

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1985/SR.2
7 February 1985
Original: ENGLISH



COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 February 1985, at 10 a.m.

Chairman:

Mr. CHOWDHURY

(Bangladesh)

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The meeting was called to order at 10.20 a.m.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1985/1 and Add.1 and 2)

1. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the provisional agenda as contained in documents E/CN.4/1985/1 and Add.1 and 2).
2. The agenda was adopted.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3)

3. Mr. SYTENKO (Union of Soviet Socialist Republics) observed that General Assembly resolution 39/114, which had been adopted by consensus on 14 December 1984, called for commemorative activities on the occasion of the fortieth anniversary of the conclusion of the Second World War. Paragraphs 11 and 13 of the resolution requested the Commission to consider the subject and submit the results of its discussion to the Economic and Social Council. Since an organizational session of the Council was due to commence that day in New York, it was a matter of priority for the Commission to discuss the question and request the Council, at its organizational session, to arrange commemorative meetings on 8 and 9 May 1985, during its first regular session in 1985. The Council should call upon all Member States, specialized agencies, governmental and non-governmental organizations to observe the occasion in accordance with General Assembly resolution 39/114.
4. Mr. WILLIAMS (United Kingdom) said that his country had been a close ally of the USSR in the Second World War and was anxious to participate in the fortieth anniversary celebrations. However, the proposal made by the representative of the USSR was not available in writing, and it was not clear what exactly had been proposed. The Commission had noted the fortieth anniversary of the conclusion of the Second World War in resolution 1984/42, paragraph 8. In paragraph 14, the Commission had recommended to the Council that it should request the General Assembly to hold a special commemorative meeting, during its fortieth session in 1985, to celebrate that anniversary and founding of the United Nations. Moreover, it was hardly the Commission's role to act as a vehicle for the General Assembly by conveying communications between the Assembly and the Council.
5. The Commission had already taken the action which lay within its competence. More discussions would merely waste valuable time, without contributing to the anniversary celebrations. The Commission should attempt to reach a consensus on the issue. The Group of Western European and other States had heard the proposal for the first time that morning and would appreciate more time to discuss it fully.
6. Mr. DAOUDY (Syrian Arab Republic) said that he had hoped for unanimous approval of the USSR proposal, which concerned the historic moment when the armies of the East and West had advanced together to defeat nazism and fascism. The argument that appropriate action had already been taken did not hold water, since the resolutions and decisions of the Commission were transmitted to the Council and thence to the Assembly, where they formed the basis for the corresponding

Assembly decisions and resolutions. The USSR proposal was a reasonable one and should be accepted. The Group of Western European and other States should join in the celebration of that historic occasion in the same spirit as had prevailed at the time of the conclusion of the Second World War.

7. Mr. ENGO (Cameroon) suggested that further discussion on the proposal should be postponed until the next meeting, in order to allow member States to consider it fully.

8. Mr. DICHEV (Bulgaria) said that the founding of the United Nations had only been possible because of the victory against nazism and fascism; the one could not be celebrated without the other. He supported the USSR proposal. The fortieth anniversary of the conclusion of the Second World War would be widely celebrated in his country.

9. Mr. FRAMBACH (German Democratic Republic), pointing out that his country had been a sponsor of General Assembly resolution 39/114, said the USSR proposal was fully consistent with the spirit of the resolution. The proposed commemorative meetings would serve as a tribute to the millions of victims of nazism and fascism and should help States in their efforts to prevent a revival of such barbarity.

10. Mr. HEINEMANN (Netherlands) said that his country, too, had suffered greatly in the Second World War and was usually involved in the drafting of resolutions concerning it. However, since he had heard the USSR proposal for the first time that morning and it was not available in writing, he requested that discussion of the question should be postponed.

11. The CHAIRMAN suggested that discussion of the USSR proposal should be resumed at the next meeting, in the hope of reaching a consensus.

12. It was so decided.

13. The CHAIRMAN drew the attention of members to the provisional time-table for the consideration of agenda items, which was recommended by the Bureau and was to be found on the back of the order of the day for 5 February (E/CN.4/1985/OD/2). As in previous years, the time-table should be considered as a flexible guideline designed, in particular, to enable delegations to prepare for their participation in the discussions. If necessary, the time-table would be revised to take account of any pertinent observations. The time-table adhered, in essence, to the order followed in previous sessions.

14. It was again recommended that agenda items 13 and 20 should be referred to informal working groups open to all participants. The working group established pursuant to Commission decision 1984/116 would meet later in the current session, once the Bureau had held further consultations on the time-table. Further consultations were also required regarding item 11 before the Bureau could recommend whether the question reflected in paragraph 4 of document E/CN.4/1985/1 should be referred to an open-ended working group.

15. The Bureau had agreed to recommend that the Commission should invite the following persons to be present at the consideration of certain items: in connection with item 5, Mr. Volio Jiménez, Special Rapporteur on the situation of human rights in Chile; in connection with item 6, Mr. Cato, Chairman-Rapporteur of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa;

in connection with item 10 (b), Mr. Toševski, Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; in connection with item 12, Mr. Pastor Ridruejo, Special Representative on the situation of human rights in El Salvador, Mr. Wako, Special Rapporteur on summary or arbitrary executions, Mr. Aguilar, Special Representative on the situation of human rights in the Islamic Republic of Iran, Lord Colville of Culross, Special Rapporteur on the situation of human rights in Guatemala, and Mr. Ermacora, Special Rapporteur on the situation of human rights in Afghanistan; in connection with item 12 (b), representatives of States in respect of which particular situations were being considered and any person nominated by the Commission in connection with the item, as well as Mr. Sofinsky, Chairman of the Sub-Commission's Working Group on Communications; and in connection with item 19, in conformity with Commission decision 1984/115, Mr. Toševski, Chairman of the Sub-Commission at its thirty-seventh session.

16. The Bureau had also considered a number of Sub-Commission decisions concerning presentation of reports prepared by Sub-Commission members. In accordance with previous practice the Bureau agreed, with regard to Sub-Commission resolution 1984/28 entitled "Slavery and slavery-like practices: Mission to Mauritania" and Sub-Commission resolution 1984/35 entitled "Study of the problem of discrimination against indigenous populations", to request the Sub-Commission expert and special rapporteur respectively to present their studies in writing.

17. The Bureau had discussed the question of limiting the length of statements, as originally recommended in Commission resolution 1982/40 and in the light of the generally satisfactory experience of the previous session; the resultant guidelines could be found in the annotations to the agenda (E/CN.4/1985/1/Add.1) under item 3. The Bureau therefore urged Commission members to continue to exercise the admirable self-restraint they had shown at the previous session, in limiting themselves to two statements lasting no more than 15 minutes each. States Members of the Organization which were not members of the Commission could combine their two statements into one. Lastly, with regard to the right of reply, the first reply should be no longer than 10 minutes and the second no longer than 5.

18. Mr. DAUDY (Syrian Arab Republic) said that items 4 and 9, because of their continuing importance and urgency, warranted separate consideration. His delegation had no objection to consideration of both items on the same days, provided that sufficient time was allotted. Since he understood from the Chairman's remarks that the recommended time-table was tentative, he therefore proposed that items 4 and 9 should be considered on 8 February in addition to consideration before that date. His delegation hoped that no attempt would be made to restrict the length of time allowed for statements, including the exercise of rights of reply, on the various agenda items.

19. The CHAIRMAN said that he would rely on a continuance of the self-restraint so effectively exercised by delegations during previous sessions. The possibility of considering items 4 and 9 on 3 February in addition to the other days allotted would depend on the progress made and the number of speakers. The situation would be reviewed, bearing in mind members' wishes, once the consideration of those items had begun. It should be noted, in that connection, that time had been allotted for further consideration of item 9 alone during the second week of the session.

20. Mr. ENGO (Cameroon) stressed that, whatever might be arranged, nothing should be allowed to detract from the priority which items 6, 7, 16 and 17 warranted. To do so would belittle the entire concept of the United Nations, since the situations considered under those items reflected a continuing affront to the Organization's principles 40 years after its foundation.

21. The CHAIRMAN said that the proposal made by the representative of the Syrian Arab Republic would in no way prejudice the consideration of items 16 and 17. What was happening in South Africa was an insult to humanity. Human rights were not merely being violated; they were simply non-existent.

22. Mr. DAOUDY (Syrian Arab Republic) said that his proposal had been aimed not at reducing the time devoted to items 16 and 17, but at broadening the framework for the discussion of items 4 and 9. No region was so deprived of basic human rights as Africa, and he did not wish to expand the discussion of Palestinian matters at the expense of African matters.

23. Mr. EL FERJANI (Libyan Arab Jamahiriya) said it was generally agreed that items 4 and 9, on the one hand, and 16 and 17, on the other, were equally important and embodied equal dangers. He supported the Syrian proposal to devote an additional day to items 4 and 9 and suggested that another day should be allocated to the discussion of items 6, 7, 16 and 17.

24. The CHAIRMAN assured members of the Commission that if they adopted the recommendations of the Bureau as they stood, it would exercise the utmost flexibility in following the time-table and would allocate additional meetings for the discussion of particular items, if necessary. If there was no objection, he would take it that the Commission wished to adopt the Bureau's recommendations.

25. It was so decided.

26. Mr. GAGLIARDI (Brazil) said that a number of delegations, including his own, attached great importance to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He had not opposed the adoption of the time-table, but hoped that the Bureau would consider allotting one more meeting to discussion of item 19.

27. Mr. DOWEK (Observer for Israel) said that his delegation fully agreed with the Syrian delegation that items 4 and 9 were incompatible and that human rights were being subjected to serious violations in the Middle East. Where those violations were being committed was something on which the two delegations did not concur, however.

28. The Commission had set itself the same course as in previous years, and it was obvious that the stances and resolutions it adopted at the forty-first session would merely reiterate those of past sessions. That conformed to the general pattern of conduct in the United Nations system, but the Secretary-General, in his report on the work of the Organization (A/39/1), had said that the almost automatic repetition of some agenda items and debates was expensive and time-consuming. In 1985, which had begun under the shadow of famine in Africa, would the Commission ignore the tragedy now unfolding and pursue its hackneyed debates on time-worn items? The right to life was fundamental: all other rights, which the Commission would discuss for the entire session, were derived from it and were completely meaningless without it. Reporting on what he had seen in northern Ethiopia, the President of the Staff Co-ordinating Council of the United Nations Office at Geneva had described thousands of human beings who had become mere skeletons.

29. Mr. DAUDY (Syrian Arab Republic), speaking on a point of order, said that the famine in Ethiopia was not on the Commission's agenda.
30. Mr. DOWEK (Observer for Israel) said that under rule 8 of the rules of procedure, the Commission could add important and urgent items to its agenda during the session. His delegation was proposing that it should do just that.
31. Mr. BARAKAT (Jordan), speaking on a point of order, said that the Commission had already adopted its agenda and its organization of work. He wondered what item the observer for Israel was addressing.
32. Mr. DOWEK (Observer for Israel) said that although he had asked for the floor under items 2 and 3, he had not been recognized. Nevertheless, his delegation had the right to express its opinion concerning the agenda and the time-table.
33. Mr. DAUDY (Syrian Arab Republic) requested clarification whether observer delegations had the same rights as members of the Commission to discuss the organization of work and the agenda.
34. The CHAIRMAN said that the organization of work was the exclusive province of members of the Commission and observers did not have the right to participate in debates on it. That was why the observer for Israel had not been recognized during the discussion of items 2 and 3.
35. Mr. DOWEK (Observer for Israel) said that under rule 69, paragraph 3, observer delegations were entitled to submit proposals. That was what his delegation was now trying to do: to propose the addition of two items to the agenda. If it did not like the proposal, the Commission could reject it; nevertheless, his delegation had the right to submit it.
36. The CHAIRMAN said that under rule 8, the agenda could be revised at any time during the session, but to do so immediately after its adoption was somewhat irregular.
37. Mr. SCHIFTER (United States of America) said that earlier in the meeting there had been some doubt as to the relevance of a suggestion made by the representative of the Soviet Union, and the representatives of the Syrian Arab Republic, Bulgaria and the German Democratic Republic had likewise spoken about matters which were not entirely germane to the Commission's discussion. Since the Commission had been courteous and lenient in those cases, he urged that it act in the same way in the present instance.
38. Mr. PACE (Secretary of the Commission), replying to a question raised by the representative of Jordan, said that document E/CN.4/1985/43, which had not yet been issued, contained a letter addressed to the Assistant Secretary-General for Human Rights by the representative of Israel transmitting a proposal to revise the agenda by adding two items described as important and urgent. The document would probably be available for the Commission's 3rd meeting.
39. The CHAIRMAN said that, since the document could not be considered at the present meeting, the Commission would take it up at its 3rd meeting.

The meeting rose at 12.15 p.m.