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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 March 1989, at 3 p.m.

Chairman:

Mr. BOSSUYT

(Belgium)

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The meeting was called to order at 4.10 p.m.

DRAFT PROVISIONAL AGENDA FOR THE FORTY-SIXTH SESSION OF THE COMMISSION (agenda item 24) (E/CN.4/1989/L.1)

1. The CHAIRMAN drew the attention of members of the Commission to the draft provisional agenda for its forty-sixth session (E/CN.4/1989/L.1).
2. Mr. STEEL (United Kingdom) said, with reference to item 20 (Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-first session), that it had been decided that sub-item (c) on the draft body of principles and guarantees should appear under item 15. He asked the Secretariat to make the appropriate correction.
3. Mr. PACE (Secretary of the Commission) said that the Secretariat's attention had been drawn to the fact that the reference to resolution 1989/54 under item 12 did not include any mention of the report to be submitted to the Commission at its forty-sixth session under operative paragraph 4 of that resolution. A new paragraph (d) would therefore be inserted, listing the report that the Secretary-General was invited to submit to the Commission setting out the views and opinions requested by that resolution.
4. The CHAIRMAN invited the Commission to take note of the draft provisional agenda for its forty-sixth session (E/CN.4/1989/L.1).
5. It was so decided.
6. Mr. STEEL (United Kingdom), speaking in his capacity as co-ordinator of the Group of Western European and other countries, read out a draft decision */ which, mutatis mutandis, was identical with decision 1988/107 adopted by the Commission at its forty-fourth session, except that the words "30 fully serviced additional meetings" had been used instead of "20 fully serviced additional meetings". In view of the fact that the volume of work was hardly likely to be less in 1990 than it had been in 1989, it had been thought wise to request cover for an additional 10 meetings from the outset. He hoped that the Commission would, once again, be able to adopt that draft decision without a vote.
7. Mr. NYAMEKYE (Deputy Director, Centre for Human Rights), said that there would be no additional costs arising under section 23 (Human Rights) from the substantive servicing of the additional meetings. However, the related costs for the 30 fully serviced additional meetings, including summary records, during the 1990 session under section 29B (Conference Service Division, Geneva) calculated on full-cost, are estimated at \$514,800.
8. The draft decision in question was adopted without a vote.

*/ Subsequently circulated as document E/CN.4/1989/L.104.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FORTY-FIFTH SESSION OF THE COMMISSION (agenda item 25) (E/CN.4/1989/L.10 and Add.1-21; E/CN.4/1989/L.11 and Add.1-12)

9. The CHAIRMAN invited the Commission to adopt its report to the Economic and Social Council. All the parts of the report were currently available except those contained in document E/CN.4/1989/L.10/Add.21 and documents E/CN.4/1989/L.11/Add.6, Add.8 and Add.12.

10. Mrs. MBONU (Nigeria), Rapporteur, introducing the draft report contained in documents E/CN.4/1989/L.10 and Addenda and E/CN.4/1989/L.11 and Addenda, said that it followed the format and structure of previous reports and simply gave a procedural description of the proceedings of the forty-sixth session. Any comments on the chapters of the draft report would be carefully considered and duly reflected in the final report with a view to enhancing its accuracy.

Chapters III and XXI (E/CN.4/1989/L.10 and Add.1)

11. Chapters III and XXI were adopted.

Chapter XXII (E/CN.4/1989/L.10/Add.2)

12. Mrs. MBONU (Nigeria), Rapporteur, said that "France (55th)" should be added to the list of members of the Commission in paragraph 4, while in paragraph 6, concerning statements from non-governmental organizations, the following organizations should be listed: "Bahá'í International Community (55th), Christian Democratic International (47th), International Fellowship of Reconciliation (55th), International Movement for Fraternal Union among Races and Peoples (55th), International Organization for the Elimination of all Forms of Racial Discrimination (55th), Minority Rights Group (55th)". In paragraph 7, the word "and" should be replaced by a comma and the words "and China (56th)" added at the end of the sentence.

13. Chapter XXII, as orally revised, was adopted.

Chapter XXIII and Chapters IV to VII (E/CN.4/1989/L.10/Add.3-7)

14. Chapter XXIII and Chapters IV to VII were adopted.

Chapter VIII (E/CN.4/1989/L.10/Add.8)

15. Mrs. MBONU (Nigeria), Rapporteur, said that a new paragraph 23 should be added to read: "A statement relating to the draft resolution was made by the representative of Argentina", subsequent paragraphs being renumbered accordingly. In addition, Canada should be included in the list in paragraph 4.

16. Chapter VIII, as orally revised, was adopted.

Chapter IX (E/CN.4/1989/L.10/Add.9)

17. Mrs. MBONU (Nigeria), Rapporteur, said that a sentence should be inserted at the end of paragraph 13 to read: "The representative of Morocco subsequently indicated that, had his delegation been present, it would not have participated in the vote".

18. Chapter IX, as orally revised, was adopted.

Chapter X (E/CN.4/1989/L.10/Add.10)

19. Mrs. MBONU (Nigeria), Rapporteur, said that Argentina should be included in the list of sponsors of the draft resolution referred to in paragraph 33.

20. Chapter X, as orally revised, was adopted.

Chapters XI to XX (E/CN.4/1989/L.10/Add.11-20)

21. Chapters XI to XX were adopted.

22. There being no comments by members, the Commission took note of documents E/CN.4/1989/L.11 and Add.1-6, 7 and 10-11, containing resolutions and decisions it had already adopted.

23. The CHAIRMAN announced that, after consultation with the regional groups, the following members of the Commission had been nominated to serve as members of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid: Panama, Nigeria and the Ukrainian Soviet Socialist Republic. If he heard no objection, he would take it that the Commission wished to approve those nominations.

24. It was so decided.

The meeting was suspended at 4.55 p.m. and resumed at 6.25 p.m.

25. The CHAIRMAN invited the Commission to consider those sections of the draft report for which documents had not been available before the suspension of the meeting.

Chapter XI bis (E/CN.4/1989/L.10/Add.21)

26. Chapter XI bis was adopted.

Documents E/CN.4/1989/L.11/Add.6 and Add.8

27. There being no comments by members, the Commission took note of documents E/CN.4/1989/L.11/Add.6 and Add.8, containing resolutions and decisions it had already adopted.

Document E/CN.4/1989/L.11/Add.12

28. Mr. MARTÍNEZ (Cuba) said that, in paragraph (d) of decision 1989/113 (E/CN.4/1989/L.11/Add.12), the words "their direct contacts" in the English text should be replaced by the words "his direct contacts", in order to ensure consistency with the original Spanish version.

29. There being no further comments, the Commission took note of document E/CN.4/1989/L.11/Add.12.

30. The draft report to the Economic and Social Council on the forty-fifth session of the Commission on Human Rights, contained in documents E/CN.4/1989/L.10 and Add.1-21 and E/CN.4/1989/L.11 and Add.1-12, as orally revised, was adopted.

31. The CHAIRMAN announced that, in accordance with rule 21 of the rules of procedure and after consultation with the regional groups, the following members of the Commission had been nominated to serve, in their personal capacity, in the Working Group on Situations: Mr. Todor Ditchev (Bulgaria), Mr. Omar Abdou Secka (Gambia), Mr. Armando Villanueva (Peru) and Mr. António Costa Lobo (Portugal). The name of the Asian member of the Group, a member of the delegation of Bangladesh, would be announced later.

32. If he heard no objection, he would take it that the Commission wished to approve those nominations.

33. It was so decided.

34. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 25.

CLOSURE OF THE SESSION

35. The CHAIRMAN said that the Commission's workload had been a very heavy one, with an increase in the number of items on its agenda and in the number of persons taking part in its work, no less than 1,400 participants having been registered. In addition to the 43 delegations of member States, the session had been attended by 76 observer delegations and the representatives of 133 non-governmental organizations. The Commission had also received more high-ranking visitors than ever before. Their presence had enhanced the standing of the Commission and demonstrated the importance which their respective countries attached to its work. Despite such a large number of participants, the Commission had nevertheless succeeded in completing its work and had adopted a total of 88 resolutions, most of them by consensus.

36. In particular he wished to emphasize the importance of the transmission to the General Assembly of two new draft conventions, namely, the draft convention on the rights of the child, which was the result of many years of often arduous work by the Commission, and the draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, in the preparation of which he had been personally involved.

37. Many other resolutions had been adopted, some dealing with what might be called traditional items and others with new topics. Considerable, and frequently successful, efforts had been made throughout the session to reach a consensus in a spirit of good will and co-operation thereby facilitating his task as Chairman which he had endeavoured to carry out in an objective and impartial manner.

38. Nevertheless, the Commission had been confronted with a number of difficulties to which more thought should be given in the future. In the first place, because of the increasing volume of work, it was becoming more and more difficult, even for large delegations, to read carefully all the documents submitted, to prepare their own statements and listen to those of others, and to engage in consultations and negotiations. Moreover, the issues being dealt with by the Commission were not only very complex but also very sensitive, and great prudence was required when seeking the formula which best responded to the desired objective.

39. In such difficult circumstances, it was often only with hindsight that the Commission became aware of missed opportunities. Because of the lack of time, the Commission sometimes made certain problems more complicated rather than facilitating their solution. In his view, therefore, more thought should be given to the Commission's conditions of work, since good will alone would not suffice to solve that problem.

40. The second problem was that of certain hazards which must be avoided when seeking the consensus which was desirable as an alternative to confrontation, which helped to promote real co-operation between the countries concerned and, in general, which gave more weight to the texts adopted. The Commission must take care when pursuing consensus, however, not to create ambiguities which might jeopardize the proper functioning of procedures, established often through painstaking effort, or which could expose the Secretariat to criticism regarding the way in which it executed the tasks entrusted to it by the Commission.

41. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 7.15 p.m.