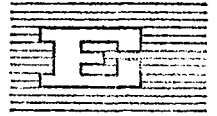


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1638th MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 11 March 1981, at 3 p.m.



Chairman:

Mr. CALERO RODRIGUES

(Brazil)

CONTENTS

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 (continued)

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The meeting was called to order at 3.20 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 13) (E/CN.4/L.1574/Rev.3; E/CN.4/L.1582; E/CN.4/L.1584; E/CN.4/L.1585; E/CN.4/L.1588/Rev.1; E/CN.4/L.1589; E/CN.4/L.1592; E/CN.4/L.1593; E/CN.4/L.1594; E/CN.4/L.1598; E/CN.4/L.1600; E/CN.4/L.1601; E/CN.4/L.1603; E/CN.4/L.1607; E/CN.4/L.1608/Rev.1; E/CN.4/L.1609; E/CN.4/L.1610; E/CN.4/L.1611; E/CN.4/L.1612; E/CN.4/L.1613; E/CN.4/L.1615; E/CN.4/L.1617; E/CN.4/L.1619; E/CN.4/L.1620; E/CN.4/L.1621) (continued)

1. The CHAIRMAN suggested that, in view of the large number of draft resolutions remaining to be considered by the Commission, it might be preferable to give the floor only to those delegations which were introducing a draft resolution, proposing formal or oral amendments, or requesting clarification and further details, on the understanding that delegations would always be able to explain their vote.

2. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) observed that it was extremely difficult to adopt a draft resolution without discussing it. Exchanges of views often enabled a satisfactory compromise to be achieved. He therefore felt that the procedure suggested by the Chairman might have adverse effects on the quality of the Commission's work.

Draft resolution E/CN.4/L.1584

3. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said he was surprised that he had not yet received the text of the oral amendments to draft resolution E/CN.4/L.1584 proposed by his delegation at the preceding meeting concerning the United Nations voluntary fund for victims of torture. In his opinion, it would be preferable to vote separately on each of the amendments proposed.

4. Mr. TWESIGYE (Uganda) said that small delegations such as his own had great difficulty in giving detailed study to the many documents submitted to it. He would therefore prefer the Commission to wait until its next meeting, or the following day's meeting, before taking a decision on the text under consideration. If the Commission did not take that course, his delegation would regretfully be unable to participate in the discussion or the vote.

5. Mr. BOEL (Denmark) said that the Commission must take a decision no later than at the following meeting. Through the oral amendments that it had made to the Nordic countries' draft resolution, the Soviet Union was actually proposing an entirely new draft resolution which was totally unacceptable to his delegation. In any case, the Commission would have to take a decision on all the amendments proposed by the Soviet Union.

6. The CHAIRMAN said he appreciated the position of the Ugandan delegation, but pointed out that the Commission would not have time to take up the draft resolution on the following day. Thus, if there was no objection, he would take it that the Commission agreed temporarily to postpone its decision on draft resolution E/CN.4/L.1584.

7. It was so decided.

Draft resolution E/CN.4/L.1598 and amendments thereto contained in documents E/CN.4/L.1612 and E/CN.4/L.1613

8. Mr. M'BAYE (Senegal) said that, with some changes, the sponsors of draft resolution E/CN.4/L.1598 could accept the amendments proposed by the Byelorussian Soviet Socialist Republic in document E/CN.4/L.1612 and by Bulgaria in document E/CN.4/L.1613.

9. In the compromise text which the sponsors of the draft resolution and the amendments had agreed on, the sixth preambular paragraph proposed in paragraph 1 of the Bulgarian amendment (E/CN.4/L.1613) would therefore be added. The operative part of the draft resolution would be amended to read:

"1. Reiterates the right and responsibility of individuals and organs of society to strive for the effective promotion and observance of the rights recognized in the Universal Declaration of Human Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, without prejudice to articles 29 and 30 of the Universal Declaration of Human Rights and all other relevant international instruments;

"2. Deplores, whenever there is occasion to do so, all harsh and punitive treatment inflicted on individuals, groups or organs of society as a result of their efforts to exercise civil and political rights, or economic, social and cultural rights;

"3. Reaffirms the right and responsibility of individuals, groups and organs of society to promote respect for human rights and fundamental freedoms in accordance with the relevant international instruments;

"4. Requests therefore that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should study this subject without overlooking the indivisibility and interdependence of civil and political rights, as well as of economic, social and cultural rights, with a view to considering what further action may be desirable in this connection."

10. His delegation hoped that the draft resolution as amended could be adopted by consensus.

11. The CHAIRMAN observed that some delegations would prefer the draft resolution to be adopted without a vote. If there was no objection, he would take it that the Commission wished to adopt without a vote draft resolution E/CN.4/L.1598 as amended.

12. It was so decided.

Draft resolution E/CN.4/L.1601, and documents E/CN.4/L.1615 and E/CN.4/L.1621

13. Mr. McKINNON (Canada) said that the sponsors of draft resolution E/CN.4/L.1601 and the sponsors of the amendments thereto contained in document E/CN.4/L.1621 had agreed on a compromise solution. The sponsors of draft resolution E/CN.4/L.1601 could accept the insertion of the following new fifth preambular paragraph:

"Taking into account resolution 32/130 of the General Assembly and its resolution 4 (XXXIII), which laid down essential obstacles to full realization of economic, social and cultural rights."

14. Paragraph 4 would then read:

"Considers that the special rapporteur, in carrying out his study, may seek and receive information mainly from United Nations agencies or departments concerned, with due regard to the terms of reference of the agency and department concerned, Governments, specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council".

15. His delegation hoped that the sponsors of the amendments contained in document E/CN.4/L.1621 would not press for the adoption of the other amendments to the draft resolution. It also hoped that the amended text would be adopted without a vote.

16. Mr. EL-PATTAL (Syrian Arab Republic) said that the sponsors of the amendments contained in document E/CN.4/L.1621 could accept the Canadian proposal on certain conditions. Firstly, there should be no differentiation between the victims of mass exoduses. Secondly, the causes of the mass exoduses that had occurred in Palestine following Zionist aggression should be studied in their colonial context, in other words, with due consideration for the Balfour Declaration of 1917. Thirdly, the principle of the return of the peoples concerned to their homes remained the only solution to the problem, particularly in Palestine.

17. The CHAIRMAN said that the financial implications of draft resolution E/CN.4/L.1601 were set out in document E/CN.4/L.1615. If there was no objection, he would take it that the Commission wished to adopt without a vote draft resolution E/CN.4/L.1601 as amended.

18. It was so decided.

19. Mr. HEREDIA PEREZ (Cuba) said he welcomed the adoption of that humanitarian resolution. In the new fifth preambular paragraph, emphasis was placed on General Assembly resolution 32/130, which provided that human rights questions should be examined globally, taking into account the overall context of the various societies in which they presented themselves. His delegation believed that account must also be taken of the idea that the non-aligned countries had expressed in Havana when they had opposed the use of that issue for political ends.

20. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that his delegation had not opposed the adoption of draft resolution E/CN.4/L.1601 in order to conform to the spirit of compromise and co-operation in which the Commission conducted its work. It nevertheless wished to remind the Commission of the reservations which it had expressed concerning the text at the preceding meeting.

Draft resolution E/CN.4/L.1600 (Assistance to Uganda)

21. Mr. BEAULNE (Canada), introducing draft resolution E/CN.4/L.1600 on behalf of the delegations of Ghana, Senegal and Zambia, as well as his own delegation, reminded the Commission that the General Assembly had asked it to support the efforts made by the Ugandan Government to restore human rights and fundamental freedoms in a democratic system. That was the purpose of draft resolution E/CN.4/L.1600, which had been drawn up in the same spirit as a similar resolution concerning the Central African Republic. He emphasized the main points of operative paragraphs 1, 2 and 3, and expressed the hope that the Commission would adopt the text without a vote.

22. The CHAIRMAN pointed out that the financial implications of draft resolution E/CN.4/L.1600 were the same as those to which the Director of the Division of Human Rights had drawn attention before the adoption of a resolution concerning the Central African Republic. None of the financial implications could be calculated immediately; they would be worked out later, when the Secretary-General decided on the advisory services and assistance to be provided to the Ugandan Government.

23. Draft resolution E/CN.4/L.1600 was adopted by consensus.

24. Mr. TWESIGYE (Uganda) thanked the Commission for the support it had extended to the Ugandan Government by adopting the resolution; he wished to express particular thanks to the delegations of Canada, Ghana, Senegal and Zambia.

Draft resolution E/CN.4/L.1603 (Assistance to Equatorial Guinea)

25. Mr. BEAULNE (Canada), introducing the draft resolution, reminded the Commission that, in the report he had submitted, Mr. Volio Jimenez, the expert appointed by the Secretary-General in pursuance of Commission resolution 33 (XXXVI), pointed out that the authorities of Equatorial Guinea had agreed to the principle of a three-phase plan to restore human rights in that country. The Commission had already played a decisive part in initiating that process, and should continue along that path. The representative of the Government of Equatorial Guinea had drawn attention to the accuracy and value of the expert's report, and had repeated his Government's appeal for the United Nations, and the Economic and Social Council in particular, to come to the assistance of a country which had suffered the misdeeds of a horrifying dictatorship.

26. Draft resolution E/CN.4/L.1603 submitted by Canada, Costa Rica and Portugal requested the Secretary-General to draw up, in consultation with the expert and the Government, a plan of action to achieve the goal stated in operative paragraph 4. Since the General Assembly had already considered measures of assistance to

Equatorial Guinea, the Secretary-General should submit a report on the way in which the expert's recommendations might be incorporated into the overall United Nations assistance programme. The Economic and Social Council would take a subsequent decision in the light of the Secretary-General's plan of action. The words "et le Gouvernement" should be inserted after the words "en consultation avec l'expert" in the French text of operative paragraph 4; in addition, the representative of Equatorial Guinea had suggested that the phrase "taking account of the political, economic and social conditions of the country" should be inserted in operative paragraph 3. He hoped that the draft resolution would be adopted by consensus.

27. The CHAIRMAN pointed out that the words "and the Government" in operative paragraph 4 should also be reflected in the Spanish and Russian texts.

28. Draft resolution E/CN.4/L.1603 was adopted by consensus.

Draft resolution E/CN.4/L.1574/Rev.3 (Situation of human rights in El Salvador)

29. Mr. van der STOEL (Netherlands), introducing the draft resolution on behalf of the delegations of Denmark and Ireland as well as his own delegation, said that lengthy consultations with the delegations of Algeria, Mexico and Yugoslavia, which had submitted amendments, had enabled their ideas to be incorporated into the text. He hoped that there was now a consensus on the text, on whose salient features he commented briefly. By "terrorist acts", in operative paragraph 2, the sponsors meant all acts of violence perpetrated against innocent persons; paragraph 4 recalled that the General Assembly had called upon Governments to refrain from the supply of arms; paragraph 6 expressed the wish that elections might take place in an atmosphere free from intimidation and terror; paragraph 7 requested the appointment of a special representative who, in accordance with paragraph 10, would submit a report to the General Assembly at its thirty-sixth session.

30. Mr. GONZALEZ de LEON (Mexico), speaking on behalf of the Algerian and Yugoslav delegations as well as his own delegation, welcomed the successful outcome of the consultations which had led to agreement on the text of draft resolution E/CN.4/L.1574/Rev.3; in order to obviate any misinterpretation, however, those delegations would like the words "as soon as appropriate conditions exist" to be inserted after the word "right" in operative paragraph 6.

31. Mr. van der STOEL (Netherlands) considered that the idea underlying the amendment proposed by the Mexican representative was already expressed in the following phrase in the existing text: "in an atmosphere free from intimidation and terror". Furthermore, the word "conditions" was vague and might give rise to interpretations which were the very opposite of what the Mexican representative had in mind.

32. Mr. GONZALEZ de LEON (Mexico) said that, in his opinion, the phrase read out by the Netherlands representative partly reflected the idea underlying his amendment. However, in order to avoid any ambiguity, the delegations on behalf of which he had proposed the amendment wished to maintain it; it would simply be added to the existing text, from which nothing would be deleted.

33. Mr. GAGLIARDI (Brazil) expressed misgivings lest operative paragraph 10, requesting the future special representative to submit an interim report to the General Assembly, might conflict with the mandate of the Commission, since it was to the Commission that the Assembly had referred the question in resolution 35/192.
34. Mr. van der STOEL (Netherlands) replied that the special representative's main task would be to submit an interim report to the Commission, which would hold a comprehensive debate on it. Nevertheless, the General Assembly would also certainly wish to examine that report. It was the usual practice for the Commission to produce reports for consideration by the General Assembly.
35. Mr. GIAMBRUNO (Uruguay) speaking in explanation of vote before draft resolution E/CN.4/L.1574/Rev.3 was put to the vote, stated in connection with operative paragraph 6 that it was for the Salvadorian people to decide when elections could be held. There was a shortcoming in the text in so far as it excluded the method of direct contacts, which was in fact used in equally serious and even more serious situations. That method, which created a favourable climate, would permit a useful debate with a Government made up of eminent personalities and led by a person whose qualities had been stressed by the observer for the Christian Democratic World Union. His delegation would vote against the draft resolution, which was admittedly well meaning but did not provide appropriate remedies.
36. Miss ODIO BENITO (Costa Rica) said that her delegation deeply regretted the serious breaches of human rights committed in El Salvador, but was unable to support draft resolution E/CN.4/L.1574/Rev.3. In its opinion, such a decision by the Commission, taken at a critical moment, would be interpreted as support for certain parties to the conflict and would have the effect of causing even more bloodshed.
37. The CHAIRMAN pointed out that the financial implications of draft resolution E/CN.4/L.1574/Rev.3 were stated in document E/CN.4/L.1593. He invited the Commission to vote on the amendment to insert, after the word "right" in operative paragraph 6, the phrase "as soon as appropriate conditions exist", as proposed and maintained by the Mexican representative.
38. The amendment was adopted by 17 votes to 1, with 24 abstentions.
39. Draft resolution E/CN.4/L.1574/Rev.3, as amended, was adopted by 29 votes to 1, with 11 abstentions.
40. Mr. NOVAK (United States of America), explaining his delegation's abstention on resolution E/CN.4/L.1574/Rev.3, recognized that there had been deplorable abuses of human rights in El Salvador, but stressed that the origins and causes of those abuses were not wholly local. Document E/CN.4/L.1467, which his delegation had had distributed, showed that since December 1979 Cuba, Viet Nam, Ethiopia, the German Democratic Republic and other nations had been engaged in activities which were creating an international conflict in El Salvador. Of the 800 or so tons of war material that had been dispatched 200 tons had arrived in El Salvador and caused

an escalation in the civil war; the material had entered the country from Nicaragua and by other routes. International volunteers had arrived in El Salvador to do battle. On 10 January 1981 there had begun a "final offensive" announced by terrorist forces armed from abroad; they had attacked some 200 buses carrying civilians and had boasted of their deeds to the press. Using sophisticated weapons, many of them precisely traceable through serial numbers, the terrorists had caused in 1981 civilian losses proportionately greater than those in 1980.

41. In the light of that situation, his delegation perceived two types of human rights abuses in El Salvador: on the one hand, the terror fanned by foreign States and on the other, the terror wrought by Salvadorians upon Salvadorians. The first evil was obviously a form of aggression, interference and imperialism, frequently condemned in principle by the Organization of American States, the General Assembly and many other international bodies. Respect for that principle required Cuba, in particular, to cease its interventions in El Salvador, and required Nicaragua and other nations to cease abetting terror in that country. The USSR must restrain Cuba and other allies. The second type of abuse could not be attributed to the left alone. It was also perpetrated by politically disappointed forces close to the old oligarchy and the military leaders who had ruled the country so badly for 50 years. Support, particularly financial support, for the internal terror must also cease. His delegation had evidence that some members of the 15,000-strong security forces had also committed abuses of human rights, mainly when off duty; that source of terror, too, must be eliminated.

42. The leader of the present reformist Government, who had been democratically elected President of the Republic in 1972 but had been prevented by a military coup from taking office, had promised elections to a National Assembly in 1982, and the transfer of presidential power through national elections in 1983. Since taking office 16 months ago, the present Government had launched, under extremely difficult conditions, an ambitious agrarian reform programme under which land had already been allocated to 75,000 peasant families. There was no question that the Salvadorian people, for their part, wished to bring an era of corrupt governments to an end, and rejected the appeal of the Marxist and other guerrillas abetted by Cuba. Perhaps the people had learnt a lesson from the growing militarism of neighbouring Nicaragua. They had been resisting terrorism from the left and from the right, and had the right to choose their destiny in free elections, in an atmosphere free from intimidation and terror.

43. If the human rights violations in El Salvador were to be halted, their various causes must be clearly understood and rectified. His delegation would strongly support the efforts made by the Commission to investigate and condemn human rights abuses regardless of their cause. It opposed the different forms of terrorism it had described and supported the building-up of institutions which would give human rights substance and reality. In that spirit, it had abstained in the vote on resolution E/CN.4/L.1574/Rev.3, of which paragraph 4 in particular, concerning the supply of arms, had seemed insufficiently clear.

44. Mr. JAHN (Federal Republic of Germany) said that his delegation had been able to vote in favour of the resolution as a result of the efforts of its sponsors. It nevertheless contained a number of ambiguities which could be attributed to the diverse interests at stake. His delegation considered that it would have been preferable to continue negotiations in order to achieve a still more satisfactory outcome. General Assembly resolution 35/192 might have been justified when it had been adopted, but since then there had been many developments in the situation in El Salvador and it would have been better to refrain from alluding to that resolution. Apart from that, he hoped that the Commission's resolution would help to bring the Salvadorian people the peace they deserved.

45. Mr. RANIGA (Fiji) said that his delegation had abstained, as it had done in the vote on the General Assembly resolution; its action should not, however, be interpreted as indifference on its part to breaches of human rights in El Salvador or in any other part of the world. Fiji might well reconsider its position in the light of the information it received on the situation in El Salvador.

46. Mr. SENE (Senegal) said that his delegation had voted in favour of the resolution and the amendment to paragraph 6, even though that amendment introduced a vague and ambiguous idea. It was the exercise of the Salvadorian people's right to establish a democratically elected Government, and not the right in itself, which was absolute, that might be subject to certain conditions.

47. Viscount COLVILLE OF CULROSS (United Kingdom) said that he had voted in favour of the resolution and welcomed the efforts made by its sponsors to produce a more broadly acceptable text than the General Assembly resolution, which his delegation had found to be lacking in balance and on which it had abstained. All breaches of human rights required the same treatment; in the present instance, the text which had just been adopted was balanced and contained many positive elements, particularly the proposal to appoint a special representative. With regard to paragraph 4, his Government did not supply arms of any kind to El Salvador, but it none the less recognized that it would be extremely unfair to refuse the Salvadorian Government the right to obtain weapons when some foreign Governments had supplied weapons to the rebels. Paragraph 4 simply recalled an event, the adoption of General Assembly resolution 33/192; that had enabled his delegation to vote in favour of the text as a whole.

48. Mrs. FLORES (Cuba) said that her delegation had voted in favour of the Mexican amendment, which clarified paragraph 6, and of the resolution as a whole.

49. Throughout the history of El Salvador, the elections held by the successive military dictatorships had been used only to deprive the people of its right to choose its representatives and to legitimize the oppressive régimes in the eyes of world public opinion. Since the Salvadorian people had not been able to win

respect for its basic human rights through normal elections, it had been forced to seek new ways of achieving that objective. El Salvador was going through a historic period, and the Salvadorian people were struggling for their fundamental freedoms against a military junta that was being supported solely by the United States; it could be categorically stated that the organization of normal elections was absolutely impossible, in the short or medium term. It was easy to expose the deceptive nature of the elections envisaged by the Christian democratic military junta. True democracy could come neither from a fascist military, nor from corrupted politicians motivated by foreign interests, but from the people.

50. As for the resolution, it would make a positive contribution to the just cause of the Salvadorian people, who were struggling for their right to self-determination against the aggression of the fascist junta which was violating their most fundamental rights by resorting to murder, disappearances, illegal detention and other terrorist acts of violence. Her delegation had felt that there was justification for adopting a stronger resolution condemning the Salvadorian junta more categorically; it nevertheless believed that, in adopting the present resolution, the Commission had fulfilled the mandate entrusted to it by the General Assembly in resolution 35/192. The Commission's resolution indicated the forms of pressure that should be brought to bear upon the fascist junta in order to induce it to cease violating human rights and guarantee respect for human rights in El Salvador. Her delegation was convinced that, sooner or later, the Salvadorian people would achieve its right to self-determination and would decide its own economic and social future, without foreign interference. In conclusion, she announced that, since the representative of the United States had taken the liberty of attacking Cuba, her delegation would subsequently ask to exercise the right of reply.

51. Mrs. NAVCHAA (Mongolia) said that her delegation had voted in favour of the Mexican amendment and the resolution; however, it had preferred draft resolution E/CN.4/L.1482 and considered that there were serious omissions from the text which had just been adopted. The Salvadorian people, driven by intolerable living conditions and the violation of its basic human rights, was struggling for its right to life and other human rights. The junta, which enjoyed military assistance from the United States, was imposing severe repression on all those who opposed the arbitrary acts of the dictatorial régime. Some members of the Government had even resigned from their posts in order to cease co-operating with a bloody régime. It was difficult to enumerate all the crimes committed by the military junta, but it was the duty of the international community and the Commission in particular to take effective measures in order to defend human rights in that country and to relieve the unspeakable suffering to which the Salvadorian people had been subjected. The Commission was therefore right in appealing to the United States to stop giving military assistance to the junta and to end its interference in the affairs of the Salvadorian people, so that they might enjoy their rights, including their right to self-determination.

52. Mr. SOYER (France) said that his delegation had supported the resolution, which was the outcome of positive consultations on which the sponsors were to be congratulated. His delegation had, however, abstained in the vote on the General Assembly resolution to which reference was made in the Commission resolution. As the French Minister for Foreign Affairs had recently stated in Caracas, there could be no solution to the El Salvador problem without a political reconciliation which would permit far-reaching economic and social reforms. The search for such a political reconciliation would be successful only if there was no foreign interference of any kind in El Salvador. The Minister for Foreign Affairs had added that clandestine arms shipments would certainly not bring about an effective solution in that country.

53. Mr. KELIN (Union of Soviet Socialist Republics) said that he was taking the floor only to respond to the appeal of the representative of the United States, who had asked the Soviet Union to exert its influence on certain countries in order to make them halt their arms deliveries to El Salvador. His delegation had pleasure in inviting the United States to halt its own arms deliveries. Everyone knew that several hundreds of tons of weapons and about 20 United States military advisers with instructions to participate directly in the military operations if the situation forced them to do so were on their way to El Salvador. The only arms supplier was the United States, which was thus enabling the dictatorial and military junta to conduct brutal repression that was causing the deaths of dozens of Salvadorian citizens every day.

54. Mr. DAVIS (Australia) expressed his Government's strong reservations regarding operative paragraph 4 of the resolution.

55. Mr. ORTIZ RODRIGUEZ (Cuba), speaking in exercise of the right of reply, said that at a time when the Commission was adopting a resolution on the disastrous situation of human rights in El Salvador, the United States was continuing to try to divert public opinion from the real sources of concern and to hide those problems behind a smokescreen. The United States Government, instead of condemning the genocide being committed in El Salvador, was helping to aggravate the situation in that country by hindering the struggle of the Salvadorian people to exercise its right to self-determination. His delegation could show the members of the Commission photographs illustrating massacres of the Salvadorian people and proving the United States presence in that country.

56. Mr. TERREFE (Ethiopia), speaking in exercise of the right of reply, said he believed that he had heard the name of his country mentioned during the statement by the representative of the United States. As he had already had occasion to say at a preceding meeting, his delegation could not accept any reference to Ethiopia in the context of consideration of the situation of human rights in El Salvador.

Draft resolution E/CN.4/L.1585 (Situation of human rights in Bolivia)

57. Mr. BEAULNE (Canada), introducing draft resolution E/CN.4/L.1585, said that the text was the outcome of lengthy consultations; it was free from all superfluous rhetoric, made no accusations or judgements, was couched in moderate terms and constituted a sequel to General Assembly resolution 35/185. He ventured to believe that the Bolivian Government would wish to co-operate with the special envoy whom the Commission was asking its Chairman to appoint and that the Secretary-General of the United Nations would provide the special envoy with all necessary assistance.

58. Mr. GAGLIARDI (Brazil) said that, while he could obviously not refer to the confidential decisions taken by the Commission at closed meetings, he nevertheless wished to recall the offer made by the Bolivian Government to receive a delegation from the Commission so that it might see for itself the actual situation of human rights in Bolivia. Unfortunately, the Commission had not accepted that offer, which had been made in good faith by the Bolivian Government. In informal consultations, he had tried to resolve that problem and to induce the Commission to accept the Bolivian Government's invitation. The draft resolution under consideration did not meet his expectations, and he suggested that the sponsors might wish to revise the text. In particular, provision should be made for the Commission to exercise discretion in considering the special envoy's report and if necessary to consider it at a closed meeting.

59. Mr. MOLTENI (Argentina) said that his delegation would be in favour of postponing the vote on the draft resolution in order that delegations which wished to propose amendments might consult the sponsors.

60. Mr. GIAMBRUNO (Uruguay) said that, on the whole, his delegation viewed the draft resolution favourably, but acknowledged that the text did not take account of certain aspects of the problem, in particular those which had been raised by the representative of Brazil. It would be desirable to reach a consensus and to use the interval between the current and the following meetings in order to improve the wording of the draft resolution.

61. Mr. BEAULNE (Canada) said that his delegation, and most probably the delegation of the Netherlands, would not refuse to listen to reasonable proposals for the improvement of the text of their draft resolution aimed at making it unanimously acceptable to the Commission.

Draft resolution E/CN.4/L.1608/Rev.1 and amendments thereto contained in document E/CN.4/L.1617 (Situation of human rights and fundamental freedoms in Guatemala)

62. Mr. BURGERS (Netherlands), introducing draft resolution E/CN.4/L.1608/Rev.1, recalled Commission resolution 32 (XXXVI), in which it had expressed its profound concern at the situation of human rights in Guatemala, urged the Government of Guatemala to take the necessary measures to ensure respect for human rights in that country, and requested the Secretary-General to report on the results of his contacts with the Government of Guatemala to the Commission at its thirty-seventh session. The draft resolution might seem like a repetition of resolution 32 (XXXVI), but in fact the visit to Guatemala by the representative of the Secretary-General had been called off at the last moment, and the Secretary-General had been unable to carry out the mandate which the Commission had entrusted to him. Furthermore, given the urgency of the problem, the sponsors had felt that the Secretary-General should submit to the General Assembly an interim report on the contacts he had had with the Government.

63. The sponsors had revised their original text (E/CN.4/L.1608) in order to take the fullest possible account of the amendments proposed by the delegations of Algeria, Cuba and Panama in document E/CN.4/L.1617; they hoped that the sponsors of those amendments would not press for their adoption. In conclusion, the sponsors of the draft resolution appealed to the Guatemalan Government to co-operate with the Secretary-General in the discharge of his mandate.

64. Mr. ORTIZ RODRIGUEZ (Cuba) welcomed the efforts made by the sponsors of draft resolution E/CN.4/L.1608/Rev.1, who had attempted to take the point of view of other delegations into consideration. On behalf of the sponsors of document E/CN.4/L.1617, he announced that they were withdrawing their amendments.

65. Mr. GIAMBRUNO (Uruguay) said that he had followed closely the drafting of the text under consideration and that his delegation would be prepared to support it if the sponsors would agree to two slight amendments. Firstly, the words "the deterioration in" should be deleted from the fifth preambular paragraph. Secondly, it seemed unnecessary to request the Secretary-General, in operative paragraph 3, to submit an interim report to the General Assembly, since the Secretary-General regularly submitted to the General Assembly the results of the work entrusted to him, except in cases where the rules of confidentiality had to be observed. The Commission should therefore adhere to the mandate that had been entrusted to it, and by exercising discretion it would obtain the full co-operation of the Guatemalan Government.

66. Mr. GAGLIARDI (Brazil) observed that the fifth and sixth preambular paragraphs seemed to contradict each other: from the fifth paragraph it would seem that the Commission was fully informed of the situation, whereas in the sixth paragraph it requested further information. In his opinion, the Commission did not need any further information on the situation of human rights in Guatemala. What was more, operative paragraph 3 raised a problem similar to that raised by the draft resolution concerning the situation of human rights in El Salvador. For that reason, his delegation would prefer the paragraph to be deleted.

67. Mrs. SILVA de ARANA (Peru) said she welcomed the suggestions that had just been made concerning the draft resolution, since they took account of the spirit of co-operation which had been displayed by the Guatemalan Government and was essential for the attainment of the Commission's objective.

68. Mr. BURGERS (Netherlands) said that the sponsors of the draft resolution were prepared to examine possibilities of improving its text with the delegations concerned.

The meeting rose at 6 p.m.