



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/1990/SR.1  
8 February 1990

Original: ENGLISH

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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 29 January 1990, at 11 a.m.

Temporary Chairman: Mr. BOSSUYT (Belgium)  
Chairman: Mrs. QUISUMBING (Philippines)

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The meeting was called to order at 11.25 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the forty-sixth session of the Commission on Human Rights.
2. The year 1989 had been particularly rich in important events that had to no small degree been influenced by human rights issues. A number of areas that had long been of concern to the Commission were undergoing great change; unfortunately, in other areas, the situation remained deadlocked.
3. The Commission welcomed the successful holding of elections in Namibia under United Nations auspices and the fact that the territory was, at long last, to accede to independence in 1990. Nevertheless, South Africa itself, where the old system of apartheid was still in force, continued to be a subject of grave concern, despite a number of signs which gave reason to hope that, even there, the situation had finally begun to evolve. It might not be too presumptuous to hope that the Commission would soon have the pleasure of welcoming the release of Nelson Mandela, which would mean that the Government of South Africa was finally ready to start a dialogue on the eventual eradication of apartheid.
4. The Middle East also remained a subject of great concern. The uprising of the Palestinian people in the occupied territories required a response other than that given by the occupying Power. A number of political initiatives had also failed to receive appropriate attention, and that had led to growing impatience.
5. It was to be hoped that every effort would be made to reach a general consensus on the ways in which the Commission's concern about the human rights situation in southern Africa and the Middle East, the two areas of the highest priority in its agenda for many years, should be formulated. That was the best way in which the Commission could contribute to a favourable settlement in those areas.
6. Speaking on another situation that had been of priority concern to the Commission for the past 15 years, he welcomed the positive developments in Chile, where free elections had been held and a democratically elected President was soon to take power.
7. The recent winds of change had overthrown political régimes and economic systems, the crumbling of the Berlin Wall being the most striking symbol thereof. Human rights had played a preponderant role in those developments. The thirst for freedom was universal, and even decades of repression had not succeeded in stifling such aspirations. On the contrary, the courage and determination of those who had been oppressed had been a direct result of the duration and severity of the repression. The joy, enthusiasm and emotion of men and women who had suddenly recovered their freedom was a moving sight. He paid tribute to those persons who, though unarmed, had shed their blood so that their fellow citizens might be free.

8. The assertion had been made on occasions in the Commission that differing notions of human rights existed on different continents and were a function of the political or economic systems in force in a given country. Anyone who had followed the recent world developments could see that that was not so and that people living in many different countries with many different political and economic systems had fought and even given their lives for freedom and human rights in their countries. Everywhere, people wanted freedom. Nowhere did people believe that Governments had the right to imprison them, torture them or kill them for their dissenting opinions.

9. The events of the past year had not come about of their own accord. They had required the perseverance, determination and sacrifices of exceptional men and women who for years had fought under very difficult circumstances for their ideas. He would shortly propose a tribute to perhaps the most famous among them, who had recently died, as typifying all those persons throughout the world who had campaigned so courageously and unselfishly in the cause of human rights.

10. The changes witnessed had also been the work of those political leaders who had had the courage to reject outdated methods and question apparently sacrosanct theories, even though those theories were at the very foundation of their power.

11. Despite such favourable developments, a number of other problems had had an adverse impact on human rights throughout the world. No continent had been spared ethnic and minority tensions. The risk of conflict existed in any State composed of more than one ethnic group. Wisdom, tact and, if necessary, firmness were required to combat nationalism and promote greater justice, which alone could improve mutual understanding. The question of the rights and obligations of minorities would certainly taken on even greater importance, and both the Commission itself and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had still many challenges to face in that area.

12. The need for the Commission to make its voice heard had never been so great as in the past year, and it was no longer adequate for it to meet once a year only and remain silent for the rest of the time. The Commission's working methods must be re-examined. The increased importance of human rights in international relations meant that it had a greater role to play. The interest of Governments and non-governmental organizations in the work of the Commission was growing, and the number of questions that it was required to consider continued to increase.

13. However, it had become more and more difficult to follow all the work of the Commission, even in the case of States that could afford to send large delegations. That was prejudicial to the smooth functioning of the Commission's sessions and could even have an adverse impact on human rights in certain countries. Moreover, delegations were hard put to familiarize themselves properly with the documents submitted.

14. In the past, the Commission had failed to make its voice heard on numerous occasions when human rights were violated. In the future, it must be less concerned about the risks of displeasing Governments that violated human rights and more concerned about the victims of those violations.

TRIBUTE TO THE MEMORY OF MR. ANDREI SAKHAROV

15. On the proposal of the Temporary Chairman, the members of the Commission observed a minute of silence in tribute to the memory of Mr. Andrei Sakharov.

16. Mr. STANEVSKI (Union of Soviet Socialist Republics) thanked the Commission for its tribute to the memory of his illustrious compatriot.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS

17. Mr. MARTENSON (Under-Secretary-General for Human Rights) said that much had already been accomplished in the short period since the Commission on Human Rights had been established. Even recently, any reference to the human rights situation in a specific country had been called "out of order", and the Secretariat could not receive letters from individuals complaining of alleged human rights violations in their own country. The Universal Declaration of Human Rights, a beacon of hope for millions, had been implemented in a way that had not even been imagined at its adoption. Changes of an unprecedented magnitude had taken place in recent years. New avenues for diplomatic and political action had emerged, and the aspirations of the peoples of the world for human rights, freedom and justice were increasingly being realized.

18. The insistence of the drafters of the Universal Declaration that respect for human rights and dignity were a prerequisite for peace and security in the world had increasingly been vindicated. Yet the watchword of human rights was vigilance, and it was important not to be lulled into a false sense of euphoria. States engaged in far-reaching transformations must be encouraged to ensure respect for the rule of law as the basis for all future progress.

19. The momentous developments that had recently been witnessed were the result of many factors, not least of which was a general improvement in the international climate, and particularly in the relations between the United States and the Soviet Union, and a distinct shift from confrontation to co-operation. Changes of that magnitude could not, however, have been achieved without the patient efforts of the international community within the framework of the United Nations system.

20. If human rights were to be respected, the democratic process currently taking place throughout the world must produce real democratic institutions and Governments that respected the provisions of the Universal Declaration. Secondly, human rights and fundamental freedoms had to be respected within that democratic process, something which was not automatically ensured. Particular attention must be focused on the question of diverse cultural, national and ethnic specificities. At perhaps no time since its establishment had it been more important for the United Nations to promote respect for such differences and to support appropriate national and international machinery. Thirdly, democracy could hardly survive without social justice and guarantees for a basic standard of living. People everywhere must be able to expect a minimum standard of human dignity. Fourthly and finally the Commission must focus on ways and means of making the fruits of democratic change and respect for human rights more accessible to everyone, whether through dialogue, assistance or mutual understanding.

21. In that context, few individuals had done more to bring about that objective than the late Andrei Sakharov, to whose memory the Commission had just paid tribute. His had been a vision that was as unwavering as it was clear-sighted, and his courage served as an example for all those striving to improve the conditions of their fellow men and women throughout the world. In Andrei Sakharov, the cause of human rights had found an inspiration and a champion: his memory could best be honoured by maintaining the fight for justice and human dignity in the face of indifference and intolerance.

22. The universal demand for tangible results in the field of human rights was a major challenge to the United Nations. Each area of the human rights programme, including research and standard-setting, implementation or technical assistance and public information, had an important contribution to make towards that end. Members of the Commission must strengthen and improve the existing procedures for the promotion and protection of human rights while encouraging new efforts in that regard.

23. It would be both timely and appropriate for the international community to take stock of the achievements in the field of human rights and the developments that had occurred since the last international human rights conference held at Teheran more than 20 years previously. The challenges facing the international community, and the potential for far-reaching advances in human rights, which might transform the course of history, rendered the holding of such a meeting particularly compelling. The General Assembly had requested the Secretary-General to seek the views of governments, specialized agencies and non-governmental organizations, and to report to the Assembly at its next session in 1990. That was an important political decision, and if convened, such a conference could map out goals and activities for many years to come. Ample preparations for the conference should be undertaken at national and regional levels, with the participation of non-governmental organizations and academic institutions. The conference could also review the efficiency and effectiveness of existing machinery in the field of human rights, as well as other similar issues.

24. The Commission could begin the process of reviewing the human rights machinery with a view to increasing its effectiveness and bringing the Commission's work more into line with current realities and experience in the field of human rights.

25. During the previous year, United Nations standard-setting activities in the field of human rights had taken another important step forward. The General Assembly had, at its most recent session, adopted the Convention on the Rights of the Child. At the ceremony marking the opening of the Convention for signature, 60 countries - an unprecedented number - had expressed their support for the new instrument. The General Assembly had also adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Furthermore, a draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families was in the final stage of elaboration by the General Assembly, and a large number of draft declarations on fundamental human rights issues were being considered by various human rights bodies.

26. Thus, an important aspect of United Nations action in the field of human rights was, and would remain, the clarification and progressive development of international human rights law.

27. However, while the body of legislation available to the international community for the promotion and protection of human rights was already quite comprehensive, it could not in itself guarantee the universal enjoyment of those rights. Indeed, the effective implementation of human rights instruments and their translation into universal reality, which was currently at the heart of United Nations efforts in the field, required a strong commitment by all concerned, and primarily by Governments. In recent years, the United Nations had set up a complex but effective system aimed at the universal implementation of internationally accepted human rights standards. The task of implementation was carried out primarily by the Commission and the human rights bodies set up under the Covenants and other international conventions.

28. The increase in the number of human rights instruments and the complexity of their monitoring mechanisms had recently revealed the need for co-ordination and rationalization of all activities relating to them. Measures must be taken by the United Nations to make the implementation procedure more effective and to resolve the main problems relating to the reporting and monitoring systems established under the various international human rights instruments.

29. Pursuant to a decision of the General Assembly, a meeting of the chairmen of the human rights treaty bodies had been convened by the Secretary-General at Geneva to deal with those issues. The Chairman of the Commission had also participated in the meeting. The conclusions and recommendations of the chairmen had been made available to the General Assembly and the Commission at their most recent sessions.

30. As a result of the meeting, and the relevant decisions adopted by the General Assembly and the Commission, a number of actions had been initiated by the United Nations to strengthen the functioning of the implementation procedures. In addition, the General Assembly, the Commission and the treaty bodies had made suggestions for streamlining, rationalizing and otherwise improving reporting procedures under human rights instruments.

31. Thus, the General Assembly, at its most recent session, had drawn particular attention to issues such as advisory services and technical assistance projects for States parties to human rights instruments, possible solutions to the current financial difficulties of the treaty bodies, and the convening of a second meeting of the chairmen of the treaty bodies in 1990.

32. While considerable progress had been made in the field of human rights since the adoption of the Universal Declaration, violations of the most fundamental rights continued to cast a shadow, in all regions, on the conscience of humanity. Serious violations were dealt with by the General Assembly, the Commission and the latter's subsidiary organs in addition to the relevant treaty bodies. No part of the world was immune from United Nations scrutiny on human rights issues and the States concerned increasingly accepted the legitimacy of United Nations investigation, invited on-site visits and responded to frequently critical reports.

33. Serious phenomena such as disappearances, torture and summary or arbitrary executions, mercenaries or religious intolerance were dealt with by special rapporteurs on a world-wide basis, with the constant participation of non-governmental organizations, and urgent appeals were conveyed to Governments on the basis of reliable information. The special rapporteurs' yearly reports were also scrutinized by the Assembly, the Commission and the media. The contribution of NGOs to the Commission's work was crucial and extensive, and their collaboration would no doubt continue in a constructive spirit.

34. Essential as those mechanisms were, however, national infrastructures were the key to preventing or redressing violations. That was why more action was being geared towards strengthening national institutions where they were most needed, and providing assistance and training for those who administered justice and enforced the law in individual countries. The approach was specific and pragmatic, based on the belief that strong national infrastructures were crucial for the promotion and protection of human rights.

35. Activities under the revitalized programme ranged from assistance in setting up human rights centres to expert advice on legislation to meet international human rights standards; from training administrators to providing expert assistance; from creating fellowships to establishing law libraries and faculties; and from the translation into local languages of basic human rights instruments to other ad hoc forms of technical support, in accordance with each country's specific requirements. Experience had shown that such programmes could play an invaluable role in fostering a national consensus and in strengthening national infrastructures relating to human rights. The goal was the widest possible implementation of human rights standards and procedures.

36. The provision of advisory services and technical assistance was an increasingly crucial component of the Commission's programme in supporting national infrastructures and nurturing fledgling institutions. The Commission was making every endeavour to respond to the numerous requests it had also received from eastern European countries. The establishment of the Voluntary Fund had made a significant difference to the Commission's capacity to meet growing requirements, and he urged Member States to consider contributing to it.

37. In some cases, activities under the programme had made a direct contribution to the formation of national human rights commissions or offices, or had facilitated the ratification of international instruments, notably the Optional Protocol to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In other cases they had hastened the alignment of national legislation with international instruments and improved the reporting of States parties to the various treaty bodies.

38. However, those activities, although a useful adjunct to the existing investigation and monitoring procedures, did not exempt any recipient State from scrutiny of possible human rights abuses. Indeed, advisory services and technical assistance were often provided to countries also visited by special rapporteurs on phenomena such as summary executions or torture. One activity did not exclude the other.

39. Respect for human rights was essential not only for peace, freedom and justice, as stated in the Universal Declaration, but also for sustainable economic development; human rights and development were increasingly recognized as interdependent. At the Commission's request, high-level representatives from development, financial and human rights sectors had attended an international consultation earlier that month, dealing with some of the most crucial questions faced by the developing world and providing elements for the Commission's consideration and possible action. He hoped that the recommendations of that consultation, which would to be made available to the Commission, would also contribute to the United Nations development strategy for the rest of the century, which was to be addressed at a forthcoming special session of the General Assembly.

40. In that connection, he stressed the importance the Centre attached to the exercise of all human rights - civil and political as well economic, social and cultural. The time had come to aim at the concurrent enjoyment of the whole spectrum of rights. Laws and mechanisms alone were not sufficient, however; people everywhere must be aware of their rights before the latter could be respected and protected. Information and education were indispensable tools for the purpose; the General Assembly and other legislative bodies had repeatedly emphasized their importance, and Governments, the United Nations system and non-governmental organizations throughout the world had made efforts to that end as part of the fortieth anniversary of the Universal Declaration and of the world-wide campaign for human rights, launched on 10 December 1988. The task was to help translate the fundamental message of the Universal Declaration into reality for everyone, and the campaign had begun to engage the activities of the Organization, Member States and the wide community of regional institutions, NGOs and the mass media, in order to promote public awareness of human rights in every country.

41. The international media had helped greatly in that task. During 1989, human rights issues had been covered more than ever before by radio, television and newspapers and other printed media - a most welcome development, as was the increase in ratifications of international instruments and the establishment of national human rights institutions in many parts of the world, trends which were bound to enhance the scope and effectiveness of the Centre's activities.

42. The Centre had paid special attention, in that connection, to collaboration with regional bodies such as the Council of Europe and the Inter-American Commission on Human Rights, the newly established African Commission on Human and Peoples' Rights, and the human rights institutions in Strasbourg, France, San José, Costa Rica, and San Remo, Italy. It had also assisted in the establishment of an African Centre for Democracy and Human Rights Studies in Banjul, Gambia and an Arab Institute of Human Rights, at Tunis, with which the Centre was endeavouring to establish a comprehensive programme of co-operation for the Arab region.

43. The campaign thus sought to build up a universal understanding that human rights and fundamental freedoms were inherent in all human persons without any distinction; it was essential to ensure that the voice of human rights was heard in the furthest reaches of international society.



44. Human rights were central to the work of the United Nations. Unless they were respected, no efforts - whether in international peace and security or in economic, social and cultural development - could possibly succeed, since they would have no solid foundations.

45. While the demands on the Centre were growing, its capacity to respond was not. The Centre's human and financial resources were no longer commensurate with requirements, and any new mandate would have to be funded appropriately rather than "within existing resources".

46. The international climate had become more temperate during the past year, but its further improvement would be neither sure nor sustained without a broad respect for human rights, which remained, despite progress in some areas, an all-too-distant dream for countless men, women and children throughout the world. The response must be one of international solidarity, in an awareness that the undertakings were not abstract but aimed at bringing hope, redress and succour to those most in need.

47. Past progress must be consolidated, and the ever-growing human rights challenges of the new decade must be squarely met. That global enterprise needed, more than ever, the support and commitment of all those aware that the advent of a peaceful world would not be achieved without respect for human rights. He was convinced that the Commission's vision and guidance would bring the enjoyment of human rights and fundamental freedoms by every individual on Earth a step closer. That enormous task would certainly remain a great challenge for the rest of the decade and doubtless beyond.

48. He hoped that at its current session, the Commission would address the issues before it pragmatically, in a spirit of constructive dialogue and co-operation, taking full advantage of the improvement in international relations and assured it of the Secretariat's full support in its important task.

#### ELECTION OF OFFICERS (item 1 of the provisional agenda)

49. Mr. MARKIDES (Cyprus) nominated Mrs. Valera Quisumbing (Philippines) for the office of Chairman.

50. Mr. SENE (Senegal) and Mr. HELLER (Mexico) supported the nomination.

51. Mrs. Valera Quisumbing (Philippines) was elected Chairman by acclamation.

52. Mr. ENDREFFY (Hungary), speaking on behalf of the Group of East European countries, nominated Mr. Ditchev (Bulgaria) for the office of Vice-Chairman.

53. Mr. HELLER (Mexico), speaking on behalf of the Group of Latin American countries, nominated Mrs. Regazzoli (Argentina) for the office of Vice-Chairman.

54. Mr. AZIKIWE (Nigeria), speaking on behalf of the Group of African countries, nominated Miss Sinigiorgis (Ethiopia) for the office of Vice-Chairman.

55. Mr. Ditchev (Bulgaria), Mrs. Regazzoli, (Argentina) and Miss Sinigiorgis (Ethiopia) were elected Vice-Chairmen by acclamation.

56. Mr. STEEL (United Kingdom), speaking on behalf of the Western European and other States, nominated Mr. Hynes (Canada) for the office of Rapporteur.

57. Mr. Hynes (Canada) was elected Rapporteur by acclamation.

58. Mrs. Quisumbing (Philippines) took the Chair.

59. The CHAIRMAN, having thanked the members of the Commission for the honour done to her country by electing her as Chairman of the Commission at its forty-sixth session, said that her election constituted an implementation by the United Nations of its programme to enhance the role and status of women. In that connection, she mentioned that she was following in the footsteps of two distinguished predecessors as lady chairman. Mrs. Eleanor Roosevelt, who had presided over the Commission at its first six sessions from 1947 to 1950, and Her Imperial Highness, Princess Ashraf Pahlavi of Iran, who had been elected as Chairman of the Commission at its twenty-sixth session in 1970.

60. The Commission's task was currently to provide continuity even as it found new directions for the path towards the full realization of human rights. Many positive changes had recently taken place, such as the march of democracy in Eastern Europe and the restoration of democracy in Latin America and Asia. Democracy had stood the test of time and would continue to endure. As the human person was the core of those dynamic developments, more changes would occur in the future. However, members were concerned that those changes had not yet taken place where they were most urgently needed, and it was to be hoped that apartheid in South Africa would soon be eradicated.

61. One of the major challenges confronting the Commission at its current session was how to nurture newly restored and emerging democracies. Their fragile structures were expected to face threats from tremendous counter-forces. While many of those buffeting winds blew in from past colonial or similar experiences, there were equally serious factors exacerbating political instability, such as economic and social imbalances and non-respect for cultural values. Above all, there was still widespread ignorance of the true content, meaning and applicability of human rights both among those entrusted with the duty of protecting them and among the victims of human rights violations.

62. Those recent experiences showed the incessant struggle between the philosophy and culture of respect for human rights and peace, on the one hand, and the counter-culture of violence and violations of those rights, on the other. The United Nations in general and the Commission in particular had provided the forum for the search for ways to bridge the difficult gap between peace and violence, and that between human beings and the realization of the rights which were inherently theirs.

63. The formula set down by the international community was embedded in the Charter of the United Nations and the Universal Declaration of Human Rights. The Commission had turned the provisions of those documents into legally binding instruments, and more and more States were becoming parties to them. Over the years, the Commission had drafted other instruments and set up various complementary mechanisms, such as special procedures and advisory services.

64. The peoples of the world had entered into a covenant 45 years previously and established the United Nations in order to save succeeding generations from the scourge of war. To achieve that end, they had reaffirmed their faith in fundamental human rights and sought to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained and to promote social progress and better quality of life in larger freedom.

65. The culture of human rights had prevailed but it was being constantly challenged and overpowered by a counter-culture. The scourges of apartheid, foreign occupation, torture, summary execution, involuntary disappearances, discrimination, intolerance, persecution, underdevelopment, mass poverty, want and fear were but some of the painful manifestations of that counter-culture. The resolutions and work of the Commission reminded members of those harsh realities as well as of the resolute efforts being made by the international community through the Commission, be it in standard-setting, implementation mechanisms or advisory services.

66. As for the question whether right would ultimately triumph over wrong, the essential guarantee was faith in the capacity of every human being to respect basic human rights and fundamental freedoms and to prefer peace to violence. That was the foundation of the universal culture of human rights which had to be cultivated through dialogue and co-operation. There was no need to search for new ideologies to fill what some perceived as an ideological vacuum. There would always be an adequate ideology, namely, the ideology enshrined in the Charter of the United Nations, of respect for human rights, which recognized no division between East or West, North or South.

67. The Commission had a historic task of responding to the challenge of forging a mighty human rights ideology, as the courageous peoples of the world were doing, reasserting the primacy of their human rights over detractors and violators of those rights.

68. A confluence of events had provided a favourable environment for the Commission to engage in genuine and serious dialogue and negotiations in order to eradicate all human rights violations, particularly the mass and flagrant violations of the right to self-determination and the right to development.

69. In striving to develop new concepts, approaches and mechanisms to meet continuing and complex challenges, the Commission should revert to some of the basic precepts of the Charter of the United Nations and the Universal Declaration of Human Rights, such as the indivisibility of all human rights; the inseparability of peace, justice and development; the need for harmony between rights and freedoms, on the one hand, and responsibilities or obligations on the other, of both States and individuals; the indispensability of international co-operation and solidarity; the inevitability of popular participation; and the need for a just, social and international order in which all rights and freedoms could be fully realized.

70. Underlying all the substantive agenda items before the Commission was the challenge to meet the threat posed by ignorance, ignorance of the basic norms by those who should be protected and by those whose duty it was to ensure the full application of those norms. The Commission had launched a campaign against such ignorance. Everyone present was aware of the efforts made by the

Under-Secretary-General for Human Rights to give effect to the directives of the Commission and the General Assembly, particularly with regard to the strengthening of national infrastructures for the protection of human rights through the provision of advisory services and technical assistance.

71. The Commission would be particularly attentive to the task of creating a universal culture and philosophy of human rights. The World Public Information Campaign on Human Rights, launched by the General Assembly a year previously, was having its effect. It was the Commission's duty to give that campaign the directives that would further enhance its impact.

72. However, the struggle must be carried one step further. The Commission must launch a campaign to transform the Universal Declaration into a universal philosophy and culture of human rights. The cultivation of that culture required popular participation and, in the end, it would help all peoples to realize their inalienable human rights. The role of the non-governmental organizations was crucial in that regard, and their active and constructive participation as partners in the Commission's work could not be over-emphasized.

73. It was also fitting that the Committee was also to consider at its current session its own future and to make recommendations on its organization of work and enlargement of membership. She hoped that the recommendations would be as extensive as they would be profound in their impact.

74. The new phase, symbolically embarked upon at the outset of the current decade, must see an earnest effort by the Commission and other organs to put the Secretariat on a par with other departments. Members were aware of the Herculean efforts being made by the Under-Secretary-General for Human Rights to keep up with the momentum set by the Commission. However, they also realized that they must, through their Governments, ensure that the administrative and budgetary bodies provided him with the means he required.

75. The one concrete manifestation of the Commission's success in fortifying the culture of human rights would be effective results arising from democratic dialogue and a co-operative spirit. Members should be inspired by the thought that there were really no winners or losers in their debates. There could only be victories for human rights.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1990/1 and Add.1)

76. Mr. de RIVERO (Peru) recalled that operative paragraph 11 of Commission resolution 1989/62 on the human rights situation in Chile provided that the item should be dealt with on the agenda of the current session in the light of developments in that situation. Following the elections held in Chile in December 1989, there was currently a democratically elected, constitutional Government in that country, which was to take office a few days after the close of the Commission's current session. The human rights situation in Chile had improved significantly, and guarantees of civil, political and human rights had been put in place. Accordingly, he proposed that item 5 of the provisional agenda be deleted, and that the report prepared by the Special Rapporteur on the situation of human rights in Chile (E/CN.4/1990/5) be discussed under item 13 of the provisional agenda.

77. Mr. LILLIS (Observer for Ireland), speaking on behalf of the 12 States members of the European Community, said that he supported the proposal by the representative of Peru.

78. Mr. FAN Guoxiang (China) said he had reservations with regard to paragraph 88 of the Annotations to the provisional agenda (E/CN.4/1990/1/Add.1), which mentioned a note by the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5 entitled "Situation in China". That note (E/CN.4/1990/52) had been rejected by his Government.

79. The CHAIRMAN said that, if she heard no objections, she would take it that the Commission wished to adopt the provisional agenda, as orally amended by the representative of Peru.

80. The provisional agenda, as orally amended, was adopted.

The meeting rose at 1.30 p.m.