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PROVISIONAL SUMMARY RECORD OF THE 14th MEETING

Held at Headquarters, New York,
on Friday, 25 May 1990, at 10 a.m.

President: Mr. GHAREKHAN (India)

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Human rights questions (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism
and Racial Discrimination (continued)

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

HUMAN RIGHTS QUESTIONS (continued) (E/1990/22 and Add.1; E/1990/23; E/1990/70 and Add.1; E/1990/87/Add.2; E/1990/L.26 and L.27)

The PRESIDENT invited the Council to take action on the nine draft resolutions which the Second (Social) Committee recommended for adoption and pointed out that the texts were contained in the report of the Commission on Human Rights (E/1990/22, chap. I).

Draft resolution I

The PRESIDENT recalled that the Second (Social) Committee had adopted draft resolution I, in a recorded vote, by 32 to 7, with 7 abstentions.

A recorded vote was taken on draft resolution I.

In favour: Algeria, Bahamas, Bahrain, Brazil, Bulgaria, Burkina Faso, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Lesotho, Libyan Arab Jamahiriya, Mexico, Nicaragua, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: France, Germany, Federal Republic of, Italy, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Canada, Finland, Greece, Ireland, Japan, New Zealand, Sweden.

Draft resolution I was adopted by 35 votes to 7, with 7 abstentions.

Mr. QURESHI (Pakistan) said that, had he been present during the vote, he would have voted in favour of draft resolution I.

Draft resolutions II to IX

Draft resolutions II to IX were adopted.

The PRESIDENT invited the Council to consider the draft decisions which the Second (Social) Committee had recommended for adoption. The texts of draft decisions I-IV, VI-XVIII, XX-XXVI and XXVIII and XXIX were contained in the report of the Commission on Human Rights (E/1990/22, chap. I). The texts of draft decisions V, XIX and XXVII were contained in paragraph 62 of the report of the Second (Social) Committee (E/1990/70).

Draft decision I had been adopted by the Second (Social) Committee, in a recorded vote, by 33 votes to 3, with 11 abstentions.

A recorded vote was taken on draft decision I.

In favour: Algeria, Bahamas, Bahrain, Brazil, Bulgaria, Burkina Faso, Cameroon, China, Colombia, Cuba, Czechoslovakia, Ecuador, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Niger, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Canada, Japan, United States of America.

Abstaining: Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

Draft decision I was adopted by 38 votes to 3, with 11 abstentions.

Draft decision II

The PRESIDENT noted that draft decision II had been adopted by the Second (Social) Committee, in a recorded vote, by 34 to 1, with 13 abstentions.

A recorded vote was taken on draft decision II.

In favour: Algeria, Bahamas, Bahrain, Brazil, Bulgaria, Burkina Faso, China, Colombia, Cuba, Czechoslovakia, Ecuador, German Democratic Republic, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Niger, Pakistan, Rwanda, Saudi

Arabia, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Canada, Finland, France, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

Draft decision II was adopted by 39 votes to 1, with 13 abstentions.

Draft decision III

Draft decision III was adopted.

Mr. MOORE (United States of America) said that the United States had not participated in the Council's adoption of the procedural decision on the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

Draft decision IV

Draft decision IV was adopted.

Mr. MOORE (United States of America) said that the United States had not participated in the Council's adoption of the procedural decision on the right to development.

Draft decisions V to XXIII

Draft decisions V to XXIII were adopted.

Draft decision XXIV

Draft decision XXIV was adopted.

Mr. WALDROP (United States of America) said that the United States had not participated in the Council's adoption of the procedural decision which provided for the circulation of a study on achievements made and obstacles encountered during the two Decades to combat racism and racial discrimination.

Draft decisions XXV to XXIX

Draft decisions XXV to XXIX were adopted.

The PRESIDENT invited the Council to consider the five additional draft resolutions, designated as draft resolutions X to XIV, which the Second (Social) Committee had recommended to the Council for adoption. The texts of the draft resolutions were contained in document E/1990/70/Add.1, paragraph 30.

Draft resolutions X to XIV

Draft resolutions X to XIV were adopted.

Mr. RAVEN (United Kingdom), speaking on draft resolution XIV and draft decision V, said there could be no doubting his delegation's commitment to the promotion and protection of human rights, and the importance it continued to attach to the role of the United Nations in that area. The work-load of the Centre for Human Rights had indeed increased, but when allocating scarce resources the United Nations must apply the same rigorous standards to all its programmes of activity. The Centre's resources derived from extrabudgetary, voluntary and regular budget funding, and there had been an increasingly serious shortfall in financing the regular budget through payment of assessed contributions. Nevertheless, his delegation had joined the consensus, although it wondered to what extent it was a matter for the Secretary-General to find a solution to the problems that existed.

The report to which the draft resolution was a response was welcome in that it implied increased readiness by the Secretariat to allocate staff and other resources on the basis of objective techniques of work-load analysis. However, in some respects it was difficult to reconcile with, for example, the introduction to the proposed programme budget for the current biennium and the analytical report on the implementation of General Assembly resolution 41/213. Those documents should be taken into account when considering the question. He noted that accumulated arrears to the regular budget had reached \$US 900 million. Although the human rights programme deserved higher priority, no case could be made for any net increase in the overall level of the budget until it was demonstrated that existing resources were being efficiently and effectively deployed. Some progress had been made in that direction but much remained to be done.

On the computerization of the work of human rights treaty-monitoring bodies (draft decision V), his delegation had already made clear that budgetary provision for computer operating costs was a matter for the competent organs of the United Nations, and it attached particular importance to the expert scrutiny by ACABQ of any proposals which the Secretary-General might put to the General Assembly. Only in the light of ACABQ's intention to monitor the breakdown of costs paid from the regular budget and from extrabudgetary funds, including those regarding

(Mr. Raven, United Kingdom)

administration and backstopping, endorsed in General Assembly resolution 44/200, would the General Assembly be able to take a final decision on the matter.

Mr. MOORE (United States of America) noted that in operative paragraph 2 of the draft resolution, the Secretary-General was requested to develop long-term solutions to resource problems affecting the Centre for Human Rights and to include those measures in his programme budget for the biennium 1992-1993. The programme budget would also have to incorporate measures to compensate effectively for the extra strain on resources caused by an increase in the number of States members of the Commission on Human Rights.

Draft decisions XXX and XXXI

The PRESIDENT invited the Council to consider draft decisions XXX and XXXI, the texts of which were contained in the report of the Committee on Economic, Social and Cultural Rights on its fourth session (E/1990/23).

Draft decision XXX

Draft decision XXX was adopted.

Draft decision XXXI

Mr. STOBY (Secretary of the Council) said that if the Council decided to adopt draft decision XXXI, thereby approving the suggestion that the pre-sessional working group of the Committee on Economic, Social and Cultural Rights should meet one to three months prior to the session of the Committee, instead of immediately prior to the session as at present, additional costs would be required to cover the travel expenditure of the five members of the Working Group. Those additional costs were estimated at \$US 9,000. However, the Secretary-General wished to advise the Council that the additional cost would be absorbed.

Draft decision XXXI was adopted.

Draft decision XXXII

The PRESIDENT invited the Council to consider draft decision XXXII, the text of which was contained in document E/1990/70/Add.1.

Mr. ZAMORA RODRIGUEZ (Cuba) said that while it would vote in favour of the Council's decision to take note of the report of the Commission on Human Rights on its forty-sixth session (E/1990/22), Cuba categorically rejected Commission resolution 1990/48 on the situation of human rights in Cuba. Cuba would completely disregard the resolution which was fuelled by slander and lies and had nothing to

(Mr. Zamora Rodriguez, Cuba)

do with human rights. It had been conceived and fabricated by the Government of the United States which had sought to impose it through pressure, bribery and deceit. It was one of a long series of acts of aggression perpetrated by the United States against the Cuban people over more than 30 years.

The resolution sought to censure the Cuban revolution which had freed the Cuban people from oppression and the violations of the past, and also from hunger, ignorance, lack of health care, backwardness, corruption and racial discrimination. Cuba stood united in defence of its independence and its revolution.

While the United States had been seeking to impose its will on the Commission on Human Rights, Cuba had steadfastly maintained its position in defence of the principles that should govern that body. In 1988 a mission from the Commission on Human Rights, made up of representatives from all regional groups, had been given the opportunity to observe the situation of human rights in Cuba, and its report had confirmed that there was no such situation that would justify special procedures, such as resolution 1990/48. That resolution called upon the Government of Cuba to honour its guarantees to the mission that individuals who attempted to present information to it would not be subject to reprisals, detention or negative consequences of any nature whatsoever. That guarantee had been provided and completely fulfilled; no person had been persecuted or detained because he or she had come into contact with the mission, but that did not mean that the Government of Cuba had given a certificate of permanent impunity and immunity to those individuals. Twenty or so of the more than 1,600 people interviewed by the mission had subsequently violated Cuban laws.

Annex III of the report of the mission, which included information sent to Geneva by counter-revolutionary groups and others about events that had not been observed by the mission, departed from the terms of Commission decision 1988/106. The mission acknowledged that that information had been sent to the Government of Cuba for comment. The Government of Cuba had provided certain information, but a number of questions appearing in annex XVI called into question the constitutional and legal bases of the Cuban State, and they had not been answered because it was the view of the Government of Cuba that it was inadmissible to discuss the Constitution and the laws of the country other than with the people of the country

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concerned. The legal institutions of Cuba were as legitimate as those of any other State, and could not be the subject of debate.

No nation in history had committed as many crimes against the people of another country as the United States, and few nations had such a long record of gross violations of the most elementary human rights within their own borders. Racism and racial discrimination were practised in the United States against various sections of the population who enjoyed neither luxury nor affluence and were condemned to poverty, unemployment, misery, lack of health care and the desperation of the slums. They were condemned to living conditions comparable to those of the most backward developing countries, but when they tried to assert their right to a better life they encountered bullets, violence and a cruel and degrading system of imprisonment.

While the United States was levelling accusations against Cuba, it was defending, in the Commission on Human Rights, the genocide perpetrated against the Palestinians, the racist apartheid régime, the use of mercenaries as a means of crushing the right of people to self-determination, and its own aggression against the Panamanian people. Its policy of duplicity was part and parcel of the aggressive, chauvinistic and opportunistic policy of the United States, which had compelled the Security Council to meet in Geneva, thereby making it waste time in putting an end to the murder by the Zionist régime of women, children and the elderly in Palestine.

The Americans set themselves up as champions of human rights, but in fact the United States applied a double standard, judging its own actions by one standard and those of other countries by another.

The PRESIDENT invited the Council to include the draft provisional agenda for the forty-seventh session of the Commission on Human Rights, contained in the report of the Commission, in the text of draft decision XXXII, and proposed that it should take note of the report of the Commission (E/1990/22) and approve the draft provisional agenda for the forty-seventh session of the Commission. If he heard no objection, he would take it that the Council adopted draft decision XXXII, as orally amended.

Draft decision XXXII, as orally amended, was adopted.

Draft decisions XXXIII and XXXIV

Draft decisions XXXIII and XXXIV were adopted.

Mr. MOORE (United States of America), speaking on draft resolution XXXIV, said that his delegation had joined the consensus on a purely procedural decision that called upon the Secretary-General to prepare a report containing the comments of Governments on the situation in southern Lebanon. The United States remained deeply concerned about the situation in the whole of Lebanon, including its southern portion, and believed that it was essential for foreign forces to be withdrawn from the entire country. Resolution 1990/54 of the Commission on Human Rights was not conducive to the creation of conditions that would permit such a withdrawal of forces; it was unbalanced and inflammatory, and failed to take account of the complex situation that confronted the Lebanese people, in part because of the presence of foreign troops other than those of Israel. For those reasons the United States had voted against it, and continued to reject and to dissociate itself from it.

Draft decision XXXV

The PRESIDENT said that the draft decision had been adopted by the Second (Social) Committee, in a recorded vote, by 31 to 4, with 15 abstentions, and he took it that the Council wished to vote on the draft decision. He invited any delegation wishing to make a statement before the vote to do so.

Ms. DINH THI MINH HUYEN (Observer for Viet Nam) said that the draft decision ignored developments in Cambodia over the past 10 years, deliberately failing to acknowledge Viet Nam's total troop withdrawal from that country and trying to create confusion by referring to subsequent reports of foreign forces having returned to Cambodia.

Viet Nam's total troop withdrawal had helped to settle one of the two key issues in an overall political solution; the remaining one was to prevent the Khmer Rouge reinstating its genocidal régime in Cambodia. The draft decision made no mention of the heinous crimes of the Khmer Rouge régime, thereby paving the way for that régime's return to power.

The draft decision also made no mention of the human rights abuses committed by the Khmer Rouge against Cambodians living in the refugee camps along the border with Thailand. By referring to them as resulting from foreign armed intervention and occupation the draft decision created confusion.

(Ms. Dinh Thi Minh Huyen, Observer, Viet Nam)

Some countries were making every effort to use the United Nations decision to justify their continued supply of military aid to the Khmer Rouge to wage a civil war against the Cambodian people's right to self-determination, and to obstruct early achievement of a comprehensive political solution to the problem of Cambodia. More and more countries were expressing support for the conclusions of the Paris Conference on Cambodia, and the decision by the States members of the European Community to oppose the granting of a seat in the United Nations to the coalition Government in exile led by Prince Sihanouk because it included the Khmer Rouge would undoubtedly contribute to the search for an early solution.

Viet Nam fully supported the just stance of the State of Cambodia, and sought an early overall political solution, but considered that following the complete withdrawal of Vietnamese troops all countries concerned had to fulfil their commitment to stop military supplies to all the Khmer parties, to expedite a cease-fire, end the civil war, encourage the representatives of the two Governments in Cambodia to continue their negotiations, and continue efforts to maintain the process of the Paris Conference on Cambodia with a view to early achievement of an overall political solution. The Cambodian people must have a chance to exercise their right to self-determination, and all internal affairs of Cambodia must be solved by the Cambodians themselves. The negotiations between the two parties in Cambodia were continuing and the Council should make a positive contribution and not take any action that hindered the process.

Ms. CHAN (Observer for Singapore), noting that the Observer for Viet Nam had accused the co-sponsors of the draft decision, of which Singapore was one, of failing to acknowledge its total troop withdrawal from Cambodia, said that there had been reports in Jane's Defence Weekly in February and March 1990, from correspondents in Cambodia, quoting Vietnamese deserters who had confirmed that they had been fighting in Cambodia since September 1989. An academic at Harvard University, who was writing a book on Cambodia, had said that one month after the reported Vietnamese troop withdrawal morale had crumbled and Vietnamese elite forces had been sent back into Cambodia. The Phnom Penh régime was clearly unable on its own to prevent the return of the Khmer Rouge, and the Council should express its concern that the Cambodian people should be allowed the right to self-determination.

Ms. CHENG (Observer for Cambodia) said that the fact that the Council would be adopting by an overwhelming majority a draft decision calling for the complete withdrawal of Vietnamese forces from Cambodia, with effective supervision and verification by the United Nations, and calling for respect of the rights of the Cambodian people to self-determination through free, fair and democratic elections under direct United Nations administration was of special significance in view of the efforts on the part of Viet Nam to shift the focus from its aggression and occupation to the so-called threat of the Khmer Rouge returning to power.

Viet Nam had claimed that since September 1989 there were no Vietnamese armed forces left in Cambodia, but the highly publicized "troop withdrawal" was merely a ploy aimed at persuading the world community to pay for Viet Nam's continued occupation of Cambodia. There had been reports of the active participation of Vietnamese forces in combat operations, intelligence and command and control activities in Cambodia in various newspapers and in a report prepared by a task force on terrorism and unconventional warfare of the United States House of Representatives as recently as April 1990. Some reports put the number of Vietnamese forces in Cambodia as high as 66,000. They were disguising themselves as soldiers of the régime they had installed in Phnom Penh in order to persuade people that the conflict in Cambodia was a civil war. That was the main reason why Viet Nam and the Phnom Penh régime were having difficulties in accepting an effective United Nations presence in Cambodia to supervise and verify the troop withdrawal and to conduct and supervise free, fair and democratic elections.

Another aim of Viet Nam's propaganda was to bring the issue of a return to power by the Khmer Rouge to the forefront, and it was ironic that after more than 11 years of dismissing the Cambodian resistance as ineffective, Viet Nam had boosted the strength of the resistance, in particular the Khmer Rouge, by brandishing the threat of their return to power by military means. Viet Nam hoped that its propaganda would erode international concern over its military occupation and enable it to convince the world community to pay for its continued annexation of Cambodia. An affirmative vote on the draft decision might not produce immediate results but it would send a clear message to Viet Nam that the world community could not be deceived and was committed to upholding the principles of the United Nations Charter and international law.

Mr. VAN WULFFTEN PALTHE (Netherlands), speaking in explanation of vote, said that his delegation would abstain because it considered that the draft decision did not adequately reflect recent developments. He regretted that the negotiations had not yielded a text that met his delegation's concerns. His delegation fully subscribed to the concerns indicated to the co-sponsors of the draft decision at an early stage by the States members of the European Community. The non-return to power by the Khmer Rouge remained a central element of Community and Netherlands policy on Cambodia. He expressed the hope that negotiations during the forthcoming session of the General Assembly would have a more satisfactory outcome.

A recorded vote was taken on draft decision XXXV.

In favour: Bahamas, Bahrain, Brazil, Burkina Faso, Cameroon, China, Colombia, Ecuador, Ghana, Greece, Guinea, Indonesia, Jamaica, Japan, Jordan, Kenya, Liberia, Mexico, Niger, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Tunisia, United States of America, Venezuela, Yugoslavia, Zaire, Zambia.

Against: Cuba, India, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Algeria, Bulgaria, Canada, Czechoslovakia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Iraq, Ireland, Italy, Lesotho, Netherlands, New Zealand, Nicaragua, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland.

Draft decision XXXV was adopted by 30 votes to 4, with 18 abstentions.

Mr. TRAXLER (Italy), speaking in explanation of vote, said that his delegation fully supported all constructive efforts to find a comprehensive, just and lasting political solution to the situation in Cambodia. However, the decision just adopted by the Council did not address all of the issues which must be taken into account. His delegation supported a comprehensive political settlement which must ensure the independence, sovereignty, territorial integrity and neutrality of Cambodia, as well as the fundamental rights of Cambodians to choose their own Government in free, fair and internationally supervised elections. It totally rejected the genocidal policies of the Pol Pot Khmer Rouge. While stressing the

(Mr. Traxler, Italy)

need for all groups concerned to respect the results of free elections, it strongly believed that those responsible for the extermination of hundreds of thousands of Cambodians should be prevented from returning to power. It also believed that proposals aiming at the establishment of impartial administrations in the refugee camps should be carefully studied. As the decision just adopted did not fully reflect those concerns nor take account of recent developments, his delegation had been unable to support it. Its abstention should be seen as an encouragement to all parties concerned to adopt a more constructive approach.

Ms. DIEGUEZ-ARMAS (Mexico), speaking in explanation of vote, said that her delegation had voted in favour of draft decision XXXV because it reflected some of the central concerns of the international community on the question of Cambodia, especially the need to achieve a comprehensive political settlement that would allow the Cambodian people to exercise their right of self-determination. She was sure that an agreement such as the one provided for would guarantee the human rights and fundamental freedoms of the people of Cambodia. The draft decision also reflected the international community's unambiguous rejection of any return to power on the part of those who had perpetrated genocidal crimes against the people of Cambodia.

However, her delegation had some reservations with regard to certain parts of the text. A more balanced text would have contributed more to the political process aimed at ensuring that all parties concerned reached an understanding that would benefit the people of Cambodia. In the absence of a comprehensive political settlement, there was no mandate as to the form which a possible participation of the United Nations in the process might take. The text which had just been adopted took for granted the existence of agreements concerning a possible role of the United Nations whereas, in fact, there were no such agreements. At the same time, it was clear that, although the instability prevailing in Cambodia gave rise to problems such as that of refugees in neighbouring countries, the situation was not exclusively attributable to foreign intervention and occupation. Finally, her delegation was concerned that the decision attempted to set out guidelines for the Government of Cambodia elected in a free and just process. It was not right to set pre-conditions for the self-determination of the Cambodian people.

Ms. COOMBS (New Zealand), speaking in explanation of vote, said that her delegation's abstention on the decision did not diminish its support for efforts to find a political solution that would enable the Cambodian people to live in peace. Unfortunately, the draft decision just adopted did not condemn the invasion of Cambodia by foreign forces. Her delegation wished to reiterate that any return to power by those responsible for serious human rights violations was unthinkable.

Mr. HAYES (Ireland), speaking in explanation of vote, said that his delegation had abstained because the draft decision was unbalanced, as it did not take into account the new situation resulting from the withdrawal of Vietnamese forces from Cambodia. Moreover, it was essential to stress the responsibility of all members of the international community to prevent the genocidal Pol Pot régime from returning to power in Cambodia, and the absence of any reference to that in the draft decision was unacceptable. His delegation welcomed the withdrawal of Vietnamese troops, but called for official verification of the situation in that regard, as well as for an immediate cease-fire and the cessation of all external military support to belligerents. It supported an enhanced role for the United Nations in efforts to find a solution to the Cambodian problem. It had noted with satisfaction the talks held by the five permanent members of the Security Council, and hoped that the next round of talks would lead to a balanced solution.

Mr. WHITAKER-SALES (Brazil), speaking in explanation of vote, said that his delegation had voted in favour of the draft decision, although it felt that some of its language went beyond the mandate of the Economic and Social Council and would have better been taken up in the General Assembly or the Security Council. Allegations regarding infringements of trade union rights: implementation of Economic and Social Council resolution 1989/82, paragraph 9

The PRESIDENT drew the Council's attention to a note by the Secretary-General on allegations regarding infringements of trade union rights: implementation of Economic and Social Council resolution 1989/82, paragraph 9, transmitting a letter from the Permanent Representative of the Republic of South Africa (E/1990/87/Add.2). Since the note had been issued after the conclusion of the work of the Social Committee, he said that, if he heard no objection, he would take it that the Council wished to take note of it.

It was so decided.

Draft resolution E/1990/L.26

The PRESIDENT invited the Council to consider draft resolution E/1990/L.26, entitled "Enlargement of the Commission on Human Rights and the further promotion of human rights and fundamental freedoms", pointing out that in the ninth preambular paragraph, the word "Rapporteur" should read "Rapporteurs". A statement on the programme budget implications of the draft resolution had been issued in document E/1990/L.27.

A recorded vote was taken on draft resolution E/1990/L.26.

In favour: Algeria, Bahamas, Bahrain, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, China, Colombia, Cuba, Czechoslovakia, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Pakistan, Portugal, Rwanda, Saudi Arabia, Sweden, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: None.

Draft resolution E/1990/L.26 was adopted by 53 votes to 1.

Ms. DU YONG (China), speaking in explanation of vote, said that her delegation had voted in favour of the draft resolution, which reflected her delegation's desire to redress the imbalance in the distribution of States in the Commission on Human Rights. However, her affirmative vote should not be construed as acceptance of all the provisions of the draft resolution, especially paragraph 3. The question of improving the functioning of the Commission on Human Rights should be discussed in the Commission itself. A Working Group had already been established for that purpose.

Mr. MOORE (United States of America), speaking in explanation of vote, said that his delegation understood both the benefits and the liabilities of enlarging the Commission. Expansion could bring about increased participation in

(Mr. Moore, United States)

the Commission's important work, but could also limit the Commission's ability to conduct its work effectively. An enlarged Commission would cost considerably more, and all Members of the United Nations would have to pay the bill.

His delegation appreciated the serious consultations and good-faith efforts undertaken by the sponsors of the draft resolution; it had also endeavoured to reach a consensus. It had sought to temper its reservations about enlargement by suggesting that a new operative paragraph should be inserted to read as follows:

"Strongly urges the Commission on Human Rights, in view of its special responsibilities under the Charter and its authority to examine violations of human rights and fundamental freedoms in any part of the world, to take action on the merits of each proposal on such questions, and suggests that it consider, in appropriate cases, voting by secret ballot."

The paragraph proposed by his delegation was significant and substantive, and its adoption would have attested to acceptance by the international community of the principle that the Commission's essential work should continue unimpaired, in spite of the inevitable strains which enlargement would cause. But the sponsors of the draft resolution had been unwilling to commit themselves, and the United States therefore remained concerned about the consequences of enlargement.

The resolution did, however, contain provisions for a number of enhancements which the United States considered positive and helpful, namely, the emphasis on the importance of ongoing efforts to improve the functioning of the Commission (sixth and tenth preambular paragraphs), authorization for the Commission to meet exceptionally between its regular sessions (para. 3), strengthened mandates for Special Rapporteurs and working groups charged with studying and reporting on world-wide principles related to human rights (para. 4) and a post-sessional role for the Commission's Bureau in formulating suggestions for improving the Commission's organization of work (para. 5).

The United States would contribute constructively to the ongoing deliberations on enhancement during the Commission's session in Geneva in early 1991. It considered it important to find ways to improve and reform the activities of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and believed that the Commission should simplify and strengthen the confidential procedures instituted under Economic and Social Council resolution 1503 (XLVIII),

(Mr. Moore, United States)

so as to be more effective in dealing with a "consistent pattern of violations" in any particular country, as revealed by the accumulated complaints of many individuals.

His delegation was encouraged by the sense that there was a stronger commitment within the international community to respecting and promoting the human rights and standing of individuals in countries throughout the world. It anticipated that the candidates put forward in 1991 for election to the Commission on Human Rights would show strong devotion to the common goals of the international community and that that spirit of commitment would extend to all those who would have greater opportunities to participate in the work of the Commission.

Mr. SEZAKI (Japan), speaking in explanation of vote, said that his delegation had voted in favour of the draft resolution, even though it contained elements that were far from satisfactory, because, as an Asian country, it wished to show its solidarity with other members of the Asian group.

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (E/1990/L.22)

Draft resolution E/1990/L.22

Mr. KANE (Observer for Mauritania), speaking on behalf of the African States, said he first wished to express their satisfaction at the independence of Namibia and the release of Nelson Mandela. They also welcomed the recent Declaration on Apartheid and its Destructive Consequences in Southern Africa, unanimously adopted by the General Assembly at its sixteenth special session. In that historic document, the international community had been invited to maintain existing measures against South Africa until there was clear evidence of profound and irreversible changes. Despite recent developments, it was clear that the practice of apartheid in South Africa was still very much alive. In keeping with the spirit of the Declaration, the African countries sponsoring draft resolution E/1990/L.22 had held extensive consultations on the wording of the text. In an effort to maintain unity, they wished to propose that the eleventh preambular paragraph should be reworded as follows:

"Noting with deep concern that the official invitation being extended to the President of South Africa by some countries could be construed to mean the relaxation of pressure against the apartheid régime."

(Mr. Kane, Observer, Mauritania)

With that new formulation, the African States hoped that the draft resolution could be adopted by consensus. If that was not the case, he invited the Council to consider the resolution as a whole, without a separate vote.

Mr. HAYES (Ireland), speaking on behalf of the 12 States members of the European Community, requested a separate vote on the eleventh preambular paragraph and a vote on the draft resolution as a whole.

At the request of the representative of Ireland, a recorded vote was taken on the eleventh preambular paragraph of draft resolution E/1990/L.22.

In favour: Algeria, Bahamas, Bahrain, Brazil, Burkina Faso, Cameroon, China, Colombia, Cuba, Ecuador, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, Nicaragua, Niger, Pakistan, Rwanda, Saudi Arabia, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: France, Germany, Federal Republic of, Greece, Ireland, Italy, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Bulgaria, Canada, Czechoslovakia, Finland, Japan, New Zealand, Sweden.

The eleventh preambular paragraph, as orally revised, was adopted by 36 votes to 8, with 7 abstentions.

At the request of the representative of Ireland, a recorded vote was taken on draft resolution E/1990/L.22 as a whole.

In favour: Algeria, Bahamas, Bahrain, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, China, Colombia, Cuba, Czechoslovakia, Ecuador, Finland, Ghana, Guinea, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Mexico, New Zealand, Nicaragua, Niger, Pakistan, Rwanda, Saudi Arabia, Sweden, Thailand, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yugoslavia, Zambia.

Against: None.

Abstaining: France, German Democratic Republic, Germany, Federal Republic of, Greece, Ireland, Italy, Japan, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland.

Draft resolution E/1990/L.22, as orally revised, was adopted as a whole by 42 votes to 0, with 10 abstentions.

Mr. HAYES (Ireland), speaking in explanation of vote on behalf of the States members of the European Community, said that the European Community had been unable to support the adoption of draft resolution E/1990/L.22 without a vote because of the oral amendment to the eleventh preambular paragraph, which presented the international community's efforts to promote the eradication of apartheid in an unfair light. The European Community had repeatedly condemned racial discrimination in all its forms and was committed to the establishment of a democratic, united and non-racial South Africa in which all South Africans would enjoy equal rights.

Mr. MOORE (United States of America) said that the United States had not participated in the voting on draft resolution E/1990/L.22. His delegation had ceased to participate in any debate on or adoption of resolutions relating to the First Decade to Combat Racism and Racial Discrimination in 1975, when the General Assembly had adopted resolution 3379 (XXX) which, in effect, equated zionism with racism. That resolution had tainted the First Decade and continued to taint the Second.

The United States was committed to the eradication of apartheid and to the promotion of fundamental political change leading to a non-racial, democratic South Africa. It enforced fully its sanctions against that country and was increasing its assistance to black South Africans. The United States was actively engaged in diplomatic efforts to resolve conflicts and to support economic development throughout southern Africa and was conducting intensive consultations with other nations, especially South Africa's major trading partners and the front-line States, on the problems and issues facing southern Africa.

The internal and external pressure on South African whites to accept fundamental change appeared to be bearing fruit. His delegation applauded the historic first official meeting of the South African Government and the African National Congress at Cape Town from 2 to 4 May 1990. The United States was

(Mr. Moore, United States)

encouraged by the South African Government's announcement that public hospitals would be open to people of all races, and that South Africa was prepared to discuss a single educational system for all South Africans. The international community must continue to encourage those positive trends towards dismantling apartheid.

Mr. STANEVSKY (Union of Soviet Socialist Republics) said that, while his delegation had voted in favour of both draft resolution E/1990/L.22 as a whole and the eleventh preambular paragraph, it regretted that the Council had not been able to adopt that very important resolution by consensus.

Mr. CHABALA (Zambia) said that Zambia was surprised that some delegations had waited until the current meeting to voice their concerns about the resolution which had just been adopted because those same delegations had never bothered to express such concerns when the resolution had been in draft form.

The round of high-level visits of the President of South Africa must be seen in its correct political and diplomatic context, since it lent a veneer of credibility and legality to the racist régime. If the trend to relax the ban on contacts with the South African racist régime was not checked, the international community ran the risk of aborting the negotiations on the elimination of the apartheid system. The international community must keep the apartheid leaders at the negotiating table until fundamental political change was irreversibly secured and, at the same time, must encourage dialogue and help the oppressed majority in South Africa strengthen its negotiating resources.

In its current form and content, the resolution on the implementation of the Programme of Action of the Second Decade to Combat Racism and Racial Discrimination was in keeping with the evolving situation in South Africa and the external factors affecting it.

The meeting rose at 1 p.m.