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THIRD COMMITTEE
71st meeting
held on
Friday, 6 December 1985
at 10 p.m.
New York

SUMMARY RECORD OF THE 71st MEETING

Chairman: Mr. ZADOR (Hungary)

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The meeting was called to order at 10.35 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/40/3, 77, 160, 173, 201, 232 and Add.1-3, 276, 308, 320, 342, 398, 458, 489, 569, 578, 638 and Add.1-3, 647, 818, 843, 865, 874, 938; A/C.3/40/1, 6, 7, 9, 12, 13, 14; A/C.3/40/L.32, L.48/Rev.1, L.54, L.59/Rev.2, L.64, L.66, L.67, L.72/Rev.1, L.75, L.76, L.77, L.78, L.79, L.80, L.81, L.82, L.83/Rev.1, L.84, L.85, L.86, L.87 and L.89)

Draft resolution A/C.3/40/L.79

1. Mrs. DOWNING (Secretary of the Committee) announced that Guinea, Liberia, the Philippines, Rwanda, Sierra Leone and Zimbabwe had joined the sponsors of draft resolution A/C.3/40/L.79, which had no financial implications.
2. Draft resolution A/C.3/40/L.79 was adopted without a vote.

Draft resolution A/C.3/40/L.54

3. Mr. MONTAÑO (Mexico) said that Denmark, Greece, Morocco, the Netherlands and Norway had joined the sponsors of draft resolution A/C.3/40/L.54, and that the sponsors had agreed to replace, in the fourth line of paragraph 8 of the draft resolution, the words "to receive" by the words "to co-operate in receiving".
4. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications.
5. The CHAIRMAN said that a recorded vote had been requested.
6. A recorded vote was taken on draft resolution A/C.3/40/L.54.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

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Against: Bangladesh, Chile, Indonesia, Paraguay.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Congo, Democratic Kampuchea, Ecuador, El Salvador, Fiji, Gabon, Grenada, Guatemala, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Pakistan, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire.

7. Draft resolution A/C.3/40/L.54, as orally revised by Mexico, was adopted by 92 votes to 4, with 40 abstentions.

8. Miss BYRNE (United States of America), speaking on a point of order, asked which delegation had requested a recorded vote.

9. The CHAIRMAN said that he had made a mistake and that no one had asked for a recorded vote.

10. Mr. YAKOVLEV (Union of Soviet Socialist Republics) asked that thereafter a recorded vote should be taken on all the draft resolutions.

11. Miss BYRNE (United States of America), invoking rule 123 of the rules of procedure, asked for a reconsideration of the decision on draft resolution A/C.3/40/L.54.

12. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Committee had already taken a decision on the draft resolution in accordance with the rules of procedure; his delegation therefore opposed the motion proposed by the United States.

13. A recorded vote, having been requested, was taken on the motion proposed by the United States under rule 123 of the rules of procedure.

In favour: Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Brazil, Canada, Chile, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Sri Lanka, Sudan, Sweden, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Afghanistan, Angola, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mauritania, Mongolia, Mozambique, Nicaragua, Poland, Seychelles, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam.

Abstaining: Bhutan, Burma, Egypt, Gambia, Ghana, India, Iraq, Lebanon, Nepal, Nigeria, Romania, Suriname, Thailand, Uruguay, Yemen, Yugoslavia, Zambia.

14. There were 59 votes in favour, 22 against, and 17 abstentions. Having obtained the required two-thirds majority of the members present and voting, the United States motion was adopted.

15. Miss BYRNE (United States of America), speaking in explanation of vote before the vote, indicated that her delegation would abstain on draft resolution A/C.3/40/L.54 because it believed that, while the text recognized, particularly in paragraph 2, the progress made by the Government of El Salvador in the field of human rights, it did not take note of the efforts made in good faith and under the most difficult conditions by that Government to ensure the primacy of law. While the draft resolution avoided mentioning the strictly political elements which had caused her delegation to vote against the similar draft resolution at the thirty-ninth session, it nevertheless had significant defects. The draft resolution noted the "process of the democratic normalization of the country" but, unlike Commission on Human Rights resolution 1985/35, not the legitimacy of the Salvadorian Government. Moreover, it did not devote adequate attention to the brutal human rights violations committed by the insurgents, to which it seemed to give the same moral and legal status as the democratically elected Government, even though the insurgents had refused to participate in four free and fair elections. Lastly, the draft resolution implied that the mandate of the Special Representative should be continued for "the duration of the armed conflict", whereas the real progress made in human rights in El Salvador could justify allowing his mandate to expire. At all events, it was the Commission on Human Rights that was responsible for deciding that question.

16. A recorded vote was taken on draft resolution A/C.3/40/L.54.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic,

Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Peru, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Seychelles, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zimbabwe.

Against: Chile, Guatemala, Indonesia.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Fiji, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Pakistan, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire, Zambia.

17. Draft resolution A/C.3/40/L.54 was adopted by 92 votes to 3, with 38 abstentions.

Draft resolution A/C.3/40/L.59/Rev.2

18. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.59/Rev.2, which had no financial implications, had been corrected for technical reasons in the Spanish version: in the ninth preambular paragraph, the word "menosprecio" should be replaced by the word "desconocimiento" and, in the penultimate line of paragraph 7, the word "incluidos" by the word "incluso".

19. Mr. FAJARDO MALDONADO (Guatemala) said that the Special Rapporteur, who had gone several times to Guatemala, had underscored the co-operation and support he had received from the Guatemalan Government. Despite that Government's efforts to improve the living conditions of the population and to institutionalize democracy, certain European countries and Canada, prompted by political and ideological prejudices and combining arrogance with paternalism, were yet again submitting a selective, partial and discriminatory draft resolution which reflected neither the real situation in the country nor the changes having to do with human rights, the power of the State and freedom of access to all human activities that were taking place, nor even the progress cited by the Special Rapporteur and by all observers.

20. Thus, in the fifth preambular paragraph, the sponsors showed some reticence in recognizing that free and fair elections had been held, as had been confirmed by observers, who had seen no evidence that the Government was blocking the electoral process which would culminate on 14 January 1986 with the installation of a new civilian Government. Furthermore, the ninth preambular paragraph repeated the

(Mr. Fajardo Maldonado, Guatemala)

wording of resolution 1984/23 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and spoke of the principles of international humanitarian law applicable to that conflict, whereas in fact what was involved were clandestine groups who perpetrated murders, kidnappings and destruction of property and public buildings. The Guatemalan Government, like any other, had the duty to ensure the safety of property and persons and to maintain public order. Paragraph 4 compounded the false assertions, although no outside observer had ever noted the many and serious human rights violations in question. What the text failed to mention was the common will of the Government and the Guatemalan people to establish a pluralist and representative democracy and to favour national reconciliation and the country's economic development.

21. His delegation thanked the Colombian, Venezuelan and Costa Rican delegations which, aware of the realities in Latin America, had helped by their amendments to put some balance into the text, which was the product of an international crusade by countries foreign to the continent and which would in no way contribute either to the process of national reconciliation or even to the improvement of the living conditions of the people. When the next session of the Commission on Human Rights convened in Geneva, Guatemala would have a democratic régime, and his delegation hoped that that fact would then be recognized.

22. Mrs. BOCHECIAMPE de CROVATI (Venezuela) said that her delegation supported draft resolution A/C.3/40/L.59/Rev.2, which sought to improve the human rights situation in Guatemala. That improvement would occur when freedom, democracy and stability were instituted. Her delegation hoped that the Government which would be set up after the coming elections would further that process because, as pointed out by the Special Rapporteur, the situation of human rights in Guatemala still left much to be desired, and that country's Government, with all the good will in the world, did not seem to have controlled certain forces.

23. Miss BYRNE (United States of America), speaking in explanation of vote, said that her delegation would abstain on draft resolution A/C.3/40/L.59/Rev.2. She conceded that the sponsors and the delegations of some countries which were members of the Contadora Group had made an effort to describe the process of return to democracy which was taking place in Guatemala; therefore, her delegation would not vote against the draft resolution. Unfortunately, the final text was unbalanced and referred to "gross violations of human rights arising from that conflict". However, since the Guatemalan Government had begun to co-operate with the Commission on Human Rights, the human rights situation had constantly improved and had become quite comparable to that of other Latin American countries, whose situation was not being examined by the United Nations. Furthermore, the draft made no mention of the responsibility of the Marxist rebels or of extremist groups whether leftist or rightist, for the violence in the country. Radio Havana was urging the rebels to continue the struggle notwithstanding the forthcoming elections. Finally, the conclusions of the Special Rapporteur contained no evidence of restrictions on the freedom of movement in the rural development centres, forced participation in civilian patrols or the existence of secret detention centres. It was the rebels, not the Government, who were responsible for the displacement of the rural population.

24. A recorded vote was taken on draft resolution A/C.3/40/L.59/Rev.2.

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Canada, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Rwanda, Samoa, Saudi Arabia, Senegal, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, El Salvador, Guatemala, Indonesia, Morocco, Pakistan.

Abstaining: Bahamas, Bhutan, Brunei Darussalam, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Egypt, Fiji, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Jordan, Lebanon, Malaysia, Maldives, Nepal, Niger, Oman, Panama, Peru, Philippines, Romania, Saint Vincent and the Grenadines, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, United States of America, Yemen, Zaire.

25. Draft resolution A/C.3/40/L.59/Rev.2 was adopted by 85 votes to 6, with 40 abstentions.

Draft resolution A/C.3/40/L.75

26. Mr. KHAN (Pakistan), seconded by Mr. ABUSHAALA (Libyan Arab Jamahiriya), requested an adjournment of the debate on draft resolution A/C.3/40/L.75, in accordance with rule 116 of the rules of procedure, stating that the text under consideration was too excessive compared with the conclusions of the Special Representative.

27. Mr. HAMER (Netherlands) opposed the motion by the delegation of Pakistan, because it constituted abuse of the rules of procedure aimed solely at preventing the Third Committee from discharging its responsibilities. The Commission on Human Rights had deemed it necessary to examine the human rights situation in the Islamic Republic of Iran closely and had appointed a Special Representative to prepare an interim report on the subject. It was usual for such a report to give rise to a

(Mr. Hamer, Netherlands)

draft resolution, and the Iranian delegation had even voted in favour of draft resolutions on the human rights situation in other countries. The sponsors of the draft resolution had produced a balanced text and the opinions expressed in it were based on the report of the Special Representative. Its adoption would encourage the Iranian Government to continue the modest co-operation it had started with United Nations bodies.

28. A recorded vote was taken on the Pakistan motion.

In favour: Afghanistan, Albania, Angola, Bahrain, Bangladesh, Benin, Brunei Darussalam, Cuba, Democratic Yemen, Ethiopia, Indonesia, Iran (Islamic Republic of), Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mongolia, Mozambique, Nicaragua, Pakistan, Poland, Qatar, Romania, Saudi Arabia, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania.

Against: Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chile, Colombia, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Ivory Coast (Côte d'Ivoire), Jamaica, Japan, Jordan, Kenya, Lesotho, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Sri Lanka, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen.

Abstaining: Bhutan, Botswana, Burkina Faso, Burma, Chad, China, Cyprus, Ecuador, Egypt, Gabon, Ghana, Guinea, India, Mali, Nepal, Niger, Oman, Philippines, Senegal, Somalia, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Uganda, Yugoslavia, Zambia, Zimbabwe.

29. The Pakistan motion was rejected by 55 votes to 28, with 29 abstentions.

30. Mrs. DOWNING (Secretary of the Committee) said that the delegations of Saint Lucia and Samoa had also become sponsors of the draft resolution. The draft had no financial implications, and a correction had been made to paragraph 5 of the Arabic text.

31. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran) said that it was neither fitting nor constructive nor even useful to put draft resolution A/C.3/40/L.75 to the vote. In the first place, the text basically represented the position of the terrorists, since they were the ones behind all the allegations made against his country. Those terrorists, from whom the Government had the right to protect the population, had even tried to kill the Permanent Representative of the Islamic Republic of Iran to the United Nations by sending him a parcel bomb. His

(Mr. Rajaie-Khorassani, Islamic Republic of Iran)

delegation was therefore astounded that some of the terrorists, who had come from Paris, were even circulating freely in the conference rooms of the United Nations Headquarters, using official identity documents provided by certain delegations. The Islamic Republic of Iran had never resorted to such measures, even against its worst enemies. Secondly, the draft resolution referred explicitly to the Baha'is, whose historic links with zionism were well known. Thirdly, its adoption would simply close the door once and for all against any future co-operation between the Iranian Government and the Committee. It was therefore for the Committee to decide whether that co-operation was important.

32. Mr. ABUSHAALA (Libyan Arab Jamahiriya) said he felt that the draft resolution on the human rights situation in the Islamic Republic of Iran was not intended to consider the human rights situation in that country. Rather, it was a plot hatched by the Western countries, which were trying to present the Iranian revolution in a bad light. Those same countries had not been concerned about human rights under the Shah's régime - which had not hesitated to murder or exile any opponent - because that régime had been serving their interests.

33. Moreover, the interim report by the Special Representative of the Commission on Human Rights (A/40/874) was biased and inaccurate since it was not based on any objective testimony and disregarded the response of the Iranian Government, which described the national legislation that provided all the guarantees to individuals. The Baha'is were not a religious sect as some claimed but a dissident group which had always co-operated with imperialism and zionism and whose aim was to create disturbance not only in the Islamic Republic of Iran but also in other countries. His delegation felt that any mention of that subject was intended only to deceive public opinion. It would therefore vote against draft resolution A/C.3/40/L.75.

34. Mr. ZIADA (Iraq) said that the representative of the Islamic Republic of Iran claimed that there were no human rights violations in his country and that the whole matter had been fabricated by a few terrorists who had managed to enter the Secretariat building, allegedly in violation of certain human rights. However, the condemnation of terrorism by a delegation such as that of Iran could not be taken seriously since everyone knew who the real terrorists were. Moreover, the draft resolution under consideration was not completely satisfactory since it failed to mention persons who were suffering in Iran, namely, the oppressed minorities such as the Turkmens, the Kurds and the Baluchis.

35. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran), speaking on a point of order, said that the representative of Iraq was speaking not in explanation of vote but in exercise of the right of reply, and that his statement was an interference in the internal affairs of Iran, which was entirely unacceptable.

36. The CHAIRMAN requested all delegations to limit their statements to the subject of draft resolution A/C.3/40/L.75, entitled "Situation of human rights in the Islamic Republic of Iran".

37. Mr. ZIADA (Iraq) said that he had no intention of becoming involved in the internal affairs of Iran. He had simply wished to point out that the draft resolution should have contained a reference to the ill-treatment of certain nationalities and minorities. However, given the existence of flagrant human rights violations in the Islamic Republic of Iran, his delegation would vote in favour of the draft resolution.

38. Mr. KHAN (Pakistan) said that the excessive character of the draft resolution under consideration suggested that it had been coloured by a negative and stereotyped view of the historic political changes which had taken place in Iran. Iran had been through a revolution which, like all revolutions, had been accompanied by acts of violence. However, it would be wrong to continue to give the impression that violence and human rights violations continued to exist in Iran.

39. Moreover, a careful study of the interim report of the Special Representative revealed that the draft resolution was not objective. First, the report drew primarily on the words of 13 witnesses whose testimony remained unsubstantiated. The Special Representative referred to incidents which allegedly had taken place between 1980 and 1983. Even if those allegations were upheld, they would in no way reflect the current situation. Secondly, it was indicated in the draft resolution that the Government of the Islamic Republic of Iran had still not extended its full co-operation to the Commission on Human Rights and its Special Representative. That statement was inaccurate, since in his report the Special Representative himself noted with appreciation that the Government of the Islamic Republic of Iran had taken a positive step in the direction of co-operation and dialogue. Thirdly, in its report on the performance of the Islamic Republic of Iran in 1985 (A/40/874, annex IV), the Ministry of Foreign Affairs of that country had replied satisfactorily to the questions raised by the Special Representative in the aide-mémoire contained in annex III, and that fact should be acknowledged. Fourthly, the Special Representative had drawn no conclusion which could validate the allegations regarding human rights violations, which, in any case, did not pertain to the period under review. There was no reason to continue monitoring the situation of human rights in the Islamic Republic of Iran. For all the above-mentioned reasons, Pakistan would vote against draft resolution A/C.3/40/L.75.

40. Mrs. UMAÑA (Colombia) said that it was essential to consider all violations of human rights wherever they occurred, without being selective or discriminatory. The report of the Special Representative on the situation of human rights in the Islamic Republic of Iran confirmed that necessity and required the international community to appeal to the Iranian Government to end the human rights violations described in the report. Moreover, her delegation believed that a revolution in no way justified the perpetration of human rights violations, and that was why her delegation would vote in favour of the draft resolution under consideration.

41. At the request of the representative of Algeria, a recorded vote was taken on draft resolution A/C.3/40/L.75.

In favour: Antigua and Barbuda, Argentina, Australia, Austria, Barbados, Belgium, Botswana, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Jordan, Kenya, Lesotho, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Togo, Uganda, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Algeria, Bahrain, Bangladesh, Benin, Cuba, Democratic Yemen, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Nicaragua, Pakistan, Qatar, Romania, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania, Yemen.

Abstaining: Bahamas, Bhutan, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Central African Republic, Chad, China, Congo, Cyprus, Ecuador, Egypt, Ethiopia, Gabon, Ghana, India, Ivory Coast (Côte d'Ivoire), Japan, Maldives, Mauritania, Nepal, Niger, Nigeria, Oman, Philippines, Poland, Senegal, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Trinidad and Tobago, Tunisia, Yugoslavia, Zaire, Zambia, Zimbabwe.

42. Draft resolution A/C.3/40/L.75 was adopted by 53 votes to 22, with 41 abstentions.

Draft resolution A/C.3/40/L.76

43. Mrs. DOWNING (Secretary of the Committee) announced that Mongolia had become a sponsor of the draft resolution, which had no financial implications.

44. Draft resolution A/C.3/40/L.76 was adopted without a vote.

Draft resolution A/C.3/40/L.77

45. Mr. HOPPE (Denmark) said that, in order to respond to the concerns expressed by some delegations, he had agreed to make the following changes in the draft resolution under consideration: the words "by Governments" should be added after the word "taken" in the second line of paragraph 7 and the phrase "and impartial investigation" should be deleted in the third line of the same paragraph. He hoped that those changes would enable the members of the Committee to adopt the draft resolution without a vote.

46. Ms. YOUNG (United Kingdom) proposed that "by Governments" should be replaced by "by the appropriate authorities", since in her country, and perhaps in other countries, the measures referred to in paragraph 7 would not necessarily be taken by the Government itself but by other authorities.

47. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the amendment which the representative of the United Kingdom had just proposed.

48. It was so decided.

49. Mrs. DOWNING (Secretary of the Committee) announced that Luxembourg, the United Kingdom and Senegal had become sponsors to draft resolution A/C.3/40/L.77, which had no financial implications.

50. Draft resolution A/C.3/40/L.77 was adopted without a vote.

Draft resolution A/C.3/40/L.80

51. Mr. KHAN (India) said that delegations had not had enough time to consider all aspects of the Declaration in draft resolution A/C.3/40/L.80 in terms of their national legislation, and he therefore thought they should be given more time to study that Declaration with the care it deserved. Nevertheless, if the Committee wished to adopt it immediately, his delegation would associate itself with the majority view, but would reserve the right to explain its position on that question at a subsequent stage.

52. Mr. RIACHE (Algeria) said he fully shared the concerns expressed by the Indian delegation because the draft resolution under consideration contained an important Declaration which affected the rights and obligations of non-nationals and deserved close scrutiny. Also, the text of that Declaration seemed somewhat inconsistent with the draft Convention on the Protection of the Rights of All Migrant Workers and Their Families (A/C.3/40/6) which was being prepared. Part II of the draft Convention set forth a number of rights to be granted to migrant workers, whether they were legal or illegal. The Declaration currently before the Committee established a distinction between the two groups which might be incompatible with the provisions of the above-mentioned draft Convention. For all those reasons, his delegation thought that it might be better to give the competent authorities of each country an opportunity to examine the Declaration in draft resolution A/C.3/40/L.80 more thoroughly.

53. Mr. MATELJAK (Yugoslavia) asked the Secretary of the Committee to read out the text of the amendment proposed by the representative of Morocco to article 5 of the Declaration.

54. Mrs. DOWNING (Secretary of the Committee) said that the first two lines of article 5, paragraph 1, should read: "Aliens shall enjoy in accordance with domestic law and subject to the relevant international obligations of the State in which they are present in particular the following rights:".

55. Mr. MATELJAK (Yugoslavia) said that that wording was not entirely satisfactory because it implied that domestic law was subordinate to the international instruments to which a State had acceded or which it had ratified. In Yugoslavia, however, the international instruments to which the Government had acceded or which it had ratified were an integral part of domestic law and were not superior to it. His delegation would not oppose the adoption of the Declaration by consensus, however.

56. Mr. RUIZ CABAÑAS (Mexico) wished to express his delegation's reservations with respect to certain provisions of the Declaration under consideration, particularly to article 8. The rights set forth in paragraphs 1 (a), (b) and (c) of that article were guaranteed to aliens "lawfully residing" in the territory of a State. Unfortunately, that provision was not consistent with articles 22 to 27 of the Universal Declaration of Human Rights, which stipulated that those rights should be granted to "everyone" without restriction. It was also incompatible with articles 7 to 13 of the Covenant on Economic, Social and Cultural Rights, which provided that everyone should enjoy those rights without distinction, in accordance with the spirit and letter of the Universal Declaration.

57. His delegation also felt, as it had pointed out throughout the meetings of the Working Group on the Elaboration of the Draft Declaration, that the word "lawfully" should not appear in article 8, paragraph 1. Curiously, however, that point of view had not been shared by some delegations which had, nevertheless, constantly affirmed over the years the permanent validity of the Universal Declaration and of the International Covenants on Human Rights. Fortunately, both article 2, paragraph 2, and article 8, paragraph 2, constituted safeguard clauses. Moreover, as the Chairman of the Working Group had stated, article 8 did not prejudice the provisions which might subsequently be adopted in other international instruments, particularly in the International Convention on the Protection of the Rights of All Migrant Workers and Their Families. In those circumstances his delegation would not object to the adoption of draft resolution A/C.3/40/L.80 without a vote.

58. Mr. KHAN (India) said that his delegation would join in the consensus on draft resolution A/C.3/40/L.80 but wished to stress that his country would apply the provisions of the Declaration on the human rights of individuals who are not nationals of the country in which they live in accordance with the statement made by his Government with respect to the two International Covenants on Human Rights as well as all other relevant provisions of its national legislation.

59. Mr. RIACHE (Algeria) said he would join in the consensus while reserving his position with respect to each of the provisions of the draft resolution, which he might refer to at a later date, particularly within the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families.

60. Mrs. FLOREZ PRIDA (Cuba) said that her delegation shared the concerns expressed by the previous speakers but would join in the consensus which seemed to be emerging on draft resolution A/C.3/40/L.80. Since she had not received specific instructions from her Government, however, she would reserve its position with respect to the provisions of that draft resolution.

61. Draft resolution A/C.3/40/L.80 was adopted without a vote.

62. Mrs. WARZAZI (Morocco) thanked the members of the Committee for adopting the draft resolution by consensus.

Draft resolution A/C.3/40/L.81

63. Mrs. DOWNING (Secretary of the Committee) said that draft resolution A/C.3/40/L.81 had no financial implications.

64. Mr. MORELLI (Uruguay), speaking in explanation of vote before the vote, said that his country, which had recently restored democracy, was following closely the situation of those Latin American countries which had not yet done the same. Uruguay was particularly concerned over the situation in Chile, a country to which it was bound by many historical ties but where citizens unfortunately enjoyed neither democracy, nor liberty nor the free exercise of their political rights and were constantly the victims of many human rights violations. In voting for the draft resolution, his delegation wished to express, over and above its condemnation, the hope that Chile would re-establish a democratic and pluralistic society as soon as possible.

65. Miss BYRNE (United States of America) said it was with regret that her delegation would vote against the draft resolution because, despite the many consultations it had had with the parties concerned, the draft resolution was still not a balanced one. The United States would have preferred it had the draft resolution explicitly praised the constructive preliminary report prepared by the Special Rapporteur (A/40/647) and recognized the positive changes in the situation of human rights in Chile during the past year. The Chilean Government, which had agreed for the first time to co-operate with the Special Rapporteur, had expressed a willingness to consider the recommendations in paragraph 85 of the preliminary report. The fact that such recommendations were necessary clearly showed the seriousness of the problem of human rights in Chile. Her delegation hoped that the Chilean Government would adopt all those recommendations, make sure that they were promptly implemented and in particular that it would take effective measures to end the torture practised by the security forces, which was undoubtedly the most despicable violation of human rights. It also wished to pay tribute to the Special Rapporteur for the impressive work he had already accomplished, and it was in favour of renewing his mandate.

66. A recorded vote was taken on draft resolution A/C.3/40/L.81.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Ireland, Italy, Jamaica, Kenya, Kuwait,

Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Spain, Sri Lanka, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Chile, El Salvador, Guatemala, Indonesia, Morocco, Pakistan, Paraguay, Thailand, United States of America.

Abstaining: Bahamas, Brazil, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Colombia, Democratic Kampuchea, Ecuador, Egypt, Gabon, Grenada, Honduras, Ivory Coast (Côte d'Ivoire), Japan, Jordan, Malaysia, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Sudan, Suriname, Swaziland, Trinidad and Tobago, Turkey, Yemen, Zaïre.

67. Draft resolution A/C.3/40/L.81 was adopted by 82 votes to 9, with 38 abstentions.

Draft resolution A/C.3/40/L.82

68. Mr. ANDERSON (Department of International Economic and Social Affairs) said that, since the report referred to in draft resolution A/C.3/40/L.82, paragraph 7, would be submitted to the Committee on Crime Prevention and Control at its 1988 session, the draft resolution would have no financial implications for the proposed programme budget for the biennium 1986-1987.

69. Mrs. DOWNING (Secretary of the Committee) said that Bolivia and Iceland had joined the sponsors of draft resolution A/C.3/40/L.82.

70. Draft resolution A/C.3/40/L.82 was adopted without a vote.

Draft resolution A/C.3/40/L.83/Rev.1

71. Mr. MATSOUKA (Ukrainian Soviet Socialist Republic) said that, owing to the difficulties to which draft resolution A/C.3/40/L.83/Rev.1 gave rise from the point of view of both substance and form, the consultations held on the subject in question had not led to a consensus. He therefore wished to suggest to the Committee that it should defer consideration of the draft resolution and the relevant amendments (A/C.3/40/L.90) to the forty-first session of the General Assembly.

72. Mr. QUINN (Australia) said that he welcomed the proposal just made by the representative of the Ukrainian SSR. The draft in question gave rise to serious problems for the Australian delegation because it was based on an erroneous interpretation of one of the fundamental principles of the Charter, namely, that of non-interference in the internal affairs of States. There was no question that the draft should be considered more closely.

73. Mrs. LUNDBLAD (Sweden) said that, if draft resolution A/C.3/40/L.83/Rev.1 was put to a vote, her delegation would vote against it; it was impossible to claim that promotion of the implementation of human rights constituted interference in the internal affairs of States. Sweden therefore welcomed the proposal put forward by the representative of the Ukrainian SSR that consideration of that draft resolution and the relevant amendments should be deferred to the forty-first session.

74. Mr. KHAN (Pakistan) said that, when he had proposed the amendments to draft resolution A/C.3/40/L.83/Rev.1 set out in document A/C.3/40/L.90, he had indicated that, in view of the seriousness of the question, he would, should the occasion arise, not oppose further consideration of the draft and the relevant amendments. He therefore welcomed the proposal just put forward by the representative of the Ukrainian SSR, which was in keeping with that precise approach.

75. Mr. CHIKETA (Zimbabwe) said that he too welcomed the proposal just made by the Ukrainian SSR. Zimbabwe endorsed some of the ideas put forward in draft resolution A/C.3/40/L.83/Rev.1, since it was itself a victim of the exploitation and distortion of human rights issues. However, it would have liked the draft resolution to define more precisely the nature of such exploitation and distortion, as well as the form taken by such practices. Moreover, it took great exception to the reference made to apartheid in the draft resolution with a view to obtaining votes in favour of the draft. Apartheid was a scourge that affected the daily lives of the Zimbabwean people, and nobody could claim that the South African Boers used human rights, which they by no means championed, as a pretext for meddling in the internal affairs of other States. Use of the term "apartheid" in that context therefore amounted to abuse. He hoped that the Committee would consider more closely the question of the implementation of the relevant conventions and the International Covenants on Human Rights, not for the purpose of political exploitation and interference, whether overt or covert, but in the interest of all peoples whose rights were being scoffed at, as well as the fact that some States had a tendency to exploit for political purposes the human rights violations that millions of people were victims of.

76. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the proposal that consideration of draft resolution A/C.3/40/L.83/Rev.1 and the relevant amendments (A/C.3/40/L.90) should be deferred to the forty-first session of the General Assembly.

77. It was so decided.

Draft resolution A/C.3/40/L.84

78. Mrs. DOWNING (Secretary of the Committee) said that Argentina, Bolivia and Luxembourg had joined the sponsors of draft resolution A/C.3/40/L.84.

79. Draft resolution A/C.3/40/L.84 was adopted without a vote.

Draft resolution A/C.3/40/L.85

80. The CHAIRMAN said that he wished to draw attention to the fact that the amendments submitted by the Netherlands and the United Kingdom were set forth in document A/C.3/40/L.89.

81. Mr. SCHLEGEL (German Democratic Republic) said that he wished to remind the members of the Committee that, when introducing draft resolution A/C.3/40/L.85, he had made the following revisions: firstly, in the third line of the ninth preambular paragraph, the phrase "which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices" had been inserted after the words "human beings"; secondly, the phrase "including nazism, fascism and neo-fascism" had been deleted from the twelfth preambular paragraph. He wished to make the following two additional changes: the fourth preambular paragraph should be inserted after the nineteenth preambular paragraph and, as indicated in paragraph 4 of document A/C.3/40/L.89, the text of the seventh preambular paragraph (as renumbered) should be replaced by the text of the seventh preambular paragraph of General Assembly resolution 39/114. He regretted that he had not had time to consult all the sponsors of the draft. However, he hoped that those changes would make it possible to achieve a consensus on the draft resolution under consideration.

82. Ms. YOUNG (United Kingdom) said that, when the Netherlands and her country had submitted their amendments to draft resolution A/C.3/40/L.85 in document A/C.3/40/L.89, they had taken due account of the comments made by the representative of the German Democratic Republic. She believed that the changes just proposed by that representative were not sufficient for reaching a consensus; she would take up that question once again when she explained her vote. She wished to request that a recorded vote should be taken on draft resolution A/C.3/40/L.85.

83. Mr. HAMER (Netherlands) said that he wished to make an urgent appeal to the sponsors of draft resolution A/C.3/40/L.85 to change the ninth preambular paragraph so that it reiterated the text of the eighth preambular paragraph of General Assembly resolution 39/114.

84. Mr. SCHLEGEL (German Democratic Republic) said that it was not necessary to change the ninth preambular paragraph of draft resolution A/C.3/40/L.85, which quite properly took up again and merged the eighth and seventeenth preambular paragraphs of General Assembly resolution 39/114.

85. Mr. KOMISSAROV (Byelorussian Soviet Socialist Republic) said he thought that the sponsors of the draft resolution had made enough concessions. The amendments that were being proposed were intended to distort the draft resolution and were unacceptable.

86. Ms. YOUNG (United Kingdom) withdrew, on behalf of the sponsors, the proposed amendments contained in document A/C.3/40/L.89.

87. Mr. HAMER (Netherlands), speaking in explanation of the vote before the vote on draft resolution A/C.3/40/L.85 said he would abstain. For several years his delegation had been involved in negotiations on texts dealing with the subject covered by the draft resolution in the Third Committee, the Economic and Social Council and the Commission on Human Rights. It seemed that, each time, a little more was lost of what had been gained the time before. Texts of that type required that each word should be carefully weighed in an effort to strike a balance between the various elements, since their meaning was determined in part by the wording and in part by the context. However, the draft resolution that had been proposed was unacceptable in its current state.

88. Ms. YOUNG (United Kingdom) said her delegation would abstain in the vote on draft resolution A/C.3/40/L.85 for the reasons just put forward by the representative of the Netherlands. Despite their statements of intent, the sponsors refused to reiterate the text of General Assembly resolution 39/114. Because of their attitude, there could be no consensus on the proposed text. Yet a resolution of that type was valid only if it represented the unanimous opinion of all States.

89. A recorded vote was taken on draft resolution A/C.3/40/L.85.

In favour: Afghanistan, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, Indonesia, Iran (Islamic Republic of), Ivory Coast (Côte d'Ivoire), Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Antigua and Barbuda, Australia, Bahamas, Barbados, Belgium, Canada, Denmark, France, Germany, Federal Republic of, Greece,

Grenada, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Oman, Papua New Guinea, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland.

90. Draft resolution A/C.3/40/L.85 was adopted by 96 votes to 2, with 24 abstentions.

91. Mr. CARRIER (Canada) said that the sponsors of draft resolution A/C.3/40/L.86, in an effort to facilitate its adoption by consensus, had taken the observations of a number of delegations into consideration and modified the original text in the following manner: the tenth preambular paragraph had been deleted; in paragraph 3, the phrase ", including the designation of special representatives on humanitarian issues on an ad hoc basis," had been deleted; the phrase ", as mentioned in the report of the Secretary-General on the work of the Organization at the thirty-ninth session of the General Assembly" had been added to paragraph 4; the symbol shown in footnote 1/, E/CN.4/1503, should be followed by an asterisk.

92. Mrs. DOWNING (Secretary of the Committee) announced that Bangladesh, Jordan, Pakistan and Rwanda had joined in sponsoring draft resolution A/C.3/40/L.86, which had no financial implications.

93. Draft resolution A/C.3/40/L.86, as orally revised, was adopted without a vote.

94. Mr. RAKOTOZAFY (Madaqascar) said that his delegation had abstained in the vote on draft resolution A/C.3/40/L.48/Rev.1 and had not participated in the vote on draft resolutions A/C.3/40/L.54, L.59/Rev.2, L.75 and L.81 because it considered it unacceptable that certain Governments should use human rights questions to interfere in other States' internal affairs. Such behaviour, contrary to what was stipulated in the Charter and the norms of positive international law, served to weaken mutual confidence and undermine relations of friendship and co-operation among States.

95. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had voted in favour of the various draft resolutions on human rights even though United Nations bodies had introduced into that question political considerations which did little to promote a serious and objective analysis of the situation. Furthermore, the Committee had acted selectively in the cases of El Salvador and Guatemala as well as in the case of Chile, by closing its eyes to what was going on in other States.

96. The Latin American countries which had sponsored draft texts on human rights in El Salvador (A/C.3/40/L.54) and in Guatemala (A/C.3/40/L.59/Rev.2) had sought to come up with balanced texts that were not based on political considerations but reflected the situation objectively, with a view to helping those two countries move further along the course which they had set for themselves towards democracy, in order that they might protect the fundamental rights of their citizens and solve the human, economic and social problems posed by development.

97. With regard to draft resolution A/C.3/40/L.81, on the situation of human rights in Chile, the text failed to note with due satisfaction the fact that the Chilean Government had for the first time officially recognized and accepted the

(Mrs. Castro de Barish, Costa Rica)

mission of the Special Rapporteur. In that connection, the fifth preambular paragraph, which contributed nothing new, might have acknowledged the part played by the Special Rapporteur in that turn of events, which was apparent from several paragraphs of the preliminary report on the situation of human rights in Chile (A/40/647). Moreover, the eighth preambular paragraph made no mention of the report of the Inter-American Commission on Human Rights of the Organization of American States, which was rather strange in a discussion of one of the countries of the region. Finally, paragraph 6 was designed to provoke the Chilean Government and might lead it to deny the Special Rapporteur the co-operation which would be absolutely indispensable to him. It was unfortunate, then, that the elements required for an objective and fuller view of the situation had not been included in the text. Nevertheless, her delegation, which represented a country that stood solidly behind the Chilean people in its struggle to return to a democratic and representative régime based on participation, the only mode of government propitious to fundamental freedoms, approved in substantive terms certain points contained in the draft resolution, and had therefore voted in favour of it, with the reservations just expressed.

98. Her delegation had been one of the sponsors of draft resolutions A/C.3/40/L.48/Rev.1 and A/C.3/40/L.75, on human rights in Afghanistan and in the Islamic Republic of Iran, respectively, because it believed that those texts were necessary if the Commission on Human Rights was to continue to protect human rights by applying justice impartially.

R. n. 2.

The meeting rose at 1.40 p.m.