



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. ABULHASAN (KUWAIT)

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COMPLETION OF THE COMMITTEE'S WORK

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The meeting was called to order at 7.35 p.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

Draft resolution A/C.3/43/L.41/Rev.1

1. Mr. MAHALATTI (Islamic Republic of Iran) said that he wished to explain the situation with regard to the revised draft resolution on the situation of human rights in the Islamic Republic of Iran (A/C.3/43/L.41/Rev.1) before the resolution was put to the vote. His delegation had engaged in lengthy and continuing discussions with the sponsors of the draft resolution and with other delegations. It would vote against the draft resolution, in part because the latter was based on a report that contained a number of baseless allegations against Iran made by terrorist groups, including one based in Baghdad. That campaign of misinformation should have been treated as such. The draft resolution also pursued objectives that were extraneous to human rights and to the mechanism for enforcing them. In his delegation's view, it was counterproductive to propose a draft resolution of that kind when there was a viable alternative in the form of a decision proposed by his delegation that would guarantee the goals set for the promotion of human rights. The draft resolution was intended to create practical obstacles to fruitful co-operation between the Special Representative and Iran. If the Committee adopted it, it would have fallen into a trap set by certain ostensible advocates of human rights. Even so, Iran would continue its full co-operation with the Special Representative.

2. In the course of his delegation's lengthy and positive negotiations with the sponsors, he had introduced a draft decision that covered all the legitimate goals of the Special Representative's mandate. He had explained clearly that Iran was ready to co-operate fully with the Special Representative in order to enable him to fulfil his mandate before the end of 1988. His delegation's approach had been generous and constructive and all references to political interests and motives had been omitted from its proposed text, even though most of the misinformation provided to the Special Representative had clearly been politically motivated. Instead, he had stressed his Government's willingness to extend unconditional co-operation so that the Special Representative could obtain first-hand information and thus bring the true facts to the attention of all countries concerned with questions of human rights. Unfortunately, his delegation's draft decision had been rejected on purely political grounds by two or three of the sponsors.

3. Mr. WULFFTEN PALTHE (Netherlands), speaking on a point of order, said that all the sponsors of the revised draft resolution had rejected the Iranian proposal.

4. Mr. MAHALATTI (Islamic Republic of Iran) said that, in his delegation's proposed draft decision, the General Assembly expressed its appreciation to the Special Representative for his efforts to prepare the interim report and took note of the allegations contained therein. It welcomed the expressed commitment of the Government of Iran to extend full, unconditional, immediate and continuing co-operation to the Special Representative, in any manner he deemed necessary for

(Mr. Mahalatti, Islamic Republic of Iran)

complete execution of the mandate given to him by the Commission on Human Rights. It called upon all States Parties to the International Covenant on Civil and Political Rights, including Iran, to enhance respect for the rights recognized in that Covenant for all individuals within their territories and subject to their jurisdictions. It noted that the Commission on Human Rights would give full consideration to the situation of human rights in Iran at its forty-fifth session on the basis of the report of the Special Representative, and requested the Secretary-General to give him all necessary assistance. Lastly, it decided to consider the situation of human rights in Iran at its forty-fourth session in the light of consideration of the issue in the Commission on Human Rights and the Economic and Social Council. Unfortunately, a few of the sponsors had persisted in rejecting the draft decision.

5. Ms. GOMES (Portugal), speaking on a point of order, asked the Chairman to request Iran not to speak for the sponsors.
6. Miss AIOUAZE (Algeria) said that delegations were interested in hearing a full account of the contacts between the Iranian delegation and the sponsors of the draft resolution. The Iranian representative should be allowed to speak freely.
7. Mrs. MUKHERJEE (India) said that her delegation also would like to hear the representative of Iran without interruption.
8. Mr. MAHALATTI (Islamic Republic of Iran) said that the draft decision submitted by his delegation covered all elements of the mandate entrusted to the Special Representative by the Commission on Human Rights and offered him every facility. He himself had held very constructive talks with the Special Representative and the decision would provide for continued co-operation and co-ordination with him. He had brought new and important elements of information to the Special Representative's attention, which had been gratefully received, and he had stressed that his delegation was ready to offer any formulation that would allow the Special Representative to fulfil his mandate. When asked whether he had any other interest in mind, the Special Representative had said that he aspired simply to fulfil his mandate. He therefore challenged the delegations sponsoring the draft resolution to say clearly what other concern remained, and why they objected to the Iranian proposal. His challenge would, of course, go unanswered.
9. It was his sincerest hope that the principles of human rights would continue to be enhanced and respected throughout the world and that, in the newly positive atmosphere at the United Nations, political elements would once and for all disappear from the consideration of human rights cases. He reiterated that his country's co-operation with the Special Representative was not conditional on rejection of the draft resolution, despite his delegation's belief that the resolution was intended to impede the fulfilment of the Special Representative's mandate.

10. Mr. HUSSAIN (Pakistan) said that, since the adoption of General Assembly resolution 42/136 on the situation of human rights in the Islamic Republic of Iran, there had been many important developments that demanded a profound re-examination of the issue. The Iran-Iraq war had come to an end with the acceptance of a cease-fire by the two countries. The Secretary-General was engaged in an earnest endeavour to bring real peace to that war-torn region. Any pronouncement which did not help that crucial negotiating process must be avoided. The Committee would do itself and the international community a great service by not disrupting that process.

11. He drew the Committee's attention to the thought-provoking statement made by the representative of Iran at the 53rd meeting, in which he had proposed that the General Assembly adopt a decision to the effect that the Special Representative should receive full co-operation from the Government of Iran, before the end of 1988, for the purpose of carrying out his mandate. The Iranian representative had added that Iran was fully prepared to join in a consensus decision which would enable the Special Representative to carry out his mandate fully and in the shortest possible time. He had just made another excellent proposal which, if accepted, would ensure the complete co-operation of Iran with the Special Representative.

12. Pakistan regretted that the sponsors of draft resolution A/C.3/43/L.41/Rev.1 had not found it possible to accept that proposal, which warranted a serious and constructive response. His delegation believed that no action should be taken on the draft resolution; the Special Representative would then be able to prepare a factual report for the next session of the Commission on Human Rights. Under rule 116 of the rules of procedure, therefore, he proposed adjournment of the debate on draft resolution A/C.3/43/L.41/Rev.1.

13. Mrs. MUKHERJEE (India) said that her delegation supported the motion to adjourn the debate, for the reasons given by the representative of Pakistan.

14. Mr. ABOU-HADID (Syrian Arab Republic) said that his delegation also supported the motion, which would help to reinforce the consensus-building process in the United Nations and enable correct information to be conveyed to those who had a mistaken impression of the situation in Iran. The motion offered a chance to avoid a confrontation which would certainly not achieve the goals of the draft resolution.

15. Mr. COSTELLO (Australia) pointed out that the revised draft resolution was similar to those adopted by the General Assembly each year since 1984. The sponsors had viewed the statement by the representative of Iran at the 53rd meeting as a positive development and had therefore engaged in serious and complex negotiations with him. The representative of Iran had since questioned their motivation, yet they had negotiated in good faith and worked very hard to reach a consensus resolution. It was wrong to assume that when negotiators did not agree they were guided by extraneous and unacceptable motives.

(Mr. Costello, Australia)

16. His delegation was disappointed that it had not been possible to reach agreement but, in the end, the United Nations must be true to its own practices and procedures. At its 57th meeting, the Committee had been able to adopt consensus resolutions on the situation of human rights in Afghanistan and elsewhere. In his delegation's view, it was vital to preserve the basis and essentials of the normal procedure. The sponsors had been partly motivated in their negotiating efforts by the encouraging atmosphere at the current session of the General Assembly. The fact that they had not succeeded did not detract from the efforts made on both sides.

17. If a decision was taken not to consider the draft resolution, delegations would be unable to make their views known on a matter of great importance; that would create a very unfortunate precedent. All the sponsors therefore believed that the motion for adjournment should be rejected and that the Committee should vote on the draft resolution.

18. Mr. WULFFTEN PALTHE (Netherlands) said that his delegation too deeply regretted that it had not been possible to reach an agreement with the delegation of Iran. Consultations had been carried in a spirit of good faith on both sides, with a view to reaching a consensus. The sponsors had been encouraged in the negotiations by the success of the Commission on Human Rights in securing the full co-operation of the Afghan authorities with the Special Rapporteur for that country. On the basis of that precedent, they had been prepared to offer a draft resolution that would incorporate all the views of the representative of Iran. The proposed text had been shown to many delegations. The understanding had been that the Iranian representative would present a written invitation to the Special Representative at the current meeting. In fact, Iran was being afforded preferential treatment that had not been given to other countries where allegations of massive violations of human rights had been reported.

19. The representative of Iran had rejected the procedure suggested by the sponsors, however, and they had had no option but to return to draft resolution A/C.3/43/L.41/Rev.1, which carefully and faithfully reflected the content and tone of the Special Representative's report. The Committee should be allowed to state its views on that report and should not be prevented from doing so by a procedural device. The Committee should therefore vote against the motion for adjournment.

20. The CHAIRMAN invited the Committee to vote on the motion by the delegation of Pakistan that no action should be taken on draft resolution A/C.3/43/L.41/Rev.1.

21. A recorded vote was taken on the motion by Pakistan.

In favour: Albania, Algeria, Angola, Bahrain, Bangladesh, Bhutan, Burkina Faso, Burma, China, Cuba, Democratic Yemen, Ethiopia, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Nepal, Nicaragua, Oman, Pakistan, Panama, Qatar, Romania, Rwanda, Singapore, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Uganda, United Arab Emirates, United Republic of Tanzania, Yugoslavia.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Canada, Central African Republic, Costa Rica, Côte d'Ivoire, Denmark, Dominica, Ecuador, El Salvador, Equatorial Guinea, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Lesotho, Luxembourg, Malta, Mexico, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, Portugal, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Argentina, Brazil, Brunei Darussalam, Burundi, Cameroon, Chad, Colombia, Cyprus, Egypt, Fiji, Ghana, Jordan, Kenya, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Suriname, Swaziland, Tunisia, Turkey, Uruguay, Zaire, Zambia, Zimbabwe.

22. The motion was rejected by 50 votes to 40, with 27 abstentions.

23. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/43/L.41/Rev.1.

24. Mrs. SYAHRUDDIN (Indonesia), speaking in explanation of vote, said that Indonesia had always upheld the principle of respect for human rights, which was enshrined in its Constitution. However, it considered the draft resolution to be an infringement on the sovereignty and domestic jurisdiction of the State concerned. It would therefore vote against the draft resolution.

25. A recorded vote was taken on draft resolution A/C.3/43/L.41/Rev.1.

In favour: Australia, Austria, Bahamas, Barbados, Belgium, Botswana, Canada, Central African Republic, Chad, Colombia, Costa Rica, Côte d'Ivoire, Denmark, Dominica, Ecuador, El Salvador, Equatorial Guinea, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lesotho, Luxembourg, Malawi, Malta, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Swaziland, Sweden, Togo, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Albania, Algeria, Bahrain, Brunei Darussalam, Cuba, Democratic Yemen, Ethiopia, Indonesia, Iran (Islamic Republic of), Kuwait, Libyan Arab Jamahiriya, Malaysia, Nicaragua, Niger, Oman, Pakistan, Qatar, Romania, Sri Lanka, Sudan, Syrian Arab Republic, United Arab Emirates, United Republic of Tanzania.

Abstaining: Argentina, Bangladesh, Bhutan, Brasil, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Cyprus, Egypt, Fiji, Gabon, Ghana, Guyana, Haiti, India, Kenya, Lebanon, Liberia, Maldives, Mali, Mauritania, Morocco, Nepal, Nigeria, Saudi Arabia, Senegal, Sierra Leone, Suriname, Thailand, Tunisia, Turkey, Uganda, Yugoslavia, Zaire, Zambia, Zimbabwe.

26. Draft resolution A/C.3/43/L.41/Rev.1 was adopted by 55 votes to 23, with 38 abstentions.

27. Mrs. DE ALVAREZ (Dominican Republic), speaking in explanation of vote, said that her delegation considered that violations of human rights should be condemned without exception wherever they occurred. They should not be used selectively as a political weapon, for such a biased approach prevented emphasis from being placed on the humanitarian element of draft resolutions, which should be aimed exclusively at improving the human rights situation in the countries concerned. It was always destructive when subjective criticism was used for political purposes, and for that reason her delegation had not participated in the Committee's consideration of draft resolutions A/C.3/43/L.57, L.68, L.81 and L.41/Rev.1. She hoped that, in future, resolutions relating to human rights would be examined objectively and in a constructive spirit.

28. Mr. SCIALOJA (Italy) said that his delegation had voted against the procedural motion because it was its long-standing position that the Committee should not be prevented from examining any issue that was brought to its attention. That position was all the more valid in the case of the Islamic Republic of Iran, because the human rights situation in that country had been on the Committee's agenda for several years. His delegation had voted in favour of the draft resolution, but regretted that negotiations to reach a consensus had not been successful. It was to be hoped that a spirit of co-operation would prevail and that the situation with respect to the Special Representative's mandate would be clarified.

29. Mr. PALMA (Honduras) said that had his delegation been present during the vote, it would have voted in favour of draft resolution A/C.3/43/L.41/Rev.1.

30. Mr. TAHA (Sudan) said that his Government was committed to promoting, protecting and respecting the principles of human rights and fundamental freedoms and highly appreciated the role of the United Nations and its Member States in that regard. His delegation had voted against draft resolution A/C.3/43/L.41/Rev.1, however, because in its view it was inaccurate, unbalanced, subjective, selective and politically motivated and did not respond constructively to recent positive developments. He deeply regretted that the issue of human rights was being used as a smokescreen to serve interests which had nothing to do with human rights.

31. Mr. KABASHA (Rwanda) said that, contrary to what had been reflected in the voting, his delegation had wished to vote against the procedural motion. It was opposed to all procedural motions, the purpose of which was to prevent action from being taken on the substance of a draft resolution, whatever the topic.

32. Mr. LINDHOLM (Sweden) welcomed the commitment by the Government of the Islamic Republic of Iran to co-operate fully with the Special Representative and expressed the hope that the Special Representative would soon be able to visit Iran. His delegation had voted against the procedural motion because it believed that decisions should be taken on the substance of matters placed before the Committee.

33. Mrs. DE BARISH (Costa Rica) said that her delegation had voted against the motion put forward by Pakistan. The Committee and the General Assembly should not apply different yardsticks to different States, as selectivity was distorting the consideration of human rights. Uniform treatment was essential. Resolutions had recently been adopted with respect to human rights in Afghanistan, Chile and El Salvador; even though the delegations of those countries had criticized the resolutions, they had still pledged to continue their co-operation with the United Nations. Her delegation therefore welcomed the statement by the representative of Iran that his Government intended to co-operate with the Special Representative even if the draft decision proposed by Iran was not accepted.

34. The CHAIRMAN said that, before concluding consideration of agenda item 12, he proposed that the Committee should recommend to the General Assembly that it take note of the report of the Secretary-General on human rights in southern Lebanon (A/43/630).

35. It was so decided.

COMPLETION OF THE COMMITTEE'S WORK

36. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the forty-third session.

The meeting rose at 9.20 p.m.