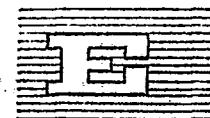


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/1983/SR.52
11 March 1983

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 52nd MEETING

(First part) */

held at the Palais des Nations, Geneva,
on Tuesday, 8 March 1983, at 3 p.m.

Chairman: Mr. OTUNNU (Uganda)

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)

*/ The second part of the summary record of the meeting was issued as document E/CN.4/1983/SR.52/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 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.4/1983/L.18, L.37, L.38, L.48, L.53, L.58, L.66/Rev.1, L.69, L.70/Rev.1, L.71, L.74, L.79/Rev.1, L.81, L.83, L.86, L.88, L.89, L.93, L.94)

1. The CHAIRMAN invited the sponsors of draft resolutions to introduce their texts.
2. Mr. POUYOUROS (Cyprus), introducing draft resolution E/CN.4/1983/L.58 on behalf of the sponsors (Canada, Cyprus and Senegal), emphasized the importance of the work already done by Mrs. Daes on principles concerning the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. Mrs. Daes was certainly the person best qualified to perform that formidable task. As the representative of Brazil had indicated, it might be possible to consider the report only at the forty-first session, rather than at the fortieth session; however, it would be preferable not to amend the text of the draft resolution to cover that point. He hoped that the draft, which he considered most timely, would be adopted without a vote.
3. Mr. KOOLJMANS (Netherlands), introducing draft resolution E/CN.4/1983/L.70/Rev.1 concerning the situation of human rights in Iran on behalf of the sponsors (Australia, Belgium, Canada, Costa Rica, Ireland, Netherlands, Panama, United Kingdom), said the sponsors hoped that the Iranian Government would co-operate with the representative of the Secretary-General who was to visit Iran at the end of March. The draft resolution took account not only of the serious situation in that country but also of some positive initiatives by the Iranian Government. The Netherlands delegation had recently held discussions with the Iranian delegation. In the light of those discussions, the draft resolution was intended to pave the way for the representative of the Secretary-General to assist the Government of Iran in ensuring full respect for human rights in its territory. He hoped that the draft resolution would be understood as such by everyone.
4. Introducing draft resolution E/CN.4/1983/L.79/Rev.1 concerning the situation of human rights in Guatemala, he said that, in view of the gravity of the situation, the sponsors called upon the Commission to keep that situation under review. The six executions which had taken place in Guatemala on 3 March had certainly come as a shock to all delegations; no account had been taken of the appeals for clemency made, particularly by Pope John Paul II. Draft resolution E/CN.4/1983/L.79/Rev.1 had a predominantly humanitarian aim. After reading out and briefly commenting upon extracts from that document, he suggested that, following adoption of the draft resolution, the Chairman of the Commission should send it by telex to Guatemala, drawing particular attention to operative paragraph 3. The Government of Guatemala had given assurances that it would extend its full co-operation to a Special Rapporteur of the Commission after his appointment. The Chairman should give high priority to that question once the draft resolution had been adopted.
5. Lastly, he informed the Commission that the words "and fundamental freedoms" should be inserted after the words "human rights" in operative paragraph 1 of draft resolution E/CN.4/1983/L.79/Rev.1.

6. Mr. HEREDIA PEREZ (Cuba), introducing document E/CN.4/1983/L.93 on behalf of the delegations of Nicaragua and Cuba, noted that the document contained two amendments to draft resolution E/CN.4/1983/L.79. After reading out the first amendment, he emphasized that the second amendment, which concerned the supply of arms and military assistance to Guatemala, reflected the spirit of a General Assembly decision on that subject. He hoped that the sponsors of draft resolution E/CN.4/1983/L.79 would be able to accept those two modifications.

7. Mr. MAHALLATI (Observer for Iran), commenting on draft resolution E/CN.4/1983/L.70/Rev.1, relating to the human rights situation in his country, said that the text was a reflection of unclean politics. The European delegations which were among its sponsors had failed to reply to certain questions which he had put to them regarding their criteria in the matter of human rights. In that connection, it was interesting to note that, in the Committee on Disarmament, the Western countries emphasized the question of verification; five of the eight sponsors of draft resolution E/CN.4/1983/L.70/Rev.1 were permanent members of that Committee, where they made verification systems the cornerstone of any progress in negotiations. Bearing that fact in mind, it was permissible to ask why the sponsors of draft resolution E/CN.4/1983/L.70/Rev.1 regarded verification as being less important in the area of human rights. When the Iranian Government had invited a representative of the Secretary-General to verify the human rights situation in Iran, was there any justification for submitting a draft resolution on the same subject? Was that not a manifestation of the double standard from which some of the Western countries' judgements suffered so severely?

8. Since the adoption by the Commission of an unjustified resolution concerning Iran, the Government of that country had nevertheless done its best to co-operate with the Commission. In the report contained in document E/CN.4/1983/16, Mr. Wako had indicated that Iran had furnished the most detailed response of any country regarding the question of summary or arbitrary executions. It was the Iranian Government that had first contacted the Secretary-General to invite his representative to come to Iran in order to examine the human rights situation. In those circumstances, should not the Commission, rather than adopting clumsy and hostile resolutions, make its judgement after that verification had taken place? The adoption of draft resolution E/CN.4/1983/L.70/Rev.1 would not reward the Iranian Government for its co-operation; on the contrary, the conclusion might be drawn that countries co-operating with the Commission could be penalized by unfair resolutions, while countries which did not co-operate escaped scot free.

9. Without going into the political motivations of the United Kingdom and some of its accomplices, he found it surprising that Costa Rica and Panama, which were also sponsors of the draft resolution, should be concerned over alleged violations thousands of miles away yet close their eyes to violations occurring in Latin America which were master-minded by the United States. The two countries concerned had doubtless had no choice but to obey their common godfather, but the list of sponsors of the draft resolution thus became highly significant.

10. If draft resolution E/CN.4/1983/L.70/Rev.1 were adopted, the visit of the representative of the Secretary-General to Iran would no longer serve any purpose and would therefore not take place. The responsibility for such a situation would lie with the sponsors of the draft resolution and particularly with the representative of the Netherlands, whose inventions harmed the credibility of the Commission.

11. Mr. FAJARDO-MALDONADO (Observer for Guatemala), commenting on document E/CN.4/1983/L.93, emphasized that the amendments proposed in that text related to matters falling within the internal jurisdiction of Guatemala, as the Guatemalan delegation had explained in a letter sent to the Chairman of the Commission, which could be consulted by members. The sponsors of that document seemed to be unaware of the state of relations between the countries of Central America; they failed to take account of the arms traffic which existed in that region, the sources of which were well known.
12. With regard to draft resolution E/CN.4/1983/L.79/Rev.1, he noted that his Government had stated that it was fully willing to co-operate with the Commission, and he hoped that the Commission would shortly appoint a Special Rapporteur who could visit Guatemala as soon as possible.
13. The CHAIRMAN suggested that the Commission should first consider draft resolution E/CN.4/1983/L.37, relating to the human rights situation in Poland.
14. Mr. ANTONIO (Mozambique), referring to draft resolution E/CN.4/1983/L.37, which had been introduced by the representative of the Netherlands, recalled that the representative of Poland had explained at the previous meeting that most of the restrictions resulting from martial law had been lifted in that country. Although the sponsors of the draft resolution claimed that new restrictions had been imposed, the general impression which his delegation had gained from the discussion was that the issue was over-politicized, in the over-all context of East-West relations, and that concern for human rights occupied a secondary position. Furthermore, the representative of Poland had stressed that his country was returning to normal and that the remaining restrictions might be lifted in the near future. For those various reasons and in a spirit of co-operation, his delegation wished to make a procedural motion under rule 49 of the rules of procedure to adjourn the debate and the vote on draft resolution E/CN.4/1983/L.37 until the fortieth session. His delegation asked that its motion should be given precedence, in accordance with rule 51 (c) of the rules of procedure.
15. Mr. GONZALEZ de LEON (Mexico), speaking on a point of order, observed that draft resolution E/CN.4/1983/L.18 concerning El Salvador should be considered before draft resolution E/CN.4/1983/L.37 concerning Poland, since it had been submitted earlier.
16. Mr. BEAULNE (Canada) said that draft resolution E/CN.4/1983/L.18 had been revised and that the new text (E/CN.4/1983/L.18/Rev.1) which had been prepared with a view to reaching a consensus was not yet available in all the working languages.
17. Mr. GONZALEZ de LEON (Mexico) suggested that, in those circumstances, the Commission should first consider draft resolution E/CN.4/1983/L.48, which also related to the human rights situation in El Salvador. Given the importance of that matter, he hoped that the Chairman could provide an assurance that consideration of the question would not be unduly delayed. The situation in El Salvador, like the situation in Poland, had received particular attention from the Commission.
18. Mr. SOKALSKI (Poland), speaking on a point of order, said that the situations in El Salvador and Poland were not comparable.

19. Mr. SCHIFTER (United States of America) said he objected to the fact that the comment of the representative of Poland had not constituted a point of order.
20. The CHAIRMAN said that the representatives of Poland and the United States could be sure that their observations had been duly noted.
21. Mr. GONZALEZ de LEON (Mexico) said he had not wished to suggest that the two situations were of equal gravity. The situation in El Salvador was certainly worse than that in Poland.
22. Mr. GONZALEZ de LEON (Mexico) replying to a request for clarification from the CHAIRMAN, asked that draft resolution E/CN.4/1983/L.48 should be considered first, in accordance with rule 65 of the rules of procedure.
23. Mr. BEAULNE (Canada) said that the stratagem used by the Mexican delegation was tantamount to muzzling the Canadian delegation and preventing the Commission from considering the revised text of draft resolution E/CN.4/1983/L.18. He hoped that he would at least have the right to defend his proposal, which had been submitted first, and to explain the reasons for which he would object to draft resolution E/CN.4/1983/L.48 being given precedence.
24. The CHAIRMAN noted that rule 65 (1) of the Commission's rules of procedure authorized delegations to move that draft resolutions should be considered in an order other than that in which they had been submitted. The decision naturally lay with the Commission.
25. Mr. GONZALEZ de LEON (Mexico) said it was regrettable that such strong terms as "stratagem" should be used in the Commission's discussions. The first stratagem, if any there was, had been that of the Canadian delegation in submitting its draft resolution E/CN.4/1983/L.18 almost three weeks before agenda item 12 had been taken up.
26. Mr. SENE (Senegal) called upon delegations to display moderation and observed that the case of El Salvador, like any other, had to be studied in a calm atmosphere. It was necessary to avoid creating precedents: at the previous meeting the Commission had decided to await the submission of the revised version of draft resolution E/CN.4/1983/L.18, and it should not go back on that consensus. It should be able to examine the case of El Salvador having first studied all the draft resolutions submitted and thus being fully informed about the matter.
27. The CHAIRMAN invited the Commission to take a decision on the Mexican delegation's motion to give precedence to consideration of draft resolution E/CN.4/1983/L.48.
28. At the request of the representative of Mexico, a vote was taken by roll-call on the Mexican delegation's motion.

29. Argentina, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, Cuba, Cyprus, France, Ghana, India, Ireland, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Poland, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Australia, Bangladesh, Brazil, Canada, Colombia, Costa Rica, Finland, Germany, Federal Republic of, Japan, Netherlands, Pakistan, Philippines, Senegal, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America.

Abstaining: China, Fiji, Gambia, Italy, Jordan, Togo, Zaire.

30. The motion of the Mexican delegation was carried by 18 votes to 17, with 7 abstentions, the Mozambican delegation, which had initially abstained, having changed its vote.

31. Mr. CHARRY SAMPER (Colombia) said that the lack of calm and fairness with which the procedure had been conducted would determine his vote.

32. Mr. SOLEY SOLER (Costa Rica) said he was most concerned over the way in which the procedures had been applied. What had happened during the vote on the motion tabled by the Mexican delegation reflected a total lack of calm. The decision just taken, which had been facilitated by the Chairman, would influence the way in which each member of the Commission would vote on the substance of the matter.

33. The CHAIRMAN reminded delegations that, when they requested the floor to speak on a point of order, they should refrain from dealing with questions other than those relevant to the order of the discussions.

34. He could not prevent members from invoking the rules of procedure, which he was obliged to apply whenever a delegation availed itself of them.

35. Mr. MARTINEZ (Argentina), explaining his vote before the vote, said that his delegation would vote against the draft resolutions or amendments on the question of El Salvador (documents E/CN.4/1983/L.18, L.48 and L.53), the provisions of which exceeded the sphere of competence of the Commission on Human Rights, even though some of them reflected sincere concerns. He had particular reservations regarding certain phrases expressing a judgement on the conduct of El Salvador's internal affairs, which it was not for the Commission to do, as his delegation had already emphasized on various occasions, especially in connection with the consideration of agenda items 11 and 12. He explained that he was referring solely to documents already formally submitted to the Commission.

36. Viscount COLVILLE of CULROSS (United Kingdom) said that his delegation would abstain in the vote on draft resolution E/CN.4/1983/L.48 because of its reservations regarding operative paragraphs 5, 6 and 7. It had already clearly expressed its concern over the human rights situation in El Salvador and would have liked to vote in favour of draft resolution E/CN.4/1983/L.18, submitted by the Canadian delegation, subject to an examination of the revised version of that document. It was regrettable that the Commission might not even be able to consider that draft.

37. His delegation was, however, in favour of extending the Special Rapporteur's mandate; in order to make it clear that it regarded that as a positive step, it requested that a separate vote should be taken on operative paragraph 11 of draft resolution E/CN.4/1983/L.48.

38. Mr. GIAMBRUNO (Uruguay) said that his delegation would vote against draft resolution E/CN.4/1983/L.48 which in its opinion was unbalanced and inconsistent with the essential task of the Commission, namely to make all possible efforts to initiate a dialogue with Governments. Moreover, the attitude of the Government of El Salvador towards the Commission should have encouraged members to study more specific ways and means of ensuring the success of the co-operation which was desirable. The Canadian delegation's proposal had seemed to come close to that ideal of co-operation. The Uruguayan delegation objected to the procedural devices which had prevented the Commission from considering that draft resolution; El Salvador was entitled to have its situation considered with the deepest respect, which did not appear to be the case.

39. Mr. CHARRY SAMPER (Colombia) said it was regrettable that the Commission had allowed itself to adopt most ill-advised, militant positions when it should be exclusively concerned with helping to resolve human rights problems. His delegation detected in the Commission's work a kind of favouritism which meant that some countries were never the subject of investigations and never received visits from Special Rapporteurs; the lack of fairness in the treatment of the various cases was obvious, and the fact that most of the countries whose cases were considered were Latin American was no coincidence.

40. The Government of Colombia, which was linked to El Salvador by a long tradition of friendship, had offered its good offices and welcomed the initiative taken by Costa Rica, a country of exemplary democracy, to organize a meeting of all Ministers for Foreign Affairs of the Central American countries in order to find a concerted, peaceful and legitimate solution to the problems of El Salvador. It went without saying that the Minister for Foreign Affairs of Colombia would take part in that meeting.

41. If the Commission was justified in drawing attention to the acts of violence recently committed in El Salvador, it should also, in the interests of justice, take note of the Salvadorian Government's announced intention to organize early elections during 1983. That was an important development.

42. The conditions in which the procedure had been conducted obliged his delegation to abstain in the vote on draft resolution E/CN.4/1983/L.48.

43. Mr. SOLEY SOLER (Costa Rica) said that the matter under consideration was of particular concern to his country, which clearly understood that unless the upheavals in the Central American region were brought to an end, exemplary regimes such as the Costa Rican democracy might collapse.

44. His delegation would have liked to be apprised of all the draft resolutions which might assist the Commission in taking its decisions. It would also have liked certain delegations which actually represented only a narrow majority to interpret better the desire of the Central American countries to see peace restored in their region.

45. Draft resolution E/CN.4/1983/L.18, submitted by Canada, was balanced and motivated by a genuinely humanitarian concern. Draft resolution E/CN.4/1983/L.48, on the other hand, reflected strictly political interests. The Canadian draft resolution and its future revised version were fully consistent with the Commission's terms of reference. It was therefore highly regrettable that procedural manoeuvres, against which he had already protested, had prevented the Commission from taking a decision which could help to restore a lasting peace in Central America.

46. Costa Rica was concerned over respect for human rights and fundamental freedoms and over the lot of its sister countries. As the representative of Colombia had emphasized, a productive dialogue must be instituted between the States of the region. It was with that consideration in mind that Costa Rica had invited all the Ministers for Foreign Affairs of those countries to meet in order to work out a political solution.

47. Draft resolution E/CN.4/1983/L.48 was totally unrelated to the Commission's principles and objectives. If the Commission adopted that draft, it would disappoint the States of the region and give the impression that it was not really concerned with respect for human rights and fundamental freedoms. It would appear that certain interests in El Salvador and other countries of the region were anxious for no solution to be reached. It was easy to pontificate when adults and children were dying for the cause of freedom in other countries. That, however, was the effect of the decision just taken by a narrow majority.

48. Costa Rica would not participate in the vote on draft resolution E/CN.4/1983/L.48.

49. Mr. HEREDIA PEREZ (Cuba) said it was regrettable that the Commission did not yet have before it the revised text of draft resolution E/CN.4/1983/L.18. However, the situation would be no different even if that draft were ready. If document E/CN.4/1983/L.18/Rev.1 had been issued in time, his delegation would still have requested the Commission to give precedence to consideration of draft resolution E/CN.4/1983/L.48, which his delegation was ready to support. There could be no denying that the latter draft resolution was entirely consistent with General Assembly resolution 37/185. By adopting it, therefore, the Commission would merely be following along the lines mapped out by the Assembly. It was unacceptable that delegations which had abstained in the vote which had led to the adoption of General Assembly resolution 37/185 should now be seeking to direct the Commission's work.

50. It was not by sending the Salvadorian Government \$60 million in arms and by training people to fight in other countries that the situation in El Salvador would be improved. His delegation would therefore have opposed the adoption of draft resolution E/CN.4/1983/L.18/Rev.1 had it been issued, for the reasons which would lead it to vote in favour of draft resolution E/CN.4/1983/L.48.

51. Mr. SCHIFTER (United States of America) said that, during the general debate on agenda item 12, he had already stated his delegation's views on the situation of human rights and fundamental freedoms in El Salvador. His delegation had been ready to accept the Canadian draft resolution, which was balanced and motivated by humanitarian concerns. Draft resolution E/CN.4/1983/L.48, on the other hand, pinned responsibility for the situation in El Salvador on one side and called upon the Government of a State Member of the United Nations to negotiate with armed groups supported by other countries. Moreover, that draft resolution failed to take account of the fact that a constituent assembly had been established in El Salvador and that elections would be held in the country in the near future. Draft resolution E/CN.4/1983/L.48 was in no sense likely to contribute to an improvement in the situation in El Salvador, and the United States was therefore unable to support it.

52. Mr. TALVITIE (Finland) said that his delegation would vote in favour of draft resolution E/CN.4/1983/L.48 for purely humanitarian reasons and because it was anxious that the continuing violations of human rights in El Salvador should be brought to an end.

53. Nevertheless, his delegation would have preferred a compromise solution based on draft resolution E/CN.4/1983/L.18. Some parts of draft resolution E/CN.4/1983/L.48, particularly operative paragraphs 5, 6 and 7, were difficult to accept. If a separate vote was taken on paragraphs 5 and 6, his delegation would abstain, and it would vote against paragraph 7 if that were put to a separate vote. Lastly, his delegation had reservations concerning some of the wordings used in draft resolution E/CN.4/1983/L.48, which were partial and did not accurately reflect the report prepared by the Special Representative on the situation of human rights in El Salvador.

54. Mr. KOOLJMANS (Netherlands) said he would have preferred a problem as serious as that of El Salvador to be discussed in a different atmosphere. During the general debate on that question, the Netherlands had already emphasized the need for a dialogue between all forces in El Salvador if a political settlement was to be reached. Although his delegation had difficulty in accepting the wording of operative paragraphs 5 and 7 of draft resolution E/CN.4/1983/L.48, and particularly the fact that no mention was made of the holding of elections, it would be able to vote in favour of that draft.

55. Mr. SENE (Senegal) said he would have preferred the Commission to abide by its procedure in an objective and calm manner. Unfortunately that had not been the case, despite the appeal which Senegal had addressed to the sponsors of draft resolution E/CN.4/1983/L.48. The Commission had thus taken what, to say the least, had been a questionable vote, since one delegation had subsequently gone back on its decision. The Commission would have to be more resolute in facing up to its responsibilities in the future.

56. The draft resolution submitted by the Canadian delegation in document E/CN.4/1983/L.18 was largely motivated by humanitarian concerns. The Senegalese delegation would thus have been able to support it. It also believed that a satisfactory consensus could have been found on the basis of the revised version of the text.

57. Although Senegal was in a position to support draft resolution E/CN.4/1983/L.48, it nevertheless considered that violence and armed struggle would not lead to a solution in El Salvador. As the representative of the Netherlands had said, sooner or later there would have to be a dialogue to reconcile all the forces

within the country. There were hopeful signs in that regard in the invitation extended by Costa Rica to the Ministers for Foreign Affairs of the countries of the region with a view to mediation. It was also permissible to hope that the visit of Pope John Paul II to the region would improve the prospects for rapprochement between the Salvadorians who had listened to his message. Finally, the free elections to be held in El Salvador in 18 months' time should provide a basis for dialogue to that stricken and ravaged country.

58. By adopting draft resolution E/CN.4/1983/L.48, the Commission would help the Government of El Salvador to restore peace and respect for human rights in that country.

59. Mr. BEHRENDs (Federal Republic of Germany) said he regretted the inability of the members of the Commission to reach agreement on a generally acceptable text and the use of procedural manoeuvres which had prevented a compromise solution from being found. Draft resolution E/CN.4/1983/L.48 was not calculated to contribute to a solution of the problem in El Salvador and it contained certain elements, particularly in operative paragraphs 6 and 7, which the Federal Republic of Germany found unacceptable, since the Salvadorian Government was portrayed as bearing exclusive responsibility for the situation. The draft resolution also contained inappropriate assertions regarding the origins of the conflict and supplies of arms. The Federal Republic of Germany would abstain in the vote on that draft resolution.

60. The CHAIRMAN invited the Commission to first take a decision on paragraph 11 of draft resolution E/CN.4/1983/L.48.

61. At the request of the representative of Mexico, a vote was taken by roll-call on paragraph 11 of draft resolution E/CN.4/1983/L.48.

62. Fiji, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Bangladesh, Bulgaria, Canada, Cuba, Cyprus, Finland, France, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zimbabwe.

Against: None.

Abstaining: Argentina, Brazil, China, Fiji, Gambia, Zaire.

63. Paragraph 11 of draft resolution E/CN.4/1983/L.48 was adopted by 34 votes to none, with 6 abstentions.

64. The CHAIRMAN invited the members of the Commission to take a decision on draft resolution E/CN.4/1983/L.48 as a whole.

65. At the request of the representative of Mexico, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.48 as a whole.

66. The Libyan Arab Jamahiriya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, Cuba, Cyprus, Finland, France, Ghana, India, Ireland, Italy, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Poland, Senegal, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Bangladesh, Brazil, Pakistan, United States of America, Uruguay.

Abstaining: Australia, China, Fiji, Gambia, Germany, Federal Republic of, Japan, Jordan, Philippines, United Kingdom of Great Britain and Northern Ireland, Zaire.

67. Draft resolution E/CN.4/1983/L.48 as a whole was adopted by 23 votes to 6, with 10 abstentions.

68. Mr. GONZALEZ de LEON (Mexico) said it was unfortunate that some delegations had misinterpreted the way in which his delegation had invoked the rules of procedure to secure the adoption of draft resolution E/CN.4/1983/L.48, which had been submitted by six delegations, including his own. It had been essential for the Commission to adopt that draft. Three weeks previously the Canadian delegation had taken the initiative of submitting a draft resolution (E/CN.4/1983/L.18) without consulting the sponsors of the five resolutions on El Salvador adopted in previous years by the Commission and the General Assembly, which was contrary to the usual practice; the negotiations with that delegation by the time of the morning meeting, had not yet enabled a text commanding the approval of the sponsors of draft resolution E/CN.4/1983/L.48 to be worked out. The text proposed by Canada differed quite considerably from the previous resolutions and did not altogether meet the concerns of the sponsors of draft resolution E/CN.4/1983/L.48. The Canadian delegation had then announced that it could confirm the possibility of reaching an agreement by 4 p.m. and had asked for more time in which to submit a text. A few minutes after 4 p.m., having received no confirmation of that agreement, the Mexican delegation had requested the Commission to give precedence to consideration of draft resolution E/CN.4/1983/L.48. The sponsors of that draft resolution deeply regretted that it had not been possible to arrive at an agreement with the Canadian delegation.

69. Mr. McKINNON (Canada) said he also wished to explain what had happened. His delegation had submitted a draft resolution on the situation in El Salvador (E/CN.4/1983/L.18) because it was concerned over that situation. Convinced that the only way of achieving results was to ensure that the proposed decisions were supported by the majority of members of the Commission and were agreed to, at least tacitly, by the country concerned, his delegation had endeavoured in good faith to negotiate a text with the sponsors of the other draft. In the course of the morning it had submitted draft resolution E/CN.4/1983/L.18/Rev.1, which it had unfortunately not been possible to circulate at the expected time. His delegation had been awaiting the agreement of the Ottawa authorities and, just when it had been trying to obtain confirmation of that agreement, shortly before 4 p.m., a procedural motion had been tabled calling into question the agreement itself and the

possibility of adopting a text by consensus. It was questionable whether, by precipitating events and adopting a text by only 23 votes, the Commission had really served to improve the human rights situation in El Salvador.

70. Mr. COLLIARD (France) associated himself with the statement made by the Mexican delegation and expressed deep regret at the turn of events in regard to the draft resolution submitted by Canada. While negotiations had been conducted with some of the sponsors of draft resolution E/CN.4/1983/L.48, of which France was one, his delegation had not given its agreement to any text such as that contained in the mysterious document E/CN.4/1983/L.18/Rev.1, of which it had not been directly apprised. The sponsors of draft resolution E/CN.4/1983/L.48 had acted entirely in good faith and out of a desire to help to put an end to the sufferings of the Salvadorian people. It was in no way their intention to pass judgement on the parties involved or to dictate a course of action to the Salvadorian people, which alone was entitled to make the basic choices.

71. The CHAIRMAN said he took it that the Commission did not intend to consider the draft resolution and draft amendments contained in documents E/CN.4/1983/L.18 and L.53.

72. It was so decided.

Draft resolution E/CN.4/1983/L.37

73. Mr. ANTONIO (Mozambique) proposed that the Commission should take the following decision: "The Commission decides to defer consideration of draft resolution E/CN.4/1983/L.37 concerning the situation of human rights and fundamental freedoms in Poland to its fortieth session". He requested that priority should be given to his motion concerning draft resolution E/CN.4/1983/L.37, pursuant to rule 65 of the rules of procedure.

74. The CHAIRMAN said that the Commission was called upon to take two decisions: one on the request to give priority to the Mozambican motion and the other on the proposal itself.

75. Viscount COLVILLE of CULROSS (United Kingdom) said it would seem strange to his delegation if, after such a long discussion on the situation in Poland, the Commission were unable to take a decision on the matter, particularly as it could adopt such a decision in the light of the documentation submitted to it. The Mozambican motion had one major drawback, namely that, by deferring consideration of draft resolution E/CN.4/1983/L.37 to its next session, the Commission would be far less well placed: at the current session, it had before it an up-to-date report on the human rights situation in Poland, whereas in 1984 it would not have any new information enabling it to take a sensible decision. His delegation was in favour of draft resolution E/CN.4/1983/L.37, which would enable the Commission to consider the matter further at its next session and to be in possession of comprehensive information. It therefore opposed the Mozambican proposal.

[The second part of the summary record of the meeting was issued as document E/CN.4/1983/SR.52/Add.1]