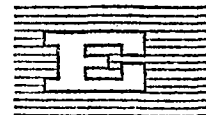


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 3rd MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 2 February 1982, at 4.30 p.m.

Chairman:

Mr. GARVALOV

(Bulgaria)

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Organization of the work of the session (continued)

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The meeting was called to order at 6.10 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)
(E/CN.4/1480/Add.1)

1. The CHAIRMAN said that, since the Commission had failed - despite the amount of time allowed for informal consultations - to reach agreement on the question raised by the Canadian delegation at the previous meeting, appropriate action must now be taken in accordance with the Commission's rules of procedure.
2. Mr. DAUDY (Syrian Arab Republic) proposed that, under rule 51 (c) of the rules of procedure, the debate on that question should be adjourned in order to avoid wasting any more of the Commission's time on a procedural matter. The question could be taken up again when the Commission came to discuss agenda item 12.
3. The CHAIRMAN said that the proposal would be put to the vote immediately, in accordance with rule 49 of the rules of procedure.
4. Mr. SALAH-BEY (Algeria) supported the proposal made by the representative of the Syrian Arab Republic.
5. Mr. CALERO RODRIGUES (Brazil) said that he disagreed with the Chairman's interpretation, under the rules of procedure, of the proposal made by the representative of the Syrian Arab Republic. That proposal was a procedural one relating to the question raised by the Canadian delegation; it was not a proposal to adjourn the debate on agenda item 3 as a whole.
6. Mr. MCKINNON (Canada) said that he agreed with the representative of Brazil. It would be out of order to deal with the Syrian proposal under rule 51 (c) since the proposal related only to one part of the item under discussion, and not to the item as a whole.
7. The CHAIRMAN said he could not agree. The clear intention behind the proposal made by the delegation of the Syrian Arab Republic was that the debate on the question raised by the Canadian delegation should simply be adjourned until agenda item 12 was taken up.
8. Mr. SCHIFTER (United States of America), speaking on a point of order, emphasized that the matter was primarily one of interpreting the rules of procedure. He reiterated the point made by the representative of Brazil - the Chairman at the Commission's previous session - that procedure under rule 51 (c) would be at variance with what was intended in the proposal made by the representative of the Syrian Arab Republic.
9. Mr. ZORIN (Union of Soviet Socialist Republics), speaking on a point of order, said that the Syrian proposal was quite clear and could appropriately be made under rule 51. The Chairman should therefore permit the requisite number of representatives to speak for and against the proposal and then put the proposal to the vote.
10. The CHAIRMAN observed that the requisite number of representatives had already spoken on the proposal. If the Syrian proposal was adopted, that would in no way imply that the Commission did not approve of the time-table unanimously proposed by the Bureau. The agenda for the session had been approved by the Commission without a vote at the first meeting.

11. Mr. SCHIFFER (United States of America), speaking on a point of order, said that the Chairman had not answered the question he had raised in his previous statement. The key problem was that the Syrian proposal, if made under rule 51 (c) of the rules of procedure, would set a bad precedent and was in fact contrary to the text of the rules. The representative of Brazil had pointed out the formal difficulty with the Syrian proposal and the undesirability of voting on a proposal that would suspend debate on the item, which was in fact item 3: "Organization of the work of the session". A vote on the proposal under rule 51 (c) could have the effect of leaving the Commission in the position of not having decided on the organization of the work of the session, thus making it impossible for the Commission to proceed. A procedural motion with the more limited intention apparently contained in the Syrian proposal should be presented under other available rules.
12. The CHAIRMAN said he had ruled that the Syrian proposal came under rule 51 (c) and he now requested the Commission to vote on it. Having thus announced the beginning of the voting process, he could accept points of order only if they dealt with the question of the voting process itself.
13. Mr. SCHIFFER (United States of America), speaking on a point of order, requested a roll-call vote.
14. Mr. McKINNON (Canada), speaking on a point of order, said that the Commission must understand the subject of the vote. The representative of Syria had made a procedural proposal and speakers for and against the proposal had been heard. Some speakers, including the former Chairman of the Commission, had expressed the view that the Syrian proposal was inadmissible under the rule in question. The Chairman had apparently ruled - although it was not exactly clear when - that the proposal was admissible under that rule. The Chairman must then allow the Commission to react to that ruling; it could not launch directly into a vote on the proposal. Other rules were available for achieving the purpose intended by the Syrian proposal.
15. The CHAIRMAN said he had clearly expressed his understanding - which was not a decision - that the proposal was in order and had allowed time for delegations to react. The Commission was now in the process of voting and must proceed with the vote.
16. Mr. SENE (Senegal), speaking on a point of order, said that the problem seemed to be one of interpretation and suggested that a legal opinion should be obtained on the interpretation of rule 51. It would be wiser to adjourn the meeting and allow further consultations, so as to avoid the bad feeling that would result from a vote imposed on some delegations that apparently did not accept the validity of the procedure.
17. The CHAIRMAN announced that Zaire, having been drawn by lot, would be called upon to vote first.
18. Mr. McKINNON (Canada), speaking in explanation of vote before the vote, said that his delegation would not participate in the vote. There had been a sincere effort on the part of many delegations to solve a serious problem that was of concern to all. It would have been possible to allow those concerned to discuss the matter

further, as the Chairman himself had promised earlier. There were available other procedures that would have assisted the Commission in reaching a compromise; if his delegation had been allowed to do so, it would have proposed that those procedures be followed. His delegation was convinced that a vote on the Syrian proposal was premature and it would therefore not participate in the vote.

19. The vote was taken by roll-call.

In favour: Algeria, Bulgaria, Byelorussian SSR, Cuba, Ethiopia, India, Jordan, Mexico, Poland, Syrian Arab Republic, Union of Soviet Socialist Republics.

Against: None.

Abstaining: China, Costa Rica, Cyprus, Fiji, Ghana, Pakistan, Panama, Peru, Philippines, Senegal, Uganda, Yugoslavia, Zaire, Zambia.

Delegations which announced that they were not participating: Argentina, Australia, Brazil, Canada, Denmark, France, Germany, Federal Republic of, Greece, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

20. The proposal made by the Syrian Arab Republic was adopted by 11 votes to none, with 14 abstentions.

21. Mr. CALERO RODRIGUES (Brazil), speaking in explanation of vote, said that, although his delegation was in favour of the substance of the Syrian proposal, it had not participated in the vote as the proposal had not been in conformity with the rules of procedure.

22. Mr. MARTINEZ (Argentina), speaking in explanation of vote, said that his delegation had not participated in the vote as the vote had not been in conformity with the rules of procedure.

The meeting rose at 7.10 p.m.