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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 14 March 1984, at 3 p.m.

Chairman:

Mr. KOIJMANS

(Netherlands)

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The meeting was called to order at 3.20 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.4/1984/L.44/Corr.1, L.66/Rev.1, L.74, L.77, L.78/Rev.1, L.82, L.83/Rev.1, L.84-L.88/Rev.1, L.96-L.100, L.103; E/CN.4/1984/3, chap. I.A, draft resolutions XII and XVIII), INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

Question of human rights in Cyprus

1. The CHAIRMAN, referring to agenda item 12 (a), suggested that the debate should be postponed until the forty-first session of the Commission and that the topic should be given due priority at that time, it being understood that the action required by the previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to report to the Commission on their implementation. If there was no objection, he would take it that the Commission wished to adopt his suggestion without a vote.
2. It was so decided.
3. The CHAIRMAN said that the observer for Turkey had requested that his reservations with regard to the Commission's previous resolutions on the question should be placed on record.

Situation of human rights in Poland (E/CN.4/1984/L.66/Rev.1)

4. Mr. MACCOTTA (Italy), introducing draft resolution E/CN.4/1984/L.66/Rev.1 on behalf of the sponsors, said that it followed the resolutions on the same subject adopted at the thirty-eighth and thirty-ninth sessions. As was clear from the report of the Secretary-General (E/CN.4/1984/26), the improvement in the situation in Poland was not such as to dispel concern about respect for human rights in that country.
5. While welcoming the Amnesty Law of July 1983 and the lifting of martial law, the draft regretted the continuing detention of a number of persons and the fact that new legislation made it possible to continue to curtail human rights and fundamental freedoms and to suppress a democratically based trade union movement.
6. While regretting the decision of the Polish authorities not to co-operate with the Commission over the implementation of its resolutions of 1982 and 1983, the draft reaffirmed the right of the Polish people to pursue its political, social and cultural development free from outside interference and called upon the Polish authorities to take appropriate measures in that regard.
7. After referring to operative paragraphs 4 and 5 of the draft, he recalled the two statements made by the observer for Poland and stressed that, in the opinion of the sponsors, the draft resolution did not constitute political pressure or interference in the internal affairs of that country. Nor was it a violation of the principles of non-intervention and sovereignty. Essentially, it constituted an appeal and a request for co-operation addressed to the Polish authorities on the basis of the Charter of the United Nations, the International Covenants on Human Rights, and international

practice. The sponsors hoped that the appeal would be heard during 1984 and that the request for co-operation with the Commission would be met by the authorities of a country whose geopolitical situation was well-known and whose noble and generous people deserved the admiration and esteem of all.

8. Mr. SOKALSKI (Observer for Poland) said that a year previously, on a similar occasion, his delegation had said that some NATO members, particularly the United States, displayed unusual nervousness over every positive development in Poland. The current session of the Commission had confirmed their insidious approach. However, owing to new strides towards normalization in his country and visible progress in most areas of its life, which had not escaped notice in the report before the Commission (E/CN.4/1984/26), they had had to resort to more cunning devices than the previous year. In the United States, for example, the Government had announced that local fishing boards would be entitled to negotiate fishing quotas with Polish companies in the light of human rights progress in Poland. Consequently, the international community now had a new human rights organ - the local fishing boards along the United States coast. A similarly grotesque device was the draft resolution before the Commission. Whatever the anti-Polish actions devised as time passed, they would be at least as much detached from reality as the present ones.

9. The statement made by the representative of Italy in introducing the draft resolution as well as the statements made by representatives of NATO countries concerning Poland were hardly convincing. Their case had not been strengthened by the revised draft under consideration, which was as hostile to Poland and as unfounded as the original text. The only change had been the withdrawal by the sponsors of their thanks to the Secretary-General for the report by Under-Secretary-General Ruedas. Apparently, the Secretary-General and the Under-Secretary-General, who had a better knowledge of the true situation in Poland, did not deserve the Commission's confidence.

10. Noting that France was a sponsor of the anti-Polish draft, he recalled that when Greece had been ruled by a repressive military regime, France had been one of the staunchest defenders of the case that the international community should not intervene in the affairs of that regime. Admittedly France had had a different Government at the time and the two situations in which it had taken a position were not comparable, but the same hypocrisy and double standard were evident.

11. It was interesting to note that the French Government was particularly vulnerable in the human rights field. In that connection, he recalled that at least 20 Frenchmen died every year as a result of police reaction to demonstrations, that in 1983 alone more than 20 immigrants had been killed or wounded on racial grounds, and that 4.5 million migrant workers had been subjected to manifestations of racism. He would like to know whether the French Government had done anything to stop people from being dismissed from their jobs for political beliefs, as in the case of Patrick Duval.

12. The political morality behind the draft resolution was the same as that which had brought about the wanton aggression against Grenada, had sent warships to shell Lebanon and had dispatched French troops to Chad to introduce neo-colonial "law and order". Were it not for the strength of the Warsaw Treaty countries, Grenada might even have been the object of one more "rescue mission", designed "to help in the restoration of democratic institutions".

13. The Commission's two previous resolutions on Poland constituted brutal interference in Poland's internal affairs and a violation of the Charter. The same remarks applied to the draft resolution under consideration. While the Secretary-General of the United Nations noted visible progress towards a reconciliation between all sectors of Polish society and the Under-Secretary-General called for prudence and saw hope in developments in Poland, the draft was totally hostile to and detached from Polish realities.
14. He appealed to the representatives of developing and medium-sized countries like his own who had been forced the previous year not to oppose the anti-Polish resolution and might be contemplating similar action at the current session not to confuse matters of politics based on blatantly falsified evidence with those of legitimacy, for in the particular case under consideration, there was no legitimacy whatever.
15. If a powerful and ruthless aggressor, which refused to be party to any United Nations human rights instrument, could be the subject of a mild Commission resolution such as the one on Grenada, if one of the most repressive governments was merely invited to consider ending a state of siege which had lasted for some 20 years, and if a country like Poland was to be penalized for its genuine desire, both in word and deed, to strengthen its own democratic principles and serve the well-being of its own people, something was wrong in the Commission.
16. Poland would never let itself be a battle-ground for political precedents, only for precedents' sake. For Poland, unlike the sponsors of the draft resolution, that continued to be a matter of fundamental principle and of political and moral decency.
17. Mr. ZORIN (Union of Soviet Socialist Republics) said that there was no justification whatever, whether political or moral, for the submission of draft resolution E/CN.4/1984/L.66/Rev.1. The Polish delegation had fully refuted the provisions of the draft and it was clear that the sponsors took no account of the undisputed reality of the situation in Poland.
18. Referring to the report of the situation in Poland by Under-Secretary-General Ruedas (E/CN.4/1984/26), he drew attention to paragraph 39, from which it could be seen that encouraging developments had taken place in that country. Note should also be taken of the statement by the Secretary-General in paragraph 40 of the report that what he had heard in Poland was very encouraging on all fronts.
19. The sponsors of the draft resolution took no account of the statements in the report, prepared in accordance with the resolution adopted the previous year. The draft resolution represented another attempt, which was being made for political purposes on instructions from Washington, D.C., to denigrate what had been achieved by socialism and to deceive international public opinion. In that connection, he referred to the seventh preambular paragraph of the draft and said that if the Commission adopted such an approach and began to pass judgement on the legislation of a country, it would lose its credibility. There was nothing in the various international instruments to prohibit a country from placing certain restrictions on human rights. The legislation of many countries provided for restrictions on the exercise of the rights listed in article 25 of the International Covenant on Civil and Political Rights. In that regard, he said that in Italy under Mussolini restrictive legislation had been adopted, and that examples of such legislation could be found in countries such as the Federal Republic of Germany, the Netherlands and France.

20. The statement in operative paragraph 1 of the draft resolution was in direct conflict with the contents of paragraph 41 of the report. Furthermore, Under-Secretary-General Ruedas had expressed his gratitude to the Polish authorities for their co-operation and had said that in view of the complex nature of the situation in Poland, care should be taken not to make hasty judgements. The sober nature of the statement in paragraph 42 of the report was completely ignored by the sponsors of the draft resolution.

21. His delegation categorically rejected the draft resolution, whose very submission discredited the Commission. It represented another attempt to promote anti-socialist actions and was directed against the Polish Government and people. The latter were successfully overcoming their difficulties and had already made great progress in that regard. The draft resolution was totally illegitimate and presented a distorted picture of the human rights situation in Poland. It was nothing more than an unfriendly act against a sovereign State. His delegation would vote against the draft resolution and called on other delegations to do likewise.

22. Mr. KHMEI (Ukrainian Soviet Socialist Republic) said that draft resolution E/CN.4/1984/L.66/Rev.1 did not have a solid legal foundation. The first preambular paragraph referred to the principles enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights. It should be pointed out that the Universal Declaration, which defined human rights and freedoms, was in no way related to the principles relating to co-operation of States in the implementation of those rights and freedoms.

23. As to the Charter of the United Nations, he drew attention to the following principles set out in Article 2 in accordance with which the United Nations should act in pursuit of the purposes stated in Article 1: the sovereign equality of all its Members; fulfilment in good faith by all Members of the obligations assumed by them; settlement of international disputes by peaceful means; obligation to refrain in international relations from the threat or use of force, provision of assistance to the United Nations in any action taken in accordance with the Charter; and non-interference in matters essentially within the domestic jurisdiction of any State. Those were the principles enshrined in the Charter of the United Nations and if anyone was to be accused of violating them, it was not Poland but the sponsors of the draft resolution and those who stood behind them. It was clear that the regret expressed in the preamble with regard to the new legislation in Poland and its implementation was nothing more than a gross violation of the principles of the Charter.

24. With regard to the second preambular paragraph, he said that the Charter defined one of the purposes of the United Nations as the achievement of international co-operation in promoting and encouraging respect for human rights and fundamental freedoms. That definition constituted the leit motiv of all the basic human rights documents, beginning with the Universal Declaration. The sponsors of the draft resolution ignored the fact, however, that the United Nations should not take direct action in its efforts to ensure human rights but seek to achieve the co-operation of States in promoting and encouraging respect for human rights and fundamental freedoms. Instead, the sponsors were trying to present the Commission as some kind of watchdog called on to remain vigilant with regard to violations of human rights and to do so by circumventing States and their Governments. The sponsors of the draft resolution took it upon themselves to speak directly to the people of Poland, ignoring its Government and State, as could be seen in operative paragraph 3 of the text. In other parts of the draft, the sponsors, in order to avoid referring to the Polish State and its Government, made use of the term "Polish authorities".

25. As a whole, the draft was founded on shaky international legal references and was insulting in its language. No self-respecting State could agree to be treated in such a manner and his delegation totally supported the position expressed by the Polish delegation with regard to the text.

26. The sponsors of the draft resolution knew that raising the so-called question of human rights in Poland for consideration in United Nations bodies was a violation of international law. They also knew that the Polish People's Republic, as a sovereign State, would not co-operate with anyone on that basis. All the sponsors were well aware that they were cynics. They were not ashamed to protect, for example, Paraguay, a country in which a state of siege had existed for more than a decade and which had become the model for a repressive fascist regime. The sponsors shamelessly tried to criticize the situation in Poland. The explanation for that double standard was simple. In protecting Paraguay and similar regimes, they were protecting their own imperialist interests. In resorting to insinuations against Poland, they were trying to settle their accounts with socialism and to discredit it as a social system. That was in no way related to human rights and was one of the most blatant forms of imperialism.

27. His delegation therefore categorically rejected draft resolution E/CN.4/1984/L.66/Rev.1.

28. Mr. GOLEMANOV (Bulgaria) reiterated his delegation's opposition to any action which would infringe the Commission's mandate and constitute interference in the internal affairs of the Polish Government and people. Draft resolution E/CN.4/1984/L.66, even in its revised form, reflected an attempt by certain delegations to give a cloak of bogus legality to a blatant attempt at interference. It was clear, from the report in document E/CN.4/1984/26, that the text of the draft resolution was utterly unfounded. The report had noted encouraging progress made by the Polish Government and people during the past 12 months, in respect of a complex situation which did not lend itself to sweeping judgements. Yet those delegations which, at the previous session, had been loud in their demands for a report had not even had the grace to express thanks for its preparation, making only a perfunctory reference to it in the draft resolution's fifth preambular paragraph. The persistence of the sponsors, and those behind them, in their attempted interference in Poland's internal affairs, ignoring the Polish Government's co-operation with the Secretary-General, was an infringement of the Commission's mandate, not to mention a breach of good manners. The Bulgarian delegation could not associate itself with such an attitude on the part of those who sought not genuine progress but only confrontation.

29. Mr. RICHTER (German Democratic Republic) said that the report in document E/CN.4/1984/26, although undertaken pursuant to a Commission decision irreconcilable with international law and against the Polish Government's will, nevertheless largely confirmed what most member States had already concluded.

30. Firstly, there was no pattern of human rights violations in Poland. On the contrary, the Government's policy was having growing success in leading the country out of a crisis aggravated by counter-revolutionary forces and backed by a massive imperialist slander campaign accompanied by economic extortion. The Secretary-General, speaking about his recent visit to Poland, had said that what he had heard was very encouraging on all fronts. In the circumstances, a resolution on alleged violations of human rights in Poland seemed to have no purpose except to exacerbate matters.

31. Secondly, the Polish People's Republic was succeeding in overcoming economic and social difficulties through open dialogue and measures aimed at national conciliation. The Under-Secretary-General had noted, in the report, that the country was in the process of change. Therefore, a decision to continue consideration of the situation in Poland, as exemplified by operative paragraph 5 of draft resolution E/CN.4/1984/L.66/Rev.1, was blatant interference in the affairs of a fovereign State.
32. Thirdly, the Polish Council of State had lifted martial law entirely with effect from 22 July 1983 and the Sejm had approved a law on 21 July 1983 granting amnesty in respect of certain offences. Those and other measures had been deemed, in the Secretary-General's report, the most important legal development relevant to the situation of human rights in Poland. However, the seventh preambular paragraph of the draft resolution attempted to belittle their significance.
33. Fourthly, the growing confidence in the Polish Government's policies was reflected also in the continuous development of the independent trade-union movement, which currently represented almost 40 per cent of Poland's workforce.
34. Fifthly, the Polish leadership was showing great flexibility in seeking the support of citizens of differing beliefs, including the large Catholic population. A recent example had been the meeting between the First Secretary of the Central Committee of the Polish United Workers' Party and Chairman of the Council of Ministers of the Polish People's Republic with the Primate of the Polish Catholic Church on 5 January 1984.
35. The sponsors of draft resolution E/CN.4/1984/L.66/Rev.1, and certain other delegations, had sought to give the impression that Poland was trying to evade its international obligations when in fact, as was well known, Poland had done highly appreciated work in many United Nations forums; one example was the commendable role of the Chairman/Rapporteur of the Working Group on the Rights of the Child. That country, however, had rightly opposed attempts to misuse the Commission in order to interfere in its internal affairs. Many examples could be given of the encouraging developments in Poland, a socialist neighbour to which the German Democratic Republic was linked by firm bonds of friendship. It was clear, however, that some members of the Commission were trying again to invoke the question of Poland for purely political motives, and would do anything to impede progress in that country. Typical of their attitude was the use in the draft resolution of the term "Polish authorities" to mean the Government of the Polish People's Republic.
36. The impressive strides made by that country were irreversible - not least because of the fraternal support provided by other socialist countries, including the German Democratic Republic. The slanders levelled against Poland were made by those who were always involved whenever force and economic pressure were used to suppress a people's desire for freedom, whether in southern Africa, the Middle East, Grenada or elsewhere. Those engaged in collusion with militarist, fascist and racist regimes were the least qualified to pose as champions of human rights in trying to keep alive the contrived topic of the so-called Polish question. His delegation would vote against draft resolution E/CN.4/1984/L.66/Rev.1 and appealed to all delegations who believed in objectivity and fairness to do likewise.
37. Mr. TOSEVSKI (Yugoslavia) said that, in his delegation's view, the sponsors of draft resolution E/CN.4/1984/L.66/Rev.1 felt genuine concern about the situation in Poland and their approach was not politically motivated. However, the text failed to reflect the extent to which the situation had improved since

the Commission's previous session. In view of the progress noted in the Secretary-General's report (E/CN.4/1984/26), it seemed inappropriate for the Commission to seek to maintain pressure on the Polish Government. The report did not suggest that normal conditions had been fully restored; nevertheless, considerable progress had been made, thanks to the Polish Government's positive attitude in every walk of life. Polish society had suffered a considerable upheaval during the previous two years, and some human rights violations had been inevitable - although violations in other countries which had undergone similar unrest had been very much worse. The report had noted that measures such as the lifting of martial law had removed many sources of such violations. The Commission should welcome such measures and encourage similar ones; to that end, it should perhaps postpone action until normal conditions had been fully restored, in order that the Commission could take positive action on the situation in Poland. A text drafted on that basis would be fairer and more constructive.

38. Mr. COLLIARD (France) said that it could not reasonably be believed that the recommendations contained in draft resolution E/CN.4/1984/L.66/Rev.1 were polemical. There was nothing unusual in requesting the Secretary-General to continue to undertake contacts with the Government of Poland and to report back to the Commission at its forty-first session. The report prepared by the Under-Secretary-General for Administration and Management was too congratulatory towards the Polish Government, and his delegation could not endorse it.

39. Mr. BENDANA RODRIGUEZ (Nicaragua) said that the report in document E/CN.4/1984/26 was objective and showed that Poland's internal situation had not deteriorated during the past year. As the representative of Yugoslavia had said, the efforts to restore conditions to normal after a considerable upheaval were encouraging and compared most favourably with events in certain other countries which had undergone a similar experience. The Under-Secretary-General had noted, in paragraph 39 of the report, that there had certainly been encouraging developments, to be seen as such by any independent observer. He had also noted, in paragraph 41, that, in at least one very important aspect - the review of prison sentences - effect had clearly been given to the provisions of Commission resolution 1983/30 through enactment and implementation of the clemency measures and the amnesty law. It was significant that the report had concluded on a note of hope that the document could help towards the process of healing and reconciliation of Polish society. It was up to the Commission to adopt the same tone.

40. The non-aligned countries in particular should seek always to show a spirit of compromise and consensus. It was in that spirit that the Nicaraguan delegation had sponsored a draft resolution on the situation in Grenada, and had prepared a text which it had been possible to adopt by consensus. Draft resolution E/CN.4/1984/L.66/Rev.1, however, reflected no such spirit but rather one of tension between power blocs and an approach with which the non-aligned movement could not associate itself. Therefore, the Nicaraguan delegation would vote against draft resolution E/CN.4/1984/L.66/Rev.1.

41. Mr. HEREDIA PEREZ (Cuba) said that the situation which had prevailed in Poland some time previously - which had in any case been grossly exaggerated by a hostile press in the hands of transnational corporations - had increasingly been overcome by internal measures. Document E/CN.4/1984/26 testified to the success of the measures taken by the Polish Government and to the positive attitude shown by the latter. The Commission, therefore, should act objectively by encouraging the Polish Government and people and giving them time to complete the process of restoration.

42. For that purpose, he proposed, under rule 65, paragraph 2 of the rules of procedure, that no decision should be taken, at the current session, on the draft resolution E/CN.4/1984/L.66/Rev.1. He requested a vote by roll-call on his proposal.

43. Mr. DUBEY (India) said that his delegation would vote in favour of the Cuban delegation's proposal and that, if the latter was rejected, it would vote against draft resolution E/CN.4/1984/L.66/Rev.1. His delegation's position was based on two criteria.

44. Firstly, in situations such as the one under consideration the Commission should act always in a way which would encourage efforts to restore normal conditions, avoiding any action which might make matters worse. Secondly, the Commission should at all times apply uniform standards; it was wrong to remain silent about human rights violations in certain situations whilst failing to acknowledge the efforts made, in regard to other situations, to restore respect for such rights.

45. Moreover, it would be ill-advised to give the Secretary-General's report the short shrift reflected in draft resolution E/CN.4/1984/L.66/Rev.1. The latter's general tone implied that human rights violations were implicit in a particular ideology; the Indian delegation had no wish to be placed in the position of endorsing such a view.

46. Sir Anthony WILLIAMS (United Kingdom) said that his delegation's views on the situation in Poland had been expressed during the debate on the subject, which was well reflected in draft resolution E/CN.4/1984/L.66/Rev.1. His delegation would vote in favour of the latter; the Soviet delegation had indicated that it would vote against it. But both delegations had expected to be able to vote on the matter at the current session, since the Commission, in doing so, would be voting on the basis of a report before it - which would not be the case at a subsequent session. His delegation, therefore, could not support the Cuban representative's proposal.

47. Mr. ATANGANA (United Republic of Cameroon) said that his Government, which was engaged in constructing a new, more moral and more liberal society, fully supported the international community's efforts to ensure the full enjoyment of fundamental rights.

48. It was clear that human rights violations were taking place throughout the world, aggravated by the growth of armed conflicts and the increasing tendency of States to resort to armed force. The Commission should, as a matter of urgency, denounce the situation prevailing in southern Africa, since that was the sole instance in which a regime had institutionalized the denial of human rights. The conduct of a handful of States had been criticized in the Commission, although it did not follow that other States' conduct was any better. Some of the countries incriminated in the draft resolutions before the Commission merited particular solicitude, since they were the victims of interference by other Powers. Every effort should be made to establish a dialogue with those Governments to help them, through persuasion rather than condemnation, to restore human rights where they had been violated. His delegation thus supported those draft resolutions which sought to promote co-operation with the Commission, eschewing ideological confrontation.

49. Mrs. MACHAVELE (Mozambique) said that her delegation would support the Cuban representative's proposal. Mozambique believed in universal respect for human rights but also upheld the right of all nations to their own political and ideological systems and opposed action by the Commission which amounted to interference in a sovereign State's internal affairs - a position which her delegation had expressed at the previous session.

50. Mr. FERJANI (Libyan Arab Jamahiriya), speaking in explanation of vote, said that everyone was aware that if draft resolution E/CN.4/1984/L.66/Rev.1 had had no political features, it would not have taken up so much of the Commission's time. His delegation supported the Cuban motion that no decision should be taken on the draft resolution at the current session, since it considered that the Polish Government should be encouraged to strengthen the steps it had taken - notably in the suspension of martial law, the promulgation of the amnesty law and the amendments to the Constitution to allow Polish workers to participate with the State in solving economic problems - to improve the guarantees for respect for human rights. All those measures should encourage the Commission to agree to suspend its decision on the draft resolution, thus helping to create a more favourable climate in Poland.

51. Mr. JANI (Zimbabwe), speaking in explanation of vote, recalled that the Commission had decided to terminate its consideration of the situation in a number of countries because it was satisfied that improvements had taken place. The report of the Secretary-General on the situation of human rights in Poland (E/CN.4/1984/26) clearly showed that improvements had taken place in that country during the past year. The Commission should apply the two criteria advanced by the Assistant Secretary-General for Human Rights: firstly, prudence - since the situation in Poland was complicated and did not lend itself to sweeping judgements; and, secondly, hope - since developments over the past year had been encouraging. On that basis, the Commission must reflect very carefully before taking action, bearing in mind the need to apply the same standards to all the various situations before it.

52. As the neighbour of a country in which the most serious forms of violation of human rights were perpetrated, he was surprised at the zeal with which the sponsors had pressed the draft resolution on Poland. He could not recall that they had ever sponsored any resolution against apartheid. They had done so moreover, in the case of a Government that was doing everything possible to improve matters. It would be grossly unfair if the Commission took action that might make it difficult for the Polish Government to co-operate with it in the future. His delegation therefore supported the Cuban motion.

53. Mr. BEAULNE (Canada) said that the Cuban proposal was designed to prevent the Commission from taking a decision on draft resolution E/CN.4/1984/L.66/Rev.1; that would be grossly unfair. If a vote were taken, members would be free to express themselves either for or against the draft resolution. He would therefore vote against the Cuban proposal.

54. Mr. HAYES (Ireland), speaking in explanation of vote on the Cuban proposal, said that the Commission had had a long and wide-ranging debate on item 12, covering human rights situations in many parts of the world. The debate had inspired delegations to submit resolutions on some of the situations, including the one now before the Commission, on which many delegations had already commented and indicated the conclusions at which they had arrived following the discussion. They should not be prevented from reflecting their conclusions in a vote and the Commission should not be deprived of the opportunity of taking a decision on the draft resolution. His delegation would therefore vote against the Cuban proposal.

55. Mr. SEKULE (United Republic of Tanzania), speaking in explanation of vote, said that his delegation would be guided by considerations of impartiality, justice and a deep sense of the cause of human rights, and would be expressing itself against selectivity. It was important for the Commission to be consistent in serving the cause of human rights and human dignity and to consider the matters before it with all due objectivity. His delegation would bear those factors in mind when casting its vote on the Cuban proposal.

56. The CHAIRMAN invited the Commission to vote on the Cuban proposal.

57. The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bulgaria, China, Costa Rica, Cuba, German Democratic Republic, India, Jordan, Libyan Arab Jamahiriya, Mozambique, Nicaragua, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Argentina, Canada, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, Philippines, Spain, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Bangladesh, Brazil, Colombia, Cyprus, Finland, Gambia, Kenya, Mauritania, Mexico, Pakistan, Rwanda, Senegal.

58. The Cuban motion was adopted by 17 votes to 14, with 12 abstentions.

Situation in Sri Lanka (E/CN.4/1984/L.77)

59. Mr. MAVROMMATIS (Cyprus), introducing draft decision E/CN.4/1984/L.77, said that members of the Commission had listened carefully to the statements made on the situation in Sri Lanka and on the measures taken to promote and protect human rights and restore harmony among the Sri Lankan people. At the same time, intensive exchanges of views had taken place in order to produce a consensus decision. Those efforts had been successful and had resulted in the submission of draft decision E/CN.4/1984/L.77, which was self-explanatory and represented an extremely delicate balance. He appealed to the Commission not to disturb that balance. While believing that some editorial improvements might have been made, the sponsors were of the opinion that it would be inadvisable to make any alteration and he appealed to the Commission to adopt the draft decision as it stood, without a vote.

60. Mr. SENE (Senegal) said that the submission by Sri Lanka of the information in its note verbale (E/CN.4/1984/10) reflected the goodwill of the authorities of that country towards the Commission. It had provided information on the provisions of the Constitution, the situation of the Tamil population in matters of employment, education, social and religious freedoms and security of property, and anti-terrorist measures. The document also described the efforts to develop the northern and eastern regions of the country, and referred to certain violent events, including the presumed massacre of 53 persons following a mutiny. There were certainly a number of problems that gave rise to many questions, but his delegation wished to emphasize the constructive measures taken by the Government of Sri Lanka to promote the necessary reconstruction and reconciliation.

61. The fate of the Tamils and of the Sri Lankan people in general was of concern to his delegation for historical, cultural and humanitarian reasons. Afro-Asian solidarity was a fundamental instrument in the struggle for the liberation of the third world. In his statement on violations of human rights in southern Africa, he had emphasized the vital role played by Mahatma Gandhi in the early years of the century in combating injustice and racist oppression of the black population in South Africa. The call for freedom of the peoples of Asia and Africa had also been marked by the activities of other eminent figures, such as Sukarno, Nasser, Nehru and Tito. Those facts explained his country's dedication to the non-aligned movement, whose President, Mrs. Indira Gandhi, was one of the most outstanding women of the contemporary world.
62. Furthermore, his country shared the religious beliefs and the aspirations to progress, freedom and dignity of many Asian peoples. Those multiple ties explained the concern of Africans about events in the Middle East, Afghanistan, Kampuchea and other Asian countries. For the same reasons, Asians were alive to events in Africa, since both continents were aware that their solidarity was essential to world equilibrium. That could also apply to the continents of America and Europe.
63. Following its independence, Senegal had felt the need to strengthen the bonds of solidarity and co-operation between Asia and Africa. In that spirit, it had established relations of friendship and co-operation with the Republic of India, since the Indian subcontinent was a focus of irreplaceable cultural values in the common heritage of mankind.
64. The Senegalese people had sought the common cultural rights shared by Africans and Asians and based on the philosophy of Negritude, which represented the cultural values of the black world, and on the basis of which new links of mutual understanding and solidarity could be established.
65. India and Senegal had together sought common values for promoting friendship among their peoples. He had been responsible for several years for organizing co-operation between the two countries with the assistance of the Rector of the University of Madras and others. Co-operation had been established among research workers in studying the civilization of the Dravidians in south India, whose Negro origins had been established. The results of the research had shown surprising affinities between the Indian Tamils and the Senegalese Wolofs. Other research, including that of Indian research workers, had led to similar conclusions.
66. That explained his delegation's interest in the cultural identity of the Tamils. At the second World Festival of Negro Arts in Lagos, Tamil intellectuals had been included in the Senegalese delegation to a meeting in which blacks from all over the world had participated. The Lagos festival, which had been the largest gathering of its kind in recent history, had been designed to promote cultural understanding among all races.
67. All those facts showed the interest which the Senegalese people attached to co-existence among races and ethnic and religious groups with a view to ensuring the greatest possible respect for the human rights of all minorities in all countries and continents. That was a fundamental rule of law based on the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the conventions to which his Government had subscribed. It reflected an attitude based on humanism, whose principles should be followed in a determined and patient search for peace and concord.

68. Such was his country's fervent hope for itself and for Sri Lanka - a parliamentary democracy whose charm and human resources commanded immense sympathy, confidence and friendship throughout the world. All regions of the world, from the richest to the poorest, had uncertainties about the future. If the rule of law was not respected, rivalries and tensions would be accentuated and could lead to confrontation and an end to human enterprise.

69. The uncertainty in the minds of most people at the stormy twilight of the second millennium should, however, be a fruitful source of reflection and wisdom. Such uncertainty was new in the sense that it had become world-wide and everyone had become aware that he was not alone in facing the challenges confronting him. There was an expansion of the spirit among peoples and persons who placed human rights at the heart of their discussions, since it was through respect for human rights that real solutions could be found to contemporary difficulties.

70. To meet the specific aspirations of individual peoples presupposed the elimination from the human spirit of intolerance, ethnocentricity and racial prejudice, including the most subtle forms of cultural discrimination. His delegation was thus aware of the situation of peoples who had historically realized their national unity but had since become separated, and it sympathized with the unhappy lot of those peoples, who were seeking their reunification. The tragedy of Lebanon, which had been torn by war for nearly a decade, deserved the Commission's attention at a time when its leaders were meeting in an effort to regain their unity. A similar situation prevailed in Chad, whose territory was divided into two camps and which was a source of serious anxiety and concern. Such a fate should not be wished on any people, even on that represented by the delegation which had appeared to rejoice at the events in Sri Lanka because that country and two others, including Senegal, were members of a special United Nations committee on the occupied Arab territories.

71. His delegation wished the Government of Sri Lanka every success in its talks with the parties and minorities involved, with a view to finding a solution to the problems confronting them and bringing about reconciliation and harmony among all sectors of the population. The Government of Sri Lanka must be allowed to **assume** all its responsibilities without any kind of interference, but with the assistance of friendly countries, particularly India, with which it had historic ties, and whose representative had asserted its readiness to help. The Government of Sri Lanka, which had co-operated sincerely with the Commission, could be trusted to complete the task it had begun.

72. His delegation supported draft decision E/CN.4/1984/L.77 and hoped that the steps envisaged by the Government of Sri Lanka to ensure reconciliation and the maintenance and strengthening of a climate of peace and harmony among the Sri Lankan people would bring a lasting solution to the problem under consideration.

73. Mr. KARIM (Bangladesh), welcoming draft decision E/CN.4/1984/L.77, said that, in the course of its long history, Sri Lanka had embodied the highest values of human civilization, harmoniously combining the principles of four great faiths: Buddhism, Hinduism, Islam and Christianity. It was also one of the earliest examples of the functioning of parliamentary democracy and the rule of law in the developing countries. Its long history of harmonious development and peaceful communal relations would justify the world community in regarding the events of July 1983 as a momentary aberration aggravated by the harsh global economic situation.

It would be entirely out of keeping with the historical record to look upon the events in Sri Lanka as evidence of any pattern of gross violations of human rights. The Commission was aware that a structure of reconciliation had been carefully and painstakingly built up by the Government of Sri Lanka. The reconciliation process was well under way and every shade of opinion in the country was represented in the talks that were taking place.

74. His delegation commended the constructive and far-sighted contribution of the Government of India in launching the reconciliation process. The present was a time for healing, for cooling of passions and for re-establishing harmony. The Commission and other international forums should refrain from passing judgement that could jeopardize the efforts for national reconciliation.

75. Against that background, his delegation fully endorsed the spirit and substance of draft decision E/CN.4/1984/L.77 and commended it for adoption by consensus. In showing such self-restraint, the world community would reaffirm its faith in the moral and spiritual capacities of the friendly people of Sri Lanka to settle their differences and pursue a path of harmonious development. All nations and peoples with a genuine concern for the peace, welfare and progress of the region would not wish otherwise.

76. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft decision E/CN.4/1984/L.77 without a vote.

77. It was so decided.

Human rights and mass exoduses (E/CN.4/1984/L.78/Rev.1 and L.85)

78. The CHAIRMAN said that Uruguay had been inadvertently omitted from the list of sponsors of draft resolution E/CN.4/1984/L.78/Rev.1.

79. Ms. MARTIN (Canada), introducing draft resolution E/CN.4/1984/L.78/Rev.1, said that the relationship between human rights and mass exoduses was particularly noticeable in developing countries, especially those of first asylum. The Commission should continue its efforts to cope with the increasing numbers of international refugees. Canada supported the Secretary-General's endeavours to that end.

80. Replies from Governments were the main means available to the international community in tackling the question. Her delegation wished to thank the sponsors of the amendments in document E/CN.4/1984/L.85 for their co-operation, and trusted that the draft resolution could be adopted by consensus.

81. Ms. FLOREZ (Cuba) said that account should be taken of the fundamental causes underlying the migration of millions of people from the underdeveloped to the developed countries. Only thus could viable solutions be found.

82. The principal causes of the phenomenon were the existence of oppressive, racist regimes, aggression, colonialism, zionism, apartheid, and foreign **intervention** and occupation. Account also had to be taken of socio-economic factors: the serious international economic crisis was having particularly grave effects on underdeveloped countries even as aggression against countries struggling for self-determination increased.

83. It was unrealistic to consider the problem of mass exoduses without taking such factors into account. The non-aligned countries had stated that the recession in the developed countries had led to increased protectionism and reduced trade with the developing countries, which had worsened their debt-servicing and balance-of-payments problems. Those negative trends had been reinforced by the social and economic consequences of the arms race and opposition to the new international economic order. The resulting instability threatened the security of third world countries, rendering them more vulnerable to foreign intervention.

84. To find a solution to the problem of mass exoduses, the United Nations should compel those responsible for the tragedy to halt imperialist and colonialist domination. Efforts to prevent peoples from exercising self-determination should be countered, and those who sustained apartheid, zionism, colonial regimes, foreign occupation and economic and financial repression should be condemned.

85. It was essential for the humanitarian question of mass exoduses not to be exploited by those who would subvert the sincere efforts being made. All attempts at international co-operation should conform with the principles of the Charter of the United Nations, particularly that of non-interference in the internal affairs of States. It was thus inappropriate to establish new United Nations machinery on the problem of mass exoduses.

86. Draft resolution E/CN.4/1984/L.78 had been vague, and had ignored the major causes underlying mass exoduses. That draft had also sought to put forward ideas on which very few countries had expressed their views. Many of the countries which had done so did not agree with the recommendations made by the Special Rapporteur. The original draft had also failed to mention the work done by the Group of Governmental Experts on International Co-operation to avert new flows of refugees, of particular significance since the Group intended to propose recommendations based on recognition of the need for international co-operation.

87. Her delegation was gratified that Canada had taken account of the amendments proposed by Cuba and other countries in document E/CN.4/1984/L.85 and trusted that draft resolution E/CN.4/1984/L.78/Rev.1 could be adopted without a vote.

88. The CHAIRMAN said that Bangladesh had joined the sponsors of draft resolution E/CN.4/1984/L.78/Rev.1. If there was no objection, he would take it that the Commission wished to adopt it without a vote.

89. It was so decided.

Summary or arbitrary executions (E/CN.4/1984/L.82)

90. Ms. RASI (Finland), introducing draft resolution E/CN.4/1984/L.82, said that the practice of summary or arbitrary executions had been condemned several times by United Nations organs. The report prepared by the Special Rapporteur clearly indicated that the phenomenon was widespread and that respect for the right to life was far from being a universal reality. There had been reports of thousands of instances of summary or arbitrary execution in 1983.

91. The Commission should continue to keep the matter under review. The draft resolution would continue the Special Rapporteur's mandate. It was important for him, in discharging that mandate, to give special attention to situations where there was an imminent threat of summary execution. The Special Rapporteur should continue to co-operation with Governments, United Nations bodies, regional intergovernmental organizations and non-governmental organizations. The international community had to work together to eliminate summary or arbitrary executions. The sponsors of the draft resolution hoped that it could be adopted without a vote, since it provided a sound basis for work towards the common goal of full respect for the right to life.

92. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.82 without a vote.

93. It was so decided.

Use of chemical weapons (E/CN.4/1984/L.83/Rev.1)

94. The CHAIRMAN said it was his understanding that the Commission would not take action on draft resolution E/CN.4/1984/L.83/Rev.1.

Situation in Equatorial Guinea (E/CN.4/1984/L.84 and L.96)

95. Mr. SEGURA (Costa Rica), introducing draft resolution E/CN.4/1984/L.84, together with the relevant statement of financial implications (E/CN.4/1984/L.96), said that the Special Rapporteur for Equatorial Guinea had proposed a plan of action, which the Government of that country had accepted. The Special Rapporteur had further suggested that the implementation of the plan should be periodically assessed. The draft resolution proposed the appointment of an expert to study the matter, and requested the Commission to keep it under consideration at its forty-first session. His delegation hoped that the draft could be adopted by consensus.

96. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt draft resolution E/CN.4/1984/L.84 without a vote.

97. It was so decided.

98. Mr. HERNDL (Assistant Secretary-General for Human Rights) said that it was the Secretary-General's understanding that the plan of action referred to in document E/CN.4/1984/L.84 was that proposed by Mr. Volio Jiménez, and that, if the draft resolution recommended to the Economic and Social Council was adopted, the Council would approach the Government of Equatorial Guinea to establish whether it was willing to receive a representative of the Secretary-General to see how the plan of action was being implemented.

The meeting rose at 6.05 p.m.