would end the fighting in order to enable the humanitarian agencies to carry out their work. His delegation reaffirmed its respect for the sovereignty and territorial integrity of Lebanon.

61. Mr. MADAR (Somalia) said that his delegation had voted in favour of the draft resolution for humanitarian reasons, being opposed to attacks on refugee camps, which caused a great number of victims, including elderly persons and women. He reaffirmed his delegation's view of the need to respect the sovereignty and territorial integrity of Lebanon.

Draft resolution E/CN.4/1987/L.49

62. Mrs. ILIC (Yugoslavia), introducing the draft resolution contained in document E/CN.4/1987/L.49, drew attention to its salient features and commended it to the Commission for its adoption by consensus.

63. Mr. ORNEKOL (Observer for Turkey) said that it was regrettable that a futile debate concerning Cyprus had taken place in the Commission in an attempt to politicize that forum to the detriment of legitimate human rights violations requiring more urgent attention. It was also deplorable that such a debate should have taken place in the absence of the real victims of the conflict in question, namely the Turkish Cypriots.

64. The submission of such a draft resolution at a time when efforts were being made to reach a lasting solution was a political act which jeopardized the climate of confidence necessary for a positive outcome and undermined the good offices mission of the Secretary-General of the United Nations.

65. The negative attitude shown by the Greek Cypriots to the recent proposals of the Secretary-General would undoubtedly strengthen the conviction of the Turkish Cypriots that the Greeks had no intention of accepting an equitable solution and that they sought to become the sole masters of the island. The draft resolution was clearly no more than an arbitrary judgement.

66. Mr. NICOLAIDES (Cyprus) said that the fundamental freedoms of all Cypriots hinged on the outcome of the decision to be taken by the Commission concerning the human rights violations committed by Turkey in Cyprus.

67. Mr. NAHAS (United States of America), said that his delegation intended to request a vote and to vote against the draft resolution, which was not calculated to advance the efforts of the Secretary-General of the United Nations to achieve a just and lasting settlement to the situation in Cyprus.

68. The draft resolution failed to note that the Secretary-General was seeking to deal with the full range of the issues involved, including those raised in the draft resolution itself, and that those efforts were supported by both Cypriot communities. It likewise failed to address the work of the Committee on Missing Persons.

69. Although his delegation would vote negatively, it would none the less contribute in every way possible to the achievement of a just and lasting settlement freely negotiated between the two Cypriot communities, and urged all parties concerned to work with the Secretary-General to promote such a settlement as rapidly as possible. His delegation regretted that the moderate and reasonable amendments it had proposed to make the draft resolution accurately reflect the situation had not been accepted by the Cypriot delegation, thereby preventing a consensus.

70. Mr. TAYLHARDAT (Venezuela) said that, although his delegation shared the humanitarian concerns which had prompted the draft resolution, it intended to abstain in the vote in order to avoid jeopardizing the good offices mission being carried out by the Secretary-General of the United Nations in an attempt to reach a solution.

71. At the request of the representatives of Pakistan and the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1987/L.49.

72. Japan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, Gambia, German Democratic Republic, India, Lesotho, Liberia, Mexico, Mozambique, Nicaragua, Peru, Philippines, Senegal, Sri Lanka, Togo, Union of Soviet Socialist Republics, Yugoslavia.

Against: Bangladesh, Pakistan, United States of America.

Abstaining: Australia, Austria, Belgium, China, France, Federal Republic of Germany, Iraq, Ireland, Italy, Japan, Norway, Rwanda, Somalia, United Kingdom of Great Britain and Northern Ireland, Venezuela.

73. Draft resolution E/CN.4/1987/L.49 was adopted by 25 votes to 3, with 15 abstentions.

74. Mr. MARTIUS (Federal Republic of Germany), speaking in explanation of vote, said that his Government had repeatedly expressed its concern over the Cypriot nationals who had disappeared in 1974 and whose fate had never been cleared up. His delegation wondered whether the resolution, which focused mainly on disappearances, had been raised under the correct agenda item. However, its abstention had not been motivated by formalistic preoccupations.

75. His delegation supported the activities of the Committee on Missing Persons sponsored by the United Nations in which both Greek and Turkish Cypriot representatives co-operated. It regretted that very few cases had so far been cleared up, but considered it unjustified to blame anyone for that. It had submitted a proposal to the Committee of Deputy Ministers of the Council of Europe to appoint a Special Representative of that Council to assist in solving the problem of missing persons.

76. On the whole, however, the problem of Cyprus could only be solved by means of direct talks between the communities concerned. His delegation thus supported the mediation efforts made by the Secretary-General. The draft framework agreement which had been submitted by the Secretary-General to both parties in 1986 had so far been accepted only by the Turkish Cypriot party. His delegation urged the Greek Cypriot party to co-operate in those efforts.

77. Mr. HUME (Australia) said that his delegation had abstained in the vote because it considered the Commission an inappropriate forum for the discussion of the issue in question. It was, however, concerned that the Committee on Missing Persons had so far failed to make any progress. It urged the parties to the dispute to co-operate in facilitating the work of the Committee. It supported a peaceful settlement to the conflict providing for the independence, sovereignty, territorial integrity, unity and non-aligned status of Cyprus. It likewise supported the good offices mission of the Secretary-General towards that end.

78. Mr. SENE (Senegal) said that in voting in favour of the resolution his delegation had borne in mind the need to pursue and strengthen the dialogue between the two Cypriot communities with a view to safeguarding their independence, territorial integrity and unity. It urged the parties concerned to make every effort to find a just and lasting solution to the problem within the framework of the agreement which the Secretary-General was elaborating in an effort to re-establish and guarantee the dignity and rights of both communities. In conclusion, his delegation supported and urged full co-operation with the good offices mission of the Secretary-General and with the work of the Committee on Missing Persons.

79. Mr. MAHONEY (Gambia) said that his delegation had voted in favour of the resolution because of its deep concern at the situation of human rights and fundamental freedoms in Cyprus. His Government continued to support the good offices mission of the Secretary-General and it urged the two parties to resume their talks in the very near future.

Draft resolution E/CN.4/1987/L.54/Rev.1

80. Mr. SOLER (Costa Rica), introducing the draft resolution contained in E/CN.4/1987/L.54/Rev.1, said that much effort had gone into its drafting in an effort to strike a correct balance. The draft resolution noted with satisfaction that the report of the Special Representative (E/CN.4/1987/21) pointed out that the question of human rights continued to be an important element of the current policy of the Government of El Salvador which was achieving increasingly significant and commendable results. It regretted, however, the continuing serious violations of economic, political and social rights and the damage caused to the economic infrastructure and expressed concern at the numbers of refugees, displaced persons and seriously wounded or killed non-combatants. It bore in mind the praiseworthy humanitarian work carried out by the International Committee of the Red Cross and noted with satisfaction that the state of emergency had been brought to an end on 12 January 1987. It recommended the early resumption of talks between the Government of El Salvador and the insurgent forces with a view to reaching a political settlement which would contribute to the improvement of human rights and to the establishment and strengthening of a democratic system. Operative paragraphs 4, 8, 10, 13 and 14 were particularly important and the draft resolution reflected all the concerns of the Special Representative.

81. In conclusion, he commended the resolution to the Commission for adoption without a vote.

82. Mr. PACE (Secretary of the Commission) said that Italy and the Netherlands had become sponsors of the draft resolution in document E/CN.4/1987/L.54/Rev.1.

83. Mr. TREJO PADILLA (El Salvador) stressed that his Government was making considerable efforts to guarantee the full respect and enjoyment of human rights and fundamental freedoms of all of its citizens. The report of the Special Representative had confirmed that fact and a number of delegations had commended the undeniable progress achieved.

84. His Government none the less hoped that the Commission would not only recognize those efforts, but also condemn the terrorist activities which had caused systematic damage to the economic infrastructure of the country, particularly through the use of contact mines which had led to many deaths and serious injuries among civilians. It also requested the Commission to make every effort to dissuade foreign Governments from fostering or collaborating in the perpetration of violence.

85. The delegations of the democratic Governments represented in the Commission would assuredly recognize the sacrifices and efforts made by President Duarte's Government and the general progress it had achieved.

86. Unfortunately, other Governments also represented in the Commission, had attempted to denigrate the democratic process initiated in his country on 15 October 1979. On that occasion, there had been no coup d'état by one military group against another, but a broad-based movement that reflected public opinion and which sought to democratize the country, strengthen political institutions and social reform and assure respect for basic human rights. It had marked the beginning of changes which had subsequently been consolidated by elections, social reforms and active participation in the political process. Agrarian reform was now in its second phase.

87. His delegation would have welcomed a resolution that reflected not only the findings of the Special Representative, but also the hopes and desires of a peace-loving people that rejected violence. Although some of the paragraphs in the draft resolution referred to the undeniable progress achieved by the legislative, administrative, educational and other measures being carried out by the Government in all sectors of the population, others were not based on the report of the Special Representative.

88. He reaffirmed the Salvadorian Government's political will to achieve peace and the full participation of all Salvadorians in the democratic process, as well as its commitment to respect for human rights and fundamental freedoms. There was sufficient room for all to participate in the quest for a new and promising destiny.

89. The Government and people of El Salvador appealed to the international community for support in persuading those who had taken up arms to take part in talks with a view to achieving a settlement solution at the national level, of the problems besetting the country.

90. At the request of the representative of the Byelorussian Soviet Socialist Republic, a vote was taken by roll-call on draft resolution E/CN.4/1987/L.54/Rev.1.

91. Mozambique, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Colombia, Congo, Costa Rica, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Ireland, Italy, Japan, Lesotho, Liberia, Mexico, Nicaragua, Norway, Peru, Philippines, Senegal, Togo, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: None.

Abstaining: China, Iraq, Mozambique, Pakistan, Rwanda, Somalia, Sri Lanka.

92. Draft resolution E/CN.4/1987/L.54/Rev.1 was adopted by 36 votes to none, with 7 abstentions.

93. Mr. NAHAS (United States of America), speaking in explanation of vote, said that his delegation had supported draft resolution E/CN.4/1987/L.54/Rev.1 because it supported the democratically elected Government of El Salvador. The report on the situation in El Salvador (E/CN.4/1987/21) had registered the great progress achieved by the Government of El Salvador in correcting past human rights abuses as well as the areas in which there was still room for improvement. In that regard, advisory services for the judiciary and the police, if requested, could provide a practical demonstration of the concern for the situation in that country. His delegation was of the view that preambular paragraph 8, which implied that significant numbers of civilian casualties were caused by bombardments, was not supported by the report of the Special Rapporteur, where it is noted, in paragraph 97, that the number of such casualties had been low, "certainly lower than in the previous year".

94. Mr. FRAMBACH (German Democratic Republic) said that although his delegation had voted in favour of document E/CN.4/1987/L.54/Rev.1, that draft resolution did not reflect the real situation in El Salvador. It said nothing about the considerable increase in the number of political prisoners, the unabated disappearances and the use of torture, the dismantling of the military hospitals of the FMLN and the forced displacement of the civilian population.

Draft resolution E/CN.4/1987/L.58

95. Mr. ROBERTSON (Australia), introducing the Report of the Working Group on a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally-Recognized Human Rights and Fundamental Freedoms (E/CN.4/1987/38) and draft resolution E/CN.4/1987/L.58, apologized to the French delegation for an error in the report due to the pressure under which the Secretariat had been working in the

past few days. The amendment submitted by the International League for Human Rights had been mistakenly reproduced a second time on page 21, where the proposals of the representative of France should have appeared, and which would be correctly placed in a revision, to be issued in due course incorporating any other amendments.

96. The spirit of constructive compromise had pervaded the Working Group's nine substantive meetings, and elements had been assembled to be considered for inclusion in chapter 1, paragraph 46 of the report. There would be debate at the forty-fourth session on the language and relative standing of those elements, but he was confident that the foreseeable differences over chapter 1 could be reconciled and that it would be possible to proceed to chapter 2, which at his suggestion had been tentatively entitled "The right of individuals and groups to know, and to impart to others, knowledge of human rights, through teaching and publication and other means of dissemination. The responsibility of States to accord priority to the dissemination of human rights material".

97. With regard to draft resolution E/CN.4/1987/L.58, at its final meeting, the Working Group had decided not only to request the Economic and Social Council to authorize a one-week session of an open-ended working group prior to the forty-fourth session of the Commission (paragraph 2) but also to seek additional meeting time. In that context, he wished to suggest the inclusion in the draft resolution of a new paragraph 2, which would read: "Decides also to make available during the forty-fourth session of the Commission appropriate meeting time for the Working Group, preferably during the first two weeks of the session." The present paragraphs 2 and 3 would be renumbered 3 and 4 respectively.

98. In conclusion, he believed that the Group's task could be achieved, because no new rights or new laws were being sought, but simply more effective implementation of existing rights and freedoms that were already universally recognized. Moreover, the work of the Group had attracted increasingly wide participation from all regions, groups and legal systems. That augured well for future work. He hoped that draft resolution E/CN.4/1987/L.58 would be adopted without a vote.

99. The CHAIRMAN said that, if he heard no objections, he would take it that the Commission wished to adopt draft resolution E/CN.4/1987/L.58 without a vote.

100. It was so decided.

Draft resolution E/CN.4/1987/L.33/Rev.1-E/CN.4/1987/L.36/Rev.1

101. Mr. TAYLHARDAT (Venezuela), introducing draft resolution E/CN.4/1987/L.33/Rev.1 - E/CN.4/1987/L.36/Rev.1, said that it combined draft resolution E/CN.4/1987/L.33 which had been proposed by a number of European countries and E/CN.4/1987/L.36 which had been submitted by a number of Latin American countries. The new text was the outcome of negotiations conducted in a climate of mutual understanding. As such, the new text struck a good balance on the current situation in Guatemala. In 1986, the Commission had adopted resolution 86/62, in which, in paragraph 9, it had decided to terminate its study of the human rights situation in Guatemala, and the draft

resolution under consideration was a logical follow-up to that decision. As stated in the report on Guatemala (E/CN.4/1987/24), Guatemala was confronting the same serious human rights problems that other democratic Governments in Latin America and around the world were facing without the supervision of the United Nations. Enlarging on that point, the draft resolution had taken into account the considerable efforts made by the Government of Guatemala to ensure the enjoyment of human rights, its endeavours to return to democracy and its willingness to continue co-operating with the Commission. The draft resolution reflected the view that countries returning to democracy needed the co-operation of the international community.

102. He wished to announce that the Netherlands had joined the list of sponsors of the draft resolution which he hoped would be approved by consensus.

103. Mr. UTHEIM (Norway) said that he wished to pay a special tribute to the skill and courtesy shown by the Venezuelan representative in conducting the negotiations, to express his gratitude to the Minister of Foreign Affairs of Guatemala for his co-operation on that sensitive issue and to thank the members of the Latin American Group for their efforts.

104. The consolidated draft resolution did not take into account all the concerns of the Western sponsors, but it did incorporate important elements. For example, the Special Representative was invited to continue to observe the situation of human rights in Guatemala, because the Western sponsors of the draft resolution believed that in spite of some improvement, the human rights situation in Guatemala was not sufficiently restored to justify discontinuing consideration of the situation by the Commission. The Western sponsors of the draft resolution would have preferred to extend the mandate of the Special Rapporteur for one year, but were ready to go along with the idea that the Secretary-General should be requested to appoint an expert with a view to assisting the Guatemalan Government. The Western sponsors were looking forward to the report that the expert would submit to the forty-fourth session.

105. He hoped that draft resolution E/CN.4/1987/L.33/Rev.1 - E/CN.4/1987/L.36/Rev.1 would be adopted by consensus.

106. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), introducing draft resolution E/CN.4/1987/L.39 on the administrative and programme budget implications of draft resolution E/CN.4/1987/L.33, said that in view of the revisions to draft resolutions E/CN.4/1987/L.33 and E/CN.4/1987/L.36, the financial implications contained in draft resolution E/CN.4/1987/L.39 also needed to be revised.

107. If the Secretary-General decided to appoint an expert on the basis of a decision taken by the Commission, estimated costs in nominal figures would be \$US 12,100 for 1987 and \$US 2,500 for 1988.

108. Mr. PACE (Secretary of the Commission) said that Spain had joined the sponsors of the draft resolution.

The summary record of the second part of the meeting appears as document E/CN.4/1987/SR.56/Add.1.