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Forty-sixth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 7 March 1990, at 6.35 p.m.

Chairman: Mrs. QUISUMBING (Philippines)

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* The summary record of the first part (public) of the meeting appears as document E/CN.4/1990/SR.54 and that of the third part (closed) as document E/CN.4/1990/SR.54/Add.2.

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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIRST SESSION (agenda item 19) (continued)

Draft decision E/CN.4/1990/L.85/Rev.1

1. Mr. ELARABY (Observer for Egypt) said that despite the efforts of all those involved in seeking an agreed text, there were still irreconcilable differences between the two schools of thought on the draft decision, although their positions were no longer far apart. It had therefore not proved possible to achieve wording acceptable to all concerned.

2. Mr. AL-TIKRITI (Iraq) reminded members of his country's support for the role of the Commission and its constant endeavours to co-operate with the Commission. The invitation to the members of the Sub-Commission to visit Iraq extended by the Iraqi Human Rights Society, with the endorsement of the Government of Iraq, testified to the improvement in the human rights situation in his country. His delegation deeply regretted that the wording of the final part of the draft decision, from the words "invited the chairman" to the end, had the apparent effect of turning a generous and voluntary invitation from a well-known non-governmental organization into a decision of the Commission to conduct an official inquiry into the human rights situation in Iraq. His delegation was unable to accept the illogical explanation given for that procedure. The facilities which the Secretary-General was requested to provide under the draft decision would not be necessary, since Iraq had undertaken to bear all the costs of the visit, except perhaps those of the interpreters to accompany the visitors. Furthermore, while not objecting to the members of the Sub-Commission recording their impressions of their visit, his delegation considered the provision in the draft decision that reports should be submitted to the Sub-Commission and Commission an unacceptable attempt to turn that action into an official procedure, which would make it impossible for the visit to take place in a climate of openness and goodwill. His delegation considered that the final part of the draft decision to which he had referred should be replaced by the words "and contact the Centre for Human Rights to ensure that the visit was successfully conducted". In view of its objections to the existing text, therefore, his delegation moved, under rule 65 of the rules of procedure of the functional commissions of the Economic and Social Council, that no decision be taken on the draft decision.

3. Mr. BENHIMA (Morocco) endorsed the views expressed by the representative of Iraq. In view of the fact that no consensus wording could be achieved, he seconded the motion that no decision be taken on the draft decision.

4. Mr. STEEL (United Kingdom) said he very much regretted that it had proved impossible to reach a consensus on the text of the draft decision, although the sponsors had made every effort to find suitable wording. They had, moreover, indicated that the provision for a report to be submitted to the Commission could be waived. However, the text as it stood appeared to the sponsors to be the minimum which the Commission could properly adopt. It called on the Commission to take note of an invitation that had been freely and voluntarily given and in addition provided the minimum facilities necessary to ensure that the visit took place in a proper manner compatible with observance of the authority, prestige and proprieties of the Commission. The visit should not take the form of a private visit by private individuals

in response to a private invitation, but should be conducted as a visit by the Sub-Commission. His delegation urged the Iraqi delegation not to press its procedural motion since, whatever views were held on the text, all were entitled to discuss it.

5. Mr. MAHMUD (Bangladesh) said he shared the regret that consensus could not be reached on the wording of the draft decision. Since the invitation extended to the members of the Sub-Commission by the Iraqi Human Rights Society had been endorsed by the Government of Iraq, which had taken all possible steps to make the visit worth while, he considered the draft decision unnecessary and supported the motion that no decision be taken on it.

6. Mr. ROMARE (Sweden) fully endorsed the views expressed by the representative of the United Kingdom on the Commission's role in relation to the proposed visit to Iraq. He was disturbed by the fact that recourse was again being had to a motion that no decision be taken. That procedure was all too often used to obstruct the Commission's work on human rights and was a major cause of the selectivity it displayed in dealing with so many human rights issues. Those who regretted that selectivity and were concerned about the proper functioning of the Commission should oppose the motion.

7. Ms. PATTERSON (United States of America) said her delegation opposed the motion that no decision be taken on the draft decision. It was particularly inappropriate in the present instance, since the draft decision made no condemnatory statements; it was solely designed to bring to proper fruition the visit of the members of the Sub-Commission to Iraq and to ensure that the visit took place in conditions appropriate to visits by United Nations bodies. Her delegation firmly believed that a visit by independent experts would provide the Iraqi Government with useful insights into its human rights situation, and was unable to understand why the routine handling of the visit via the usual United Nations procedures could not be accepted by that Government.

8. Mr. CHEN Shiqiu (China) said his delegation shared the view that the best way to solve problems was by consensus. The failure to reach consensus in the present instance had been provoked by the wish of certain delegations to impose their own procedure on the conduct of the visit to Iraq, whereas respect for human rights would be better facilitated by efforts to achieve international co-operation. In the absence of consensus, his delegation was unable to accept the text of the draft decision and supported the motion that no decision be taken, a step it considered to be fully in accord with the rules of procedure and the mandate of the Commission.

9. Mr. NOORANI (India) said he regretted that consensus had not been achieved on the wording of the draft decision. In his view, however, the stated willingness of the Iraqi Government to extend all necessary assistance and facilities for the visit to that country by members of the Sub-Commission made that draft decision unnecessary. He therefore supported the motion that no decision be taken on it.

10. At the request of the representative of the Federal Republic of Germany, a vote was taken by roll-call on the motion that no decision be taken on draft decision E/CN.4/1990/L.85/Rev.1.

11. Sao Tome and Principe, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Madagascar, Morocco, Pakistan, Philippines, Sao Tome and Principe, Senegal, Somalia, Sri Lanka, Yugoslavia.

Against: Belgium, Bulgaria, Canada, France, Germany, Federal Republic of, Hungary, Italy, Japan, Panama, Portugal, Spain, Sweden, United Kingdom, United States of America.

Abstaining: Botswana, Brazil, Colombia, Gambia, Mexico, Nigeria, Peru, Swaziland, Venezuela.

12. The motion that no decision be taken was adopted by 18 votes to 14, with 9 abstentions.

13. Mr. AL-TIKRITI (Iraq) thanked all representatives who had taken part in the vote and renewed the invitation to the members of the Sub-Commission to visit Iraq.

The public meeting rose at 6.35 p.m.