

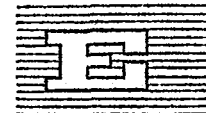
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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 57th MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 10 March 1982, at 3 p.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

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The meeting was called to order at 3.35 p.m.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

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QUESTION OF HUMAN RIGHTS IN CHILE (agenda item 5) (continued) (E/CN.4/1982/L.37 and L.43)

1. Mr. DIAGNE (Senegal), speaking in explanation of vote after the vote, said with reference to draft resolution E/CN.4/1982/L.31, which had been adopted by consensus, that his delegation had serious reservations about paragraph 4 for several reasons. First of all, the paragraph was not in conformity with the letter and spirit of rule 13, paragraph 2, of the rules of procedure. The experts in question were not appointed by their Governments but were nominated by them and elected by the Commission. It was therefore essential to maintain a parallel, which meant that an alternate should not replace an expert unless he had been elected on the same basis as the expert.

2. Secondly, his delegation considered that paragraph 4 was too limited in scope since an effort should not be made to replace experts in the Sub-Commission by government officials from the various capitals or from permanent missions at Geneva, even if that would make it possible to have a quorum in the Sub-Commission. The important point was to preserve the formal conditions in which the members of the Sub-Commission had been elected. In those circumstances his delegation felt that it would be useful to obtain a legal opinion on the question with a view to preserving the independence and impartiality of the members of the Sub-Commission.

3. Viscount COLVILLE OF CULROSS (United Kingdom) said that he welcomed the constructive and conciliatory spirit shown by the sponsors of draft resolution E/CN.4/1982/L.24/Rev.1; that spirit had enabled his delegation to support the text. In his delegation's opinion, the tenth preambular paragraph did not in any way prejudice or undermine the principle that certain rights, such as the right not to be tortured, were absolute and should be realized irrespective of economic and other circumstances. With regard to paragraph 3, his delegation considered that it anticipated the further activity of the Working Group of governmental experts on the right to development and that the text did not make it sufficiently clear that countries did not have the right to renege on their existing obligations.
4. His delegation had noted that the amendments to draft resolution E/CN.4/1982/L.28 had been adopted by a very small margin. It would have preferred the original draft but felt that, even as amended, the text indicated a step forward. It had accordingly voted for the amended draft resolution.
5. His delegation had voted in favour of draft resolution E/CN.4/1982/L.37 in order to register its continuing concern at the human rights situation in Chile. Its vote should not be taken as implying that it regarded the situation in Chile as necessarily worse than in other countries. Moreover, it had reservations about some elements in the text, in particular paragraph 4, which maintained the tendency in the Commission to demand more of Chile than it did of other countries.
6. His delegation regretted that the Uruguayan amendments had not been submitted in sufficient time to enable a decision to be reached on them in the context of the current situation. His delegation agreed that the amendments raised an important point and their implications would be of great interest to the people of the United Kingdom. It had therefore had to abstain in the vote on the amendments.
7. Mr. KOOLJMANS (Netherlands), referring to the Uruguayan amendments to draft resolution E/CN.4/1982/L.37, said that although his delegation was in general in favour of dealing with human rights questions in specific countries under agenda item 12, it had felt that at the present stage a decision by the Commission to delete agenda item 5, dealing separately with the question of human rights in Chile, could easily be misinterpreted by public opinion and the Government in Chile as an understanding by the Commission that the situation in Chile had noticeably improved. As there was unfortunately no basis whatsoever for that understanding and as there had been no indication of a greater willingness on the part of the Government of Chile to co-operate with the Commission, his delegation had felt compelled to vote against the amendments.
8. Although his delegation agreed with the delegation of Canada on the desirability of obtaining a breakthrough in the current stalemate, it felt that the Commission itself should be left to decide, at the beginning of its following session when considering its agenda, what it deemed to be the most suitable course at that time in the light of developments in the forthcoming year.
9. Mr. BEAULNE (Canada) explained that, in voting in favour of draft resolution E/CN.4/1982/L.37, his delegation had wished to show its concern about the human rights situation in Chile and to try once again to persuade that country to meet its international obligations. His Government nevertheless had reservations about the wording of the fifth preambular paragraph and operative paragraphs 2 (a), 3 and 5. In his opinion, it was not appropriate to raise in the Commission questions relating to national Constitutions and it objected to the abusive use of the word "rejects", which should have been replaced by "urges the Chilean authorities".

10. He noted that the Uruguayan amendments had been rejected. The fact that his delegation had voted in favour of them did not indicate approval of the Government of Chile or mean that it wished to give its blessing to that Government, which had done nothing to deserve commendation. However, his Government believed that it would soon be necessary to change course and that the Commission would have to find other ways to maintain contact with the Government of Chile if it wished to bring about an improvement in the human rights situation in that country.
11. Mr. NOVAK (United States of America) said that his delegation had opposed the adoption of draft resolution E/CN.4/1982/L.37 because it was a prime example of the double standards by which various régimes in the Communist and non-Communist worlds were judged. Chile had been singled out for special treatment. His delegation did not believe that the circumstances in Chile, compared with the situation existing prior to 1977 or with that in many other countries, justified continuation of such treatment. He noted, in that connection, that there had been no indefinite detentions without trial in Chile since 1976 and no disappearances since October 1977, that most political prisoners had been released early in 1978 and that, although still circumscribed, the opposition had access to the media. His delegation nevertheless regretted that the human rights record in Chile for 1981 had failed to show any substantial improvement over that for 1980. There continued to be reports of abuses, which his delegation condemned as it condemned abuses in many other places in the world.
12. With regard to draft resolution E/CN.4/1982/L.24/Rev.1, during the current session his delegation and other members of his regional group had engaged in a constructive and far-reaching dialogue with other delegations concerning concepts relevant to economic development. The concepts were philosophically complex and dealt with economic and social developments, with individuals, peoples and States, and with the quality of life itself. Their relationship to fundamental issues of human rights were even more complex. His delegation appreciated the efforts of all concerned to reach a joint understanding on issues of such great import.
13. However, his delegation had been compelled to abstain on the resolution because of his Government's serious reservations concerning aspects of the new international economic order, the Charter of Economic Rights and Duties of States, and many of the resolutions cited in the text. Despite fruitful exchanges in consultations and agreement on many elements, certain of the concepts formulated in the draft resolution had raised serious questions for his Government. However, it remained deeply committed to genuine economic development and would continue to involve itself in efforts to provide funds from both public and private sources for capital formation, technological infrastructure, agriculture and other material support for economic development throughout the world. It would continue to examine new concepts for encouraging development and, in that spirit, it would participate actively and constructively in the Working Group of governmental experts on the right to development, whose mandate had just been renewed.
14. Mr. HUTTON (Australia) explained that his delegation had voted in favour of draft resolution E/CN.4/1982/L.37 because the human rights situation in Chile continued to be a source of great concern to his Government and to many Australian citizens. His delegation would have liked to be able, at the current session, to support a draft resolution which, on the basis of improvements in the human rights situation in Chile and the willingness of the Chilean Government to co-operate with the Commission, concluded that termination of the mandate of the Special Rapporteur was warranted and that Chile could no longer with justice be the subject of special concern in the Commission. Members were all aware that, unfortunately, that had not

proved to be the case. The Special Rapporteur had presented a comprehensive and updated report, which had given particular attention to those points in respect of which the Commission had urged the Chilean authorities to take practical steps. In that connection, the report revealed a deeply disappointing reaction on the part of the Chilean authorities. His delegation continued to hope that in the years to come, the Chilean authorities would approach the observations and suggestions made in the resolution in a helpful spirit and would take to heart the Commission's concern about their attitude towards co-operation with the Special Rapporteur.

15. It was only on the basis of co-operation by the Chilean Government that members could envisage any lessening of the Commission's concern about the situation in Chile. Nevertheless, after considerable thought, his delegation believed that the time was approaching when the item on Chile should be examined under the general item relating to violations of human rights and fundamental freedoms in any part of the world. It was for that reason alone that his delegation had supported the Uruguayan amendments.

16. Mr. POUYOUROS (Cyprus) expressed satisfaction at the adoption by consensus of draft resolution E/CN.4/1982/L.17, which had extended the mandate of the Working Group on Enforced or Involuntary Disappearances and thus enabled it to continue its constructive and valuable work. If the resolution had been put to the vote, his delegation would have voted in favour of it for two reasons: first, because it was deeply concerned about the human drama of the relatives of missing and disappeared persons throughout the world, and secondly, because it had a particular interest in helping to reach a solution to a problem which was a source of great suffering for a large proportion of the population of Cyprus.

17. A reflection of the understanding of that human drama was to be found in the report by the Secretary-General on human rights in Cyprus (E/CN.4/1982/8), which stated that the Working Group had decided to deal also with the question of missing persons in that country. That report further informed the Commission that the Secretary-General and his representatives had continued their efforts to solve the problem of missing persons in Cyprus and that on 22 April 1981 agreement had been reached on the establishment of an investigatory committee to trace or account for missing persons. Unfortunately, owing to "procedural difficulties", it had so far proved impossible for the committee to begin its substantive work on that extremely important humanitarian issue. In fact, its continual discussion of procedural matters had rendered doubtful its usefulness as a mechanism for solving the problem. The Cypriot delegation nevertheless wished to express appreciation to the Secretary-General and his Special Representative in Cyprus for their efforts to overcome the difficulties.

18. Since the Committee had been unable to function, his delegation had felt duty bound to support draft resolution E/CN.4/1982/L.17 and to renew the appeal to the Working Group to continue with the utmost urgency its examination of the question of missing persons and carry out its visit to Cyprus. He stressed the urgency of the matter because human lives must be protected and because it was an undeniable human right for every relative of a missing person to know that person's fate.

19. Mr. KOBAYASHI (Japan), noting that his delegation had voted in favour of draft resolution E/CN.4/L.24/Rev.1, said with regard to the right to development mentioned in the resolution that his Government expected the Working Group to seek to define that concept clearly through its work at future sessions, given the current

absence of any clear definition. At the same time, it should be noted that his delegation's affirmative vote did not in any way commit his Government with regard to the definition of that concept.

20. As to draft resolution II on the question of slavery recommended for adoption by the Sub-Commission, his delegation had had no difficulty in accepting the general tenor of the text but had reservations about paragraph 5. It had therefore had to abstain in the vote on that draft resolution.

21. Mr. ROUCOUNAS (Greece) said that his delegation welcomed the consensus reached with regard to draft resolution E/CN.4/1982/L.17. His Government attached the greatest importance to the continuation of the Working Group's mandate for two main reasons. First, the establishment of the Group was one of the most significant results of the Commission's work during the past two years. The second related to the specific case of missing persons in Cyprus. For eight years, 2,000 families had been asking for news of their loved ones. Purely humanitarian feelings and also international commitments militated in favour of an examination of each particular case of disappearance and it was essential that the Group should continue its consideration of the matter.

22. He noted that the representative of Cyprus had summarized the situation, and said that it was imperative for the Commission, through its Working Group, to study the tragic question of missing and disappeared persons in order to achieve concrete results as soon as possible.

23. Miss CAO PINNA (Italy) explained that although her delegation had associated itself with the consensus on draft resolution E/CN.4/1982/L.31, it had reservations about paragraph 3 of that text. In its opinion, the paragraph might be interpreted as casting a shadow on the studies undertaken by the Sub-Commission. Furthermore, the Commission was already informed every year of the studies under preparation in the Sub-Commission through its annual report.

24. With respect to paragraph 4, she fully agreed with the remarks made by the representative of Senegal; it would certainly be useful to have a legal opinion regarding the temporary appointment of an alternate in lieu of an elected member.

25. Mr. LANG (Federal Republic of Germany), referring to draft resolution E/CN.4/1982/L.24/Rev.1, said his delegation welcomed the fact that, after intensive negotiations, it had been possible to draft a resolution on the right to development which was acceptable to almost all delegations, including his own. That represented an important breakthrough in the further elaboration of the right to development, which was very complex in nature. However, the resolution contained some references to resolutions and declarations on which his Government had either abstained or cast a negative vote. His delegation's affirmative vote did not indicate any change in its position with regard to the specific resolutions and declarations referred to in the third, fourth, sixth, seventh and eighth preambular paragraphs. His delegation regretted that the resolution still emphasized certain categories of human rights at the expense of others. It also had some reservations about paragraph 3, which should have been more specific concerning the question of international law.

26. His delegation had voted in favour of draft resolution E/CN.4/1982/L.37, although it had considerable reservations about various parts of the text. It nevertheless felt that the general situation regarding human rights in Chile gave rise to serious concern and hoped that the Chilean Government would co-operate with the Commission more closely in the future. As to the question of the special treatment of Chile, his Government's position had been expressed at the previous meeting.

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, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued)  
(E/CN.4/1982/L.27, L.45, L.49-L.51, L.55-L.58, L.60, L.61 and L.64)

27. The CHAIRMAN announced that the sponsors of draft resolutions E/CN.4/1982/L.27, L.45, L.49, L.55, L.56, L.58 and L.60 had waived their right to introduce their texts.

28. Mr. DYRLUND (Denmark), introducing on behalf of the sponsors the draft resolution relating to summary or arbitrary executions (E/CN.4/1982/L.50), said that in resolution 1 (XXXIV) the Sub-Commission had drawn the Commission's attention to the increase in politically-motivated executions as deserving urgent consideration. The magnitude of the problem was confirmed by a recent statement by Amnesty International that over 3,000 executions had taken place in 1981 and that three quarters of them had involved victims to whom political activities had been imputed. General Assembly resolution 36/22 had deplored the practice of summary and arbitrary executions, which had also been dealt with in resolution 5 of the Sixth United Nations Congress on the Prevention of Crime and Treatment of Prisoners. The Commission, which had already addressed itself to the practice of torture and to the question of enforced or involuntary disappearances, could not ignore the body of evidence about summary and arbitrary executions, including extra-legal executions. The sponsors of the draft resolution were therefore proposing the appointment of a special rapporteur to submit a comprehensive report on the question to the Commission at its following session. They hoped that the question would become a priority item in the Commission's future programme of work; they wished to emphasize that the draft resolution was directed not towards particular countries but to the tragic phenomenon itself.

29. Mr. McKINNON (Canada), introducing on behalf of the sponsors the draft resolution on human rights and mass exoduses (E/CN.4/1982/L.57), said that the discussion on the subject had revealed a consensus on how the Commission should follow up the Special Rapporteur's study (E/CN.4/1503). The text was the outcome of consultations with all groups and he hoped that it could be adopted without a vote.

30. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic), introducing draft resolution E/CN.4/1982/L.61 concerning the inadmissibility of interference by the United States of America in the internal affairs of the Polish People's Republic under the pretext of the defence of human rights, said that the principle of the inadmissibility of intervention in matters that were essentially within the domestic jurisdiction of a State was enshrined in article 2, paragraph 7, of the Charter and in the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States adopted by the General Assembly at its thirty-sixth session on 9 December 1981.

31. It should be borne in mind that the declaration of a state of emergency was an internal affair within the competence of each country and did not in itself constitute a violation of international law, the Charter or existing agreements. Such a state existed at the present time in at least 10 countries and since the Second World War it had been introduced in one form or another nine times in the United States. Furthermore, the United States, through its official and secret services, radio stations and other propaganda media, was doing everything possible to stir up the most extreme elements in Poland, to persuade those elements of the need to continue and strengthen their resistance to the authorities, and to oppose all efforts to normalize the situation in Poland. The United States was using its full influence to push the country into confrontation, anarchy, chaos and bloodshed. In December 1981 the United States Administration had issued a kind of ultimatum that sought to dictate to the Polish authorities the internal and external policies that they must follow. It had continued to issue similarly aggressive statements since that time, not asking itself what right it had to demand from a sovereign State the adoption of a given policy. Furthermore, the United States Secretary of Defense, speaking in Congress in February 1982, had justified the imposition of sanctions against Poland as unilateral initiatives required to assert United States leadership and strengthen security. It was clear that the West had embarked on a very dangerous course in attempting to destroy the communist system in Poland.

32. In addition, the United States and some of its allies were exerting economic pressure on Poland by cutting down on food deliveries, suspending credits, severing air links between Poland and the United States, and imposing barriers on trade and fishing. The United States Administration was openly waging economic war against Poland, using every possible means to impede Poland's recovery from the economic crisis and attempting to subject Poland to United States control. Documents confiscated at the headquarters of Solidarity and other counter-revolutionary groups made it clear that the activities of anti-socialist forces in Poland had been co-ordinated and guided by Western intelligence services. The Commission must therefore do everything in its power to ensure that the Polish people would be allowed to solve their problems without external interference.

33. Mr. LOPATKA (Poland) said that the draft resolution presented by four West European countries in document E/CN.4/1982/L.27 was illegal as it interfered in the internal affairs of Poland in contravention of Article 2, paragraph 7, of the Charter and articles 4 and 40 of the International Covenant on Civil and Political Rights. The Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, adopted by the General Assembly on 9 December 1981, also stipulated that no State or group of States had the right to intervene or interfere in any form or for any reason in the internal and external affairs of other States.

34. Furthermore, the Commission was authorized to consider only consistent patterns of massive and flagrant violations of human rights. There were no indications of such violations in Poland and indeed many of the speakers in the discussion had not used such expressions. The proposal that the Secretary-General should collect information on the human rights situation in Poland was quite unnecessary as, in addition to the information supplied by the Polish Government, information was also available from the mass media. The urgency expressed by the Western States was incomprehensible. In many Member States, martial law was maintained for several years; in Poland it had been proclaimed only three months previously and its restrictions were being progressively lifted. The Prime Minister of Poland had stated that martial law would not be maintained a day longer than necessary. The



situation in Poland was very complex from both the economic and political standpoints, but only the Poles themselves, without foreign interference, could deal with the political aspects. The draft resolution had been conceived as a further United States sanction against Poland. His Government would not surrender to the dictates of the United States and its NATO allies and he hoped that the Commission would not serve as an instrument of United States policy towards a sovereign Member of the United Nations.

35. Mr. ZORIN (Union of Soviet Socialist Republics), referring to the observations made by the Polish delegation, reiterated the Soviet delegation's view that the measures proposed in draft resolution E/CN.4/1982/L.27 were illegal because they represented unwarranted interference in the internal affairs of a sovereign State. Its adoption would set a dangerous precedent because the same process could be applied against any country - for example, against one struggling to free itself from the influence of the United States and its allies. It could lead to crises in other United Nations forums, and could have extremely grave consequences for other European Governments and for peace in that continent.

36. With a view to avoiding such problems and the selective approach reflected in the text of the draft resolution, his delegation wished to propose the following amendments which, it felt, might be acceptable to the Commission and, indeed, might help to improve human rights situations in many countries while avoiding unwarranted attention on one country in particular.

37. In the title, the word "Poland" should be replaced by the words "in any part of the world, with particular reference to colonial and other dependent countries and territories".

38. In the fifth preambular paragraph, the words "in Poland" should be replaced by the words "in various countries and parts of the world".

39. In operative paragraph 1, the words "in Poland, including" should be replaced by the following: "in various countries and parts of the world, including racial discrimination and apartheid, mass murders,". The phrase beginning "and at the imposition ..." should be deleted.

40. In paragraph 2, the words "the Polish people" and "its" should be replaced by the words "all peoples and States" and "their" respectively. At the end of paragraph 2, the words "and the duties of States as proclaimed in the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States adopted by the United Nations General Assembly" should be added.

41. Paragraphs 3, 4 and 7 should be deleted. In paragraph 5, the words "in Poland" should be replaced by the clause "where the need arises". In paragraph 6, the words "the Secretary-General ..... wish to provide" should be replaced by the following: "the Chairman of its thirty-eighth session to designate an expert to carry out a thorough study, based on such information as he may deem relevant, of the fundamental causes of gross and massive violations of human rights in any part of the world, with particular reference to colonial and other dependent countries and territories".

42. In paragraph 8, the words "situation of human rights and fundamental freedoms in Poland" should be replaced by the following: "fundamental causes of gross and massive violations of human rights in any part of the world, with particular reference to colonial and other dependent countries and territories".
43. The operative paragraphs should be renumbered accordingly.
44. Those who sincerely wished to avoid confrontation would surely have no objection to those amendments, which were aimed at the noble goal of strengthening respect for human rights in all parts of the world, in keeping with the spirit of the Charter. The amendments would not lead to any interference in a country's internal affairs and would not impede the Commission's work.
45. Mr. KOOLJMANs (Netherlands) said the argument that the Commission was not authorized to interfere in the internal affairs of States had never prevented it from taking action when the human rights situation in a specific country gave rise to concern. Such had been the case in 1974 with Chile, in 1979 with Guatemala, in 1981 with Bolivia and El Salvador, and much earlier with South Africa and Israel. He wished to remind the Commission of a statement made in 1975, as recorded in document E/CN.4/SR.1318, to the effect that the Commission was in duty bound to condemn violations of fundamental freedoms in Chile and the subsequent appeal by the same speaker to all members to support a draft resolution to that end. That speaker had been the representative of the Soviet Union. He hoped that the Soviet representative would recall the words he had used on that occasion.
46. As for the amendments which the Soviet representative had proposed, his delegation seriously regretted that they had not formed the basis of a separate draft resolution: the Commission had already decided that amendments which ran counter to the tenor of a text were not acceptable. In view of the reports on the situation in Poland, the Commission was concerned with human rights there. In the draft resolution it appealed to Polish authorities to put an end to restrictions on human rights and requested a study of the situation for consideration at its next session. That did not constitute interference in the internal affairs of Poland.
47. Ms. DERMENDJIEVA (Bulgaria) stated that her delegation categorically rejected draft resolution E/CN.4/1982/L.27, which related to a situation which did not exist in Poland and was based on false information about that country. The Commission should not create further difficulties for Poland. The draft resolution served the political interests of certain Western States, but an attempt to "play the Polish card" would certainly endanger international peace and security. In her view, if a third world war was allowed to occur, everyone would suffer, but political and moral responsibility would rest squarely on the United States and its allies. If the Commission was truly concerned with the effects of martial law on human rights situations in any part of the world, it should broaden the scope of the resolution accordingly.
48. Viscount COLVILLE OF CULROSS (United Kingdom) said that the Commission should place the comments on the two draft resolutions concerning Poland (E/CN.4/1982/L.27 and L.61) in the context of the discussion and decisions under agenda item 12. He agreed with the Netherlands representative that in the past members had not only spoken about flagrant and massive human rights violations in other countries but had also passed resolutions on them, in spite of Article 2, paragraph 7, of the Charter

and other legal restrictions on interference in internal affairs. A case in point was the resolution on the situation in Chile which the Commission had adopted at its previous meeting and which plainly related to matters concerning Chilean internal affairs. Those now deploring interference in internal affairs had not hesitated to vote on the Chilean resolution and in so doing they had acted quite legitimately.

49. The Declaration to which the representative of the Byelorussian Soviet Socialist Republic had referred contained, in addition to the passage which he had quoted, another passage in part III, paragraph 3, listing the rights and duties of States, which included the duty to work for the elimination of gross and flagrant violations of the rights of nations and peoples. It was in strict accordance with that precept that the Commission, after due consideration, had adopted resolutions relating to the internal affairs of particular countries. In the judgement of some members of the Commission, the situation in Poland warranted the expression of concern embodied in draft resolution E/CN.4/1982/L.27. With regard to the text of that draft resolution, the Polish representative had said that information was already available from government sources and from mass media. However, he wondered whether the Polish representative would be ready to accept all the accounts of events in Poland given by media throughout the world. For that reason, paragraph 6 of the draft resolution requested the Secretary-General, who was clearly impartial, to collect and present relevant information. He also endorsed the view of the Netherlands representative that the amendments proposed by the Soviet representative were unacceptable because they really amounted to a new draft resolution.

50. Mr. MARTINEZ (Argentina), referring to agenda items 11 and 12, said that, as his delegation had previously stated, many of the draft resolutions submitted on situations in specific countries had contained proposals for measures beyond the Commission's terms of reference, and that all decisions taken by the Commission on such situations since 1975 had in fact been beyond its competence. He wondered, therefore, whether the amendments proposed by the Soviet delegation to draft resolution E/CN.4/1982/L.27 were intended to represent a new approach by the Commission, in which situations would in future be approached on a global basis. His delegation could support such an approach, which would mean that the situations referred to in draft resolutions E/CN.4/1982/L.49, L.56 and L.58, for example, would not be dealt with as specific cases. But if that was not the intention behind the Soviet delegation's proposals, his delegation reserved the right to speak again on particular situations.

51. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that draft resolution E/CN.4/1982/L.27 not only proved that attempts were being made to exert political and economic pressure on Poland, but itself formed part of those attempts. The amendments proposed by the Soviet delegation, on the other hand, would make the draft resolution applicable to situations in any part of the world and would avoid fruitless confrontation in the Commission, which would do nothing to further the cause of human rights. His delegation would support the amendments proposed by the USSR delegation; it could not support the draft resolution as it stood.

52. Mr. KALINOWSKI (Poland) said that the comparison made by the Netherlands representative between the situation in Poland and the situations in countries such as Chile and South Africa, where killings and ill-treatment were commonplace, constituted a distortion which could do nothing to serve the cause of human rights.

53. Mr. KOOLJMANS (Netherlands) said that at no time had he compared the situation in Poland with that in any other country; in fact, no two situations were alike. The point he had made was that consideration of the human rights aspects of a situation in a particular country which caused concern for members of the Commission could not be deemed interference in that country's internal affairs.

54. Mr. SOLA VILA (Cuba) said the sponsors of draft resolution E/CN.4/1982/L.27 claimed that it was intended to defend human rights in Poland; however, those rights were being defended by the Polish Government and people themselves. The feigned concern of certain countries about the so-called situation in Poland contrasted with the application by the same countries of economic sanctions against Poland - an action which those countries noticeably shrank from taking against the condemned régimes of South Africa and Israel. Any comparison of the situation in Poland with the situations in countries where gross violations of human rights were commonplace was groundless. The Poles themselves were restoring their situation to normal, despite the bellicose wish of the United States and its allies to see chaos and crises.

55. Draft resolution E/CN.4/1982/L.27 was a propaganda manoeuvre which, far from improving matters, was aimed at confrontation; his delegation would vote against it.

56. Ms. DERMENDJIEVA (Bulgaria), referring to the United Kingdom representative's remarks, said that there was no possible comparison between the situations in Poland and Chile. In Chile, gross and flagrant violations of human rights were being committed by a régime which had overthrown a legal Government and had replaced a genuine Constitution by an instrument which, as could be seen from the Special Rapporteur's additional report (E/CN.4/1484), was unsatisfactory by any standards of domestic and international law.

57. On the other hand, the Polish authorities, in their measures to deal with the exceptional situation in that country, had fully complied with their international obligations by taking the necessary action pursuant to article 4, paragraphs 2 and 3, of the International Covenant on Civil and Political Rights. Her delegation reiterated the view it had expressed during the debate: the situation in Poland was no concern of the Commission.

58. Mr. ZORIN (Union of Soviet Socialist Republics), referring to the questions raised by the delegation of the Netherlands, said that the position of the Soviet delegation remained unchanged. What the Commission had done and continued to do with regard to Chile was not interference; it was the sort of action that was required by international circumstances. The events in Chile were not merely internal affairs; they constituted an international problem, as they had involved a coup d'état engineered by a foreign Power, which had installed a new Government willing to sacrifice and enslave the people of the country. That external interference had been aimed at overthrowing a legally constituted Government and exposing the country to plunder by international monopolies.

59. As to the point made by the Netherlands representative that the aim of the draft resolution submitted by the four NATO Powers was not interference in the internal affairs of Poland but rather an expression of the Commission's concern, it should be remembered that only a few countries, dissatisfied with the course of events in Poland which had upset their plans, had expressed such concern, which was of a political nature. Furthermore, no serious basis had been put forward for that concern.

60. The representative of the United Kingdom, also claiming that the draft resolution in question did not constitute interference in the internal affairs of Poland, had attempted to defend the human rights situation in his own country but had been forced to admit that more than 2,000 people had been killed in Ulster, saying that that was a mere trifle compared with the population of 1.5 million.

61. Viscount COLVILLE OF CULROSS (United Kingdom), speaking on a point of order, said that he wished to be quoted correctly. What he had said was that since 1969 approximately 2,100 people in Northern Ireland and others on the mainland had been killed as the result of terrorist activities. He had then gone on to say, in a separate point, that there was a prison population of approximately 2,500 in Northern Ireland, which, given the troubles in the province and a population of 1.5 million, was not a particularly alarming figure. The number of people killed should not be confused with the number of people in prison.

62. Mr. ZORIN (Union of Soviet Socialist Republics) said that the correction made by the representative of the United Kingdom did not affect the substance of his point. There had been massive arrests and killings in Northern Ireland, and in a so-called model prison 10 prisoners, struggling for their political rights, had died within half a year. Now that was a matter of international concern, i.e. that people in prison were willing to die in a struggle to improve conditions in the prison. The world had demanded that the United Kingdom change its practices and, although the representative of the United Kingdom claimed that the practices had been terminated and new measures had been adopted, it should be remembered that the hunger strikes in question had taken place after the adoption of those measures. The whole problem brought great shame on the United Kingdom.

63. In determining what were internal as opposed to external affairs, careful consideration must be given to the criteria used. In the opinion of the representative of the Netherlands, the fact that some delegations were concerned about an alleged situation meant that the Commission must investigate it. But the Commission could not ostracize a country simply because of the one-sided concerns based on class and political considerations of a small group of delegations. To accept such criteria would be a dangerous precedent for the Commission and could, incidentally, make the countries of the socialist camp, the third world and some of the less compliant Western countries vulnerable to attacks by Western Powers that were dissatisfied with the course of events.

64. It was preposterous to attempt to compare the situation in Poland with that in Chile, South Africa or the Israeli-occupied Arab territories. Poland was an independent State; there had been no coup d'état and no massive violations of human rights. Nine people may have been killed in one mine in Poland where the authorities had attempted to restore order, but several thousands had been killed in the United Kingdom. The temporary limitation of certain rights in Poland formed part of a serious internal process as the country attempted to return to normal; it did not constitute a violation of human rights.

65. Mr. BEAULNE (Canada) said that document E/CN.4/1982/L.70, which contained the amendments just introduced by the representative of the Soviet Union, could not, under

rule 63 of the rules of procedure, be considered an amendment to draft resolution E/CN.4/1982/L.27 submitted on 23 February 1982. The Soviet proposal might have some merits, but it was an entirely separate matter and should be discussed at the appropriate time after all of the other texts already submitted. The Commission should now vote on draft resolution E/CN.4/1982/L.27.

66. The CHAIRMAN said that the Commission was again faced with the problem of having to decide whether or not a proposal could be considered as an amendment to another proposal.

The meeting rose at 6 p.m.