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SUMMARY RECORD OF THE SECOND PART* OF THE 56th MEETING

Held at the Palais des Nations, Geneva
on Thursday, 9 March 1989, at 9.50 p.m.

Chairman: Mr. BOSSUYT (Belgium)

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accordance with Commission decision 1988/106

* The summary record of the first part of the meeting appears as
document E/CN.4/1989/SR.56

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CONSIDERATION OF THE REPORT OF THE MISSION WHICH TOOK PLACE IN CUBA IN ACCORDANCE WITH COMMISSION DECISION 1988/106 (agenda item 11 bis (continued)) (E/CN.4/1989/L.89/Rev.1; L.90)

The meeting was reconvened at 9.50 p.m.

Draft decision E/CN.4/1989/L.90

1. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland), speaking on a point of order, proposed that the Commission should decide, under rule 65, of the rules of procedure to vote on the draft decision, to which he wished to propose an amendment. Immediately after paragraph (c), a new paragraph (d) would be inserted, reading as follows: "To request the Secretary-General to maintain direct contacts with the Government and people of Cuba for the purposes of: receiving information from the Government and people of Cuba regarding issues and questions contained in the report, communicating to the Government of Cuba any additional information and inquiries he may receive from all appropriate sources and reporting to the Commission as appropriate." The present paragraph (d) would become paragraph (e).

2. Mr. CEVILLE (Panama), speaking on behalf of the delegations of Panama, Colombia, Peru and Mexico on a point of order, moved, under rule 65 of the rules of procedure that priority should be given to consideration of the draft decision contained in document E/CN.4/1989/L.90. He explained that the Latin-American delegations had agreed, both within the Group of Eight and within the Latin-American Group, to try to reach a solution by consensus in respect of the Commission's decision on the report by the Mission to Cuba. The countries concerned had initiated a process of consultation in order to achieve a consensus and had agreed that no country, including those most directly concerned, should unilaterally submit a draft resolution while consultation was still under way. However, while a proposal by the Group of Eight was under consideration, one delegation had unilaterally broken the agreement and submitted a draft resolution, thereby jeopardizing the broad process of consultation. It was imperative for the Commission to solve the situation arising out of the submission of draft resolution E/CN.4/1989/L.89/Rev.1 by granting legitimate priority to the draft decision, submitted by a group of Latin-American countries and which represented a fair and balanced solution in the same spirit that had led to Commission decision 1988/106, as a result of which Cuba had extended an invitation to the Mission. Finally, in view of the request for the postponement of the consideration of the item, made by the representative of the United Kingdom and accepted by the representative of Cuba, the co-sponsors of the draft decision wished to propose an additional paragraph to the original text, which would become paragraph (d), reading as follows: "To welcome the willingness of the Government of Cuba to co-operate with the Secretary-General in maintaining direct contacts on the issues and questions contained in the Report. Such contacts and their results shall be dealt with by the Secretary-General as appropriate." The existing paragraph (d) would then be renumbered (e). In conclusion, he reiterated that priority should be given to the consideration of E/CN.4/1989/L.90.

3. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished priority to be given to draft decision E/CN.4/1989/L.90.

4. It was so decided.

5. The CHAIRMAN noted that the Commission had before it two versions of a new paragraph (d) which had been proposed by the representatives of the United Kingdom and Panama.

6. Mr. ROA KUORI (Cuba) said that in the view of his delegation there was only one amendment, that submitted by the representative of the United Kingdom; the representative of Panama, as a sponsor of the draft decision could revise the text, but not amend it.

7. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland) said that he was happy to accept the interpretation which the representative of Cuba had placed on the statement by the representative of Panama. He therefore proposed that, in accordance with rule 64 of the rules of procedure a vote should be taken on the amendment that he had moved.

8. Mr. ROA KUORI (Cuba), speaking in explanation of vote before the vote, said that his Government had extended a sincere invitation to the Commission on Human Rights and had initiated new forms of co-operation in that field by inviting the Mission to Cuba, although it was under no obligation to do so. The campaign against Cuba in the Commission had been initiated by the United States of America, which had never shown the slightest concern for defending human rights in Cuba and which had instigated aggression against Cuba for over 30 years. The Government and people of Cuba had been confident that no report on conditions in Cuba could serve to justify the string of lies and falsehoods woven in respect of the revolution, or the need to condemn or to continue to monitor the human rights situation in Cuba. The Government of Cuba had been aware of the pressures that would be exerted on members of the Mission and noted that when the Mission had failed to find any evidence against Cuba, the main concern of one of its members had been to ensure that the report did not humiliate the United States.

9. The report was made up of two parts, the observations of the Mission and the representations made to it by an insignificant number of individuals, on the basis of which the American delegation had attempted to compel Cuba to accept that the Mission should continue its work. Cuba had done everything possible to achieve a consensus compatible with its rights and dignity, while the United States had availed itself of all the means in its power to compel countries to vote in its favour or to abstain, contrary to all the rules of peaceful co-existence. Cuba could not accept to be treated in a discriminatory manner by a group of countries which were in no position to give it lessons on human rights, although it would willingly accept such broad scrutiny of its human rights situation if those members of the Commission were willing to accept the same scrutiny of their own human rights situation.

10. The Cuban Government and people categorically rejected any attempt to discriminate against and single out Cuba, which would continue to co-operate with the United Nations and other organizations in the field of human rights. The Cuban delegation would vote in favour of the draft decision E/CN.4/1989/L.90, submitted by the representative of Panama, and against the amendment presented by the representative of the United Kingdom, the language of which it considered to be incompatible with the draft decision as a whole.

11. Mr. BENHIMA (Morocco) said that his delegation wished to co-sponsor the amendment proposed by the representative of the United Kingdom.

12. Mr. MARTIUS (Germany, Federal Republic of) expressed support for the proposed amendment to the draft decision.

13. A vote was taken by roll-call on the amendment proposed by the United Kingdom of Great Britain and Northern Ireland to draft decision E/CN.4/1989/L.90.

14. Spain, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Belgium, Canada, France, Gambia, Germany, Federal Republic of, Italy, Japan, Morocco, Philippines, Portugal, Senegal, Somalia, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Botswana, Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining: Argentina, Brazil, Nigeria, Pakistan, Rwanda, Spain, Swaziland, Venezuela.

15. The amendment proposed by the United Kingdom of Great Britain and Northern Ireland to draft decision E/CN.4/1989/L.90 was rejected by 17 votes to 17, with 8 abstentions.

16. A vote was taken by roll-call on draft decision E/CN.4/1989/L.90, as revised by its sponsors.

17. Mexico, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Botswana, Bulgaria, Canada, China, Colombia, Cuba, Cyprus, Ethiopia, France, Gambia, German Democratic Republic, Germany, Federal Republic of, India, Iraq, Italy, Japan, Mexico, Nigeria, Panama, Peru, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against: Morocco.

Abstaining: Argentina, Belgium, Brazil, Pakistan, Portugal, Rwanda, Spain, Swaziland, Togo, Venezuela.

18. Draft decision E/CN.4/1989/L.90, as revised by its sponsors, was adopted by 32 votes to 1, with 10 abstentions.

19. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland), speaking in explanation of vote, said that there was nothing in the draft decision that his delegation found difficult to accept. His delegation's problem was that the draft decision did not go far enough.

20. Mr. HYNES (Canada), associated his delegation with what had been said by the United Kingdom representative. His delegation remained concerned about the human rights situation in Cuba and hoped that the decision would help the Commission to continue to address the concerns that many delegations had about that situation. It expected that, in his contacts with the Government of Cuba, the Secretary-General would receive information from the Government and people of Cuba concerning the issues referred to in the report, that he would communicate to the Government of Cuba any additional information or requests that he might receive from all appropriate sources and that he would report to the Commission on those contacts. Finally, it hoped that the Government of Cuba would look into the specific concerns of the Government of Canada regarding family reunification.

21. Mr. LEPRETTE (France), said that his delegation, while regretting that a consensus had not been reached, had voted in favour of the draft decision so that the Commission would have a guideline for the future.

22. Mrs. RICO (Spain) said that her delegation had abstained in both votes as it considered that a process which had begun by consensus and continued by consensus should conclude by consensus. Unfortunately, it had not been possible to achieve a consensus, and Spain had therefore abstained in the vote.

23. Mr. TANIGUCHI (Japan) said that he regretted that minor differences in wording had ultimately stood in the way of a consensus and that so much time had been spent on voting. Greater efforts would be needed to achieve a consensus next year.

24. Mr. CASTRIOTO DE AZAMBUJA (Brazil) said that his delegation firmly believed that questions relating to the protection and promotion of human rights should be dealt with by the Commission in the light of objective, ethical and humanitarian, rather than political and ideological motives. His delegation had therefore abstained because those conditions had not been fulfilled in most of the Commission's deliberations on the case in question.

25. Mr. SENE (Senegal) said that his delegation was firmly in favour of consensus and regretted that such consensus had not been reached. He welcomed the spirit of co-operation which the Government of Cuba had shown towards the Mission that he had led. He was confident that the contacts that would be maintained by the Secretary-General would meet with similar co-operation on the part of the Government of Cuba.

26. Mr. RASHID (Bangladesh) said that his delegation was disappointed that a consensus had not been achieved, in spite of the endeavours that many representatives had made to that end in a spirit of goodwill and co-operation. He hoped that a consensus would be achieved in the future.

27. Mr. DESPOUY (Argentina) said that his delegation shared the sentiments expressed by the delegations of Spain and Japan and had abstained because the process which had begun the previous year with a consensus could, in its view, only culminate in a consensus, which he hoped it would be possible to achieve at the next session of the Commission.

28. Mr. BENHIMA (Morocco) said that his delegation had taken part in the efforts made by the other sponsors of the draft decision of the draft resolution contained in E/CN.4/1989/L.89/Add.1 to achieve a consensus. The amendment proposed by the representative of the United Kingdom had, in its view, met the concerns of all parties. Since, however, the Commission had rejected that amendment, and since his delegation could not support the revision proposed by the representative of Panama, his delegation had felt obliged to vote against the draft decision as a whole.

Draft resolution E/CN.4/1989/L.89/Rev.1

29. Mr. STEEL (United Kingdom), introducing the draft resolution, said that the main reason for the failure to reach a consensus on draft decision E/CN.4/1989/L.90 had been the Cuban delegation's difficulty in accepting the proposal that the Secretary-General should have direct contacts with the people of Cuba as well as the ability to communicate to the Government of Cuba additional information and inquiries which he might receive from all appropriate sources. His delegation believed that this matter was inevitably connected with the allegations of reprisals against those members of the Cuban population who had given information to the group. Those were the difficulties on which the consensus had foundered. The Cuban delegation's objection to the reference to the Secretary-General reporting to the Commission had not posed a problem, since the sponsors of the amendment had been willing to change that reference to the Secretary-General placing the results of his contacts at the disposal of the competent bodies of the United Nations. Against that background, his delegation commended draft resolution E/CN.4/1989/L.89/Rev.1 for adoption.

30. Mr. ROA KUORI (Cuba) said that the text of draft decision E/CN.4/1989/L.90 represented a major effort to achieve a consensus, which had not been possible on account of the insistence of some delegations on maintaining a discriminatory procedure. After the adoption of that draft decision, it seemed irrational to vote on the text of draft resolution E/CN.4/1989/L.89/Rev.1. Consequently, in the interests of co-operation, he urged the representative of the United Kingdom to withdraw the draft resolution.

31. Mr. CEVILLE (Panama) supported the request made by the delegation of Cuba for the withdrawal of draft resolution E/CN.4/1989/L.89/Rev.1. He said that there was no point in voting on that draft resolution as it was totally divergent from the decision which had just been adopted.

32. Mr. ALFONSO MARTINEZ (Cuba) reiterated his delegation's conviction that it was unnecessary to vote on draft resolution E.CN.4/1989/L.89/Rev.1 and requested that the Commission should take a decision to that effect in accordance with rule 65, paragraph 1, of the rules of procedure.

33. Mr. STEEL (United Kingdom of Great Britain and Northern Ireland) said that his delegation saw no reason to withdraw the draft resolution and was compelled to oppose the motion that no action should be taken on it.

34. A vote was taken by roll-call on the motion not to vote on E/CN.4/1989/L.89/Rev.1.

35. Peru, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, China, Colombia, Cuba, Cyprus, Ethiopia, German Democratic Republic, India, Iraq, Mexico, Panama, Peru, Sri Lanka, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Bangladesh, Canada, Gambia, Germany, Federal Republic of, Morocco, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Belgium, Botswana, Brazil, France, Italy, Japan, Nigeria, Pakistan, Philippines, Portugal, Rwanda, Senegal, Somalia, Spain, Swaziland, Sweden, Togo, Venezuela.

36. The motion not to vote on draft resolution E/CN.4/1989/L.89/Rev.1 was adopted by 16 votes to 7, with 19 abstentions.

37. The CHAIRMAN said that the Commission had thus concluded its consideration of agenda item 11 bis.

The meeting rose at 11.05 p.m.