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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 30TH MEETING

Held at the Palais des Nations, Geneva, on
Monday, 27 February 1984, at 3 p.m.

Chairman: Mr. KOOIJMANS (Netherlands)

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Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-sixth session.

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The meeting was called to order at 3.20 p.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SIXTH SESSION (agenda item 19) (E/CN.4/1984/3 and Corr.1 and Corr.2, E/CN.4/1984/40; E/CN.4/Sub.2/1983/17 and Add.1, E/CN.4/Sub.2/1983/18, 30 and 44)

1. Mrs. WARZAZI (Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities), introducing the report of the Sub-Commission on its thirty-sixth session (E/CN.4/1984/3 and Corr.1 and Corr.2), said that the Sub-Commission's tasks were becoming increasingly weighty and diversified. When it had been established in 1947, its main duties had been to undertake studies in the light of the Universal Declaration on Human Rights and to make recommendations to the Commission on Human Rights regarding the prevention of discrimination of any kind and the protection of minorities. In addition, it had been instructed to carry out any other duty entrusted to it by the Economic and Social Council or the Commission. Over the years, however, its activities had increased. It had been asked to prepare reports on human rights violations and to draw the Commission's attention to any situation which it had good reason to believe revealed a consistent pattern of violations of human rights in any country. It had then been asked to consider regularly the question of slavery, including the slavery-like practices of apartheid and colonialism. It had been made responsible for determining which communications should be transmitted to the Commission regarding situations which appeared to reveal gross violations of human rights. Since the agenda of the Sub-Commission had thus become very diversified, it was obliged, in addition to its original function, to study all aspects of human rights in accordance with the successive directives of its superior bodies. That created an enormous work-load for both members and the secretariat, which was sometimes hindered by limited financial resources and the non-availability of qualified personnel. The Sub-Commission had nevertheless always completed its agenda in recent years and had added to the work of the Commission through the increased number of resolutions or decisions which it had submitted.
2. In drawing up the report of the Sub-Commission, account had been taken of the Commission's request for an introductory chapter indicating all the issues referred to it for approval. That chapter contained a number of draft resolutions recommended to the Commission for adoption. The second chapter dealt with the organization of the thirty-sixth session, which had had an agenda comprising 16 substantive items. Agenda item 3, "review of the work of the Sub-Commission", had led to the adoption of resolution 1983/21, by which the Commission was recommended to request the Sub-Commission to establish a working group which would hold an intersessional meeting of five working days in Geneva during the forty-first session of the Commission, in order to have an exchange of views with the Commission based on the Sub-Commission's recommendations and the response of the Commission, and on that basis to be able to report back to the Sub-Commission at its thirty-eighth session for the final consideration of its methods and programme of work.
3. With regard to the question of the elimination of racial discrimination, the Sub-Commission had considered the work of the Second World Conference to Combat Racism and Racial Discrimination, the measures to be taken to that end, and the report on the updating of the general list of banks and other bodies granting assistance to South Africa. Four resolutions had been adopted on that item (resolutions 1983/3, 4, 6 and 10).
4. On the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, discussions had as usual been lively and full, and various resolutions had been adopted.

5. The item on the effects of gross violations of human rights on international peace and security had given rise to a discussion which had revealed the crucial importance of that question and its complex nature. While stress had been laid on the importance of the right to development, it had also been observed that the suppression of the rights to freedom of expression and association, freedom of the press and free elections were gross violations which might endanger international peace and security. Mention had also been made of the threats to peace represented by existing tensions in the world, the arms race, the nuclear peril, the denial of the right to self-determination and military occupation. Resolutions 1983/8 and 1983/32 had closed the discussion on that item.
6. A number of resolutions had been adopted on the question of slavery and slavery-like practices, which was studied each year by a pre-sessional Working Group. They called for a study on the problem of female sexual mutilation (draft resolution I), the organization of a seminar on means of achieving the elimination of the exploitation of child labour (draft resolution II), and the immediate cessation by the Government of the Islamic Republic of Iran of the use of children in its armed forces (draft resolution IX). In connection with that item the Sub-Commission welcomed the co-operation extended to it by the Government of Mauritania.
7. The discussion on the review of further developments in fields with which the Sub-Commission had been concerned had mainly related to the establishment of the post of High Commissioner for Human Rights. The consultations had led to the adoption of resolution 1983/36.
8. The Sub-Commission had considered the question of the elimination of all forms of religious intolerance and adopted a resolution (1983/31) recommending that a seminar should be held in 1984 or 1985 on the development of education programmes. It had also proposed the appointment of a Special Rapporteur to undertake the comprehensive study requested by the Commission.
9. A number of resolutions had been adopted on conscientious objection to military service, the status of the individual and contemporary international law, and the administration of justice and the human rights of detainees. A working group had met during the Sub-Commission's session to discuss the question of the human rights of persons subjected to any form of detention or imprisonment, and had made a number of recommendations based on Mrs. Questiaux's study (E/CN.4/Sub.2/1982/15). Resolutions 1983/23, 24 and 25 related to that question. The last-mentioned resolution concerned persecution by the South African regime and contained a request for urgent intervention by the General Assembly. Resolution 1983/28 invited the Government of Paraguay to consider ending the state of siege, and resolution 1983/34 requested a member of the Sub-Commission to make a general technical study of amnesty laws.
10. With reference to the encouragement of universal acceptance of human rights instruments, a working group had met to study government replies and draw up a report, following which resolution 1983/27 had been adopted containing the group's recommendations and a decision to prepare a discussion paper analysing difficulties encountered by States.
11. Two resolutions, (1983/35 and 38) and one decision had been adopted on the new international economic order and the promotion of human rights. Two resolutions had been adopted on the study of the problem of discrimination against indigenous populations (resolutions 1983/33 and 37).
12. The question of human rights and scientific and technological developments had been the subject of a report on principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder (E/CN.4/Sub.2/1983/17 and Add.1), and a report on relevant guidelines in the field of computerized personnel files (E/CN.4/Sub.2/1983/18). The Commission was aware of the relation between developments in science and technology and the need to safeguard the rights of individuals:

13. The last substantive item on the Sub-Commission's agenda, the draft body of principles and guidelines on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms, had been the subject of an oral report by the Special Rapporteur, who had stated that the ideal of the freedom of the individual rested on the assumption that all people were endowed with reason and must conduct themselves towards each other in a spirit of fraternity.

14. Although the Commission's agenda was very full, the members of the Sub-Commission considered that the work of their body had not received the attention it deserved from the Commission. At earlier sessions of the Sub-Commission, members had discussed its role and duties in some detail. They had done so because the Sub-Commission had developed in the course of the years but had suffered from a lack of dialogue with its parent body, the Commission. It had accordingly experienced a degree of frustration, if not humiliation. In 1982, at its thirty-fifth session, three draft resolutions had been submitted. The first drew the Commission's attention to the ideas expressed during the discussions of the Sub-Commission and recommended that its name should be changed to that of "Committee of experts on human rights". It further recommended that members should be elected for four years and that an alternate from the same country as each member should be elected simultaneously. The Sub-Commission welcomed the fact that the latter question had been satisfactorily settled. The second draft resolution requested that the members of the newly-named Committee should be elected by the Council and that the Committee should transmit to the Commission its programme of work and all its reports and studies. The third draft resolution recommended that the Commission should request the Council to authorize the Sub-Commission to expand its Working Group on Communications from five to eight members. An amendment to the draft resolution requested that the working group should meet twice a year and that the Sub-Commission hold a secret vote on questions under that item. Consideration of the three draft resolutions and the amendment had been postponed until the thirty-sixth session. No decision had been taken by the Sub-Commission, but in 1983 the Commission had reacted positively to its deliberations.

15. The Sub-Commission had thus attracted the attention of the Commission, which had adopted resolution 1983/22, inviting recommendations as to how the work of the Sub-Commission might be harmonized with that of the Commission, to ensure complementarity and co-ordination between the activities of both bodies. However, the resolution seemed to indicate that the Sub-Commission had exceeded its mandate. How had it done so? If, as stated in the resolution, it was inappropriate for the Sub-Commission to take decisions affecting its status, role and competence, was it permissible for the Sub-Commission to discuss its status?

16. Within the Sub-Commission some experts considered that the status of the Sub-Commission as a body of independent experts and a subsidiary of the Commission was clear. In their view, relations with the Commission had been based on dialogue rather than conflict, and the situation should not be exaggerated. Other experts, however, considered that the Sub-Commission should insist on changing its structure and name, and that the Commission should resort more frequently to the Sub-Commission in drawing up international instruments. In their view, Governments should be called on to respect more fully the independent nature of the Sub-Commission; it should begin its work a week earlier, more time should be devoted to issues and studies on which it was required to deliberate, it should choose the subjects to which it would devote most time each year, it should be able to send missions to countries to assess human rights performance on the spot and it should organize its work so as to single out a subject for particular attention at each session.

17. She hoped that she had enabled the Commission to gain a closer view of the Sub-Commission and its concerns and desires. Its members devoted themselves to the promotion and protection of human rights in a spirit of objectivity, but they required the assistance and encouragement of the Commission. Dialogue would help to ensure the desired complementarity and co-ordination in the performance of the difficult but inspiring missions entrusted to both bodies.

18. Mr. OULD TAYA (Mauritania) said that he wished to address the grave and anachronistic problem of slavery. His Government had taken a firm decision to turn the page of history and eliminate the problem completely, issuing legislative texts and regulations for that purpose. Ordinance No. 81,234 of 9 November 1981 had provided for the abolition of slavery throughout the Republic, and the Minister of Justice had sent circulars to the judicial authorities with firm instructions for their application. The Minister of the Interior had sent similar circulars to the administrative authorities, while the Minister of Education had taken measures to ensure priority schooling for former slave communities. Ordinance No. 83,127 of 5 June 1981 had forbidden collective ownership of land and had guaranteed former slaves access to ownership.

19. On 5 July 1983 President Ould Haidalla had described the stages completed and the long road ahead to achieve full emancipation. As he had said, the decision to abolish slavery represented a firm commitment to restore freedom, independence and dignity to thousands. The land and property reform would allow former slaves to become owners and to achieve the economic independence which underlay genuine emancipation. There was no room for persons who still believed that some were born to be the slaves of others.

20. At its thirty-sixth session, the Sub-Commission had decided to send a mission to Mauritania at the invitation of the Government. That mission had visited the country in January 1984 and had received all assistance and facilities at the official and unofficial levels. The election of Mauritania to membership of the Commission and the appointment of a Mauritanian representative who was not in government service showed Mauritania's willingness to deal with the difficult problem with courage, detachment, objectivity and determination. Unfortunately, legislation and political will did not suffice. The struggle against the evil practice of slavery must be waged in the judicial, cultural and economic spheres also, and required resources far beyond those of a country such as Mauritania, where not only the adverse international economic situation but also an unprecedented 12-year drought were plaguing the lives of its citizens, 80 per cent of whom lived on subsistence farming.

21. For that reason, his delegation appealed urgently to the entire world community, including friendly States and international, intergovernmental and non-governmental organizations, to join promptly in efforts to stamp out a practice abhorrent to all countries. Only by changing words into deeds would it be possible to combat an inhuman and anachronistic social system and uphold the noble and universal ideals which civilization had established.

22. Mr. MACCOTTA (Italy) said that until recent years the Commission, when considering the Sub-Commission's reports, had confined itself to taking decisions relating to the postponement or financial implications of the studies proposed by the Sub-Commission within the context of its original mandate. It had paid little attention to the Sub-Commission's activity within the wider mandate entrusted to it by the Commission and the Council in 1949, 1967 and 1970, in particular through

Council resolution 1503 (LXVIII), pursuant to which the Sub-Commission had the delicate task of sifting complaints to the Secretary-General from thousands of victims of human rights violations.

23. Since 1967 the Sub-Commission's mandate had unquestionably become as wide as the Commission's. The Sub-Commission's members were - or were meant to be - independent, impartial experts, but its mandate did not prevent the Commission from approving or amending the Sub-Commission's assessments or proposals. It was in that context that one should view Sub-Commission resolution 12 (XXXIV), concerning the establishment of the post of a High Commissioner for Human Rights. That resolution was the outcome of the Sub-Commission's 16 years of dealing with human rights violations. The Sub-Commission, pursuant to the Commission's subsequent request to draft the terms of a High Commissioner's mandate, had done so in resolution 1983/36, on which the Commission must now take a decision. The Italian delegation had no doubt that the post of High Commissioner would be fully consistent with the need for the United Nations to take prompt, more effective action against human rights violations - a need to which the Assistant Secretary-General for Human Rights had referred at the opening of the current session.

24. The question of appointing a High Commissioner was a further example of the structural and functional relations between the Commission and the Sub-Commission. It had been clear, from the Commission's past sessions, that views differed about the Sub-Commission's activities and mandate. It was in order to clarify that matter that the Sub-Commission had decided, at its thirty-fourth session, to add to its agenda a new item concerning its status, activities and relations with the Commission. Even the title of the Sub-Commission was the subject of controversy. His delegation was among those that felt that the Commission should adopt a resolution to provide the Sub-Commission with a new title which would reflect the independent status of its members and its enlarged responsibilities.

25. The question of the Sub-Commission's methods of work was more complex. The Sub-Commission, in resolution 1983/21, had recognized that the matter must be studied thoroughly before specific proposals could be put to the Commission. It had proposed that the Council should be requested to authorize a sessional working group of five members, representing regional groups, to be set up at its thirty-seventh session, to exchange ideas with the Commission at the latter's forty-first session with a view to a final decision. His delegation supported the Sub-Commission's initiative; the closer contact thereby established with the Commission and the resultant mutual benefits would be well worth the modest financial implications.

26. Mr. BEAULNE (Canada) said that his delegation greatly appreciated the report of the Sub-Commission on the work it had carried out. However, certain aspects of the report seemed at variance with the respective roles of the Commission and Sub-Commission. The representative of Brazil had clearly pointed out the differences between the Sub-Commission's membership and that of the Commission. The Sub-Commission, which was composed of independent experts, should be careful to refrain from giving the impression that its members were competent to speak on behalf of Governments.

27. As in previous years, his delegation congratulated the Sub-Commission on its work, and in particular, on its response to the Commission's invitation, in resolution 1983/22, to recommend ways in which the two bodies' activities might be harmonized. Although the Sub-Commission had reached no final conclusions, it had initiated a process of analysis and dialogue. His delegation welcomed the

proposal, in resolution 1983/21, that a sessional working group of the Sub-Commission should hold discussions with the Commission during the latter's forty-first session. The financial implications could easily be offset by limiting the number of Sub-Commission studies for the forthcoming year.

28. On the question of the lack of time - noted by several members of the Sub-Commission - for dealing thoroughly with the various Special Rapporteurs' reports, it might be better to reduce the range of topics covered. Again, the question was one of rationalizing the agendas of the Commission and Sub-Commission. His delegation appreciated the Sub-Commission's recommendations on the subject, and supported the suggestions made by the Assistant Secretary-General for Human Rights about rationalizing the Sub-Commission's methods of work and the need for special rapporteurs to spend more time working on the studies entrusted to them so as to ease the burden on the Centre's limited resources.

29. His delegation appreciated the work carried out by the Sub-Commission on various subjects, such as that done by the Working Group on Indigenous Populations, which included the adoption of a plan of work for the coming years. It was to be hoped that the Working Group's efforts to establish a dialogue with observers would become increasingly fruitful, and that the Sub-Commission would in due course submit recommendations, as requested in Commission resolution 1983/23, concerning the use of a voluntary fund. In the study of conscientious objection to military service, the Commission was invited to submit to the Council, in due course, such recommendations as it deemed appropriate. The subject was a delicate one and warranted careful consideration, particularly since 1985 had been designated International Youth Year. Likewise welcome was the Sub-Commission study, requested in Commission resolution 1983/40, of intolerance and discrimination based on religion or belief; although the General Assembly had adopted a Declaration on the topic, instances of excesses based on religious intolerance recurred constantly, and it was to be hoped that the study would enable the Commission to take measures aimed at improving the Declaration's effectiveness.

30. His delegation hoped that the Commission would support the Sub-Commission's proposal, contained in draft resolution IV, relating to the right of everyone to leave any country, including his own, and to return to his country. His delegation congratulated all the special rapporteurs, whose studies would make an effective contribution to the promotion of human rights. In particular, it welcomed the work being carried out by Mrs. Daes on principles and guidelines concerning the right and responsibility of individuals and groups to promote and protect human rights and fundamental freedoms, and on the status of the individual and contemporary international law. In addition, Mrs. Daes' report on guidelines, principles and guarantees for the protection of persons detained on grounds of mental ill-health clearly showed the extent of violations in that area. His delegation hoped that the Commission would take practical action on that report when the competent working group had completed its task. Canada's concern about computerized personal data files had already been expressed during the discussion of agenda item 15. It also waited with interest the outcome of the study on the independence and impartiality of the Judiciary, which had been the subject of a symposium organized in Montreal in 1983 by Mr. Jules Deschenes, a candidate for membership of the Sub-Commission.

31. With regard to Sub-Commission resolution 1983/15 relating to violations of the human rights of disabled persons, his delegation intended to submit to the Commission, at its current session, a draft resolution recommending that the Council should request the Sub-Commission to undertake a detailed study on the subject.

32. The Sub-Commission was to be congratulated on the way in which it had performed its essential role. Some of its resolutions and recommendations might seem to reflect an unduly political approach, its agenda was still overloaded and the number of studies it tried to undertake was at times excessive. But the Sub-Commission played an irreplaceable role in the promotion of human rights and deserved warm encouragement. For that reason, when the time came for Canada to relinquish its membership of the Commission, it would nominate a highly-qualified candidate for membership of the Sub-Commission.

33. Mr. BODDENS HOSANG (Netherlands) said that his delegation shared many of the views expressed by the representative of Brazil concerning the Sub-Commission, whose praiseworthy dedication to the cause of human rights and invaluable contributions to the Commission's work were reflected in the report on its thirty-sixth session. While Sub-Commission studies and recommendations were taken into account in the debate on several items of the Commission's agenda, not all the Sub-Commission's "products" could be said to be thorough, and some of its resolutions seemed hasty. The Sub-Commission's difficulties, of course, were due in part to the Commission itself. His delegation nevertheless reiterated that the Sub-Commission should refrain from taking on too many tasks and should always keep its mandate in mind, making a serious effort to set priorities. In particular, his delegation had serious misgivings about draft resolutions III, VI, VII and VIII in the Sub-Commission's report. However, it welcomed the decision, in resolution 1983/21, to establish a sessional working group at its thirty-seventh session to prepare a programme of work for future years and the decision, in draft resolution XIII, that the group should hold an exchange of views with the Commission at the latter's forty-first session.

34. The Commission had given the Sub-Commission guidance in the past on questions of priority. His delegation would reiterate its views on that subject since the Commission, at its current session, would be electing a new Sub-Commission. The Sub-Commission should concentrate first and foremost on studies, which were the basis of draft declarations, draft conventions and the formulation of principles. Of the studies listed in annex III to the Sub-Commission's report, his delegation attached particular importance to those on intolerance and discrimination on grounds of religion or belief, and on draft principles on the right and responsibility of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. Second in order of priority should be the drafting of norms; the Sub-Commission's standard-setting role should not be underestimated.

35. Another important task of the Sub-Commission was the study, pursuant to Council resolution 1503 (XLVIII), of the human rights situation in various countries to be considered by the Commission. In that connection, the importance of human rights in situations known as states of siege or emergency would be the basis of a Sub-Commission report on compliance with rules to guarantee the legality of the introduction of a state of emergency. His delegation wholeheartedly supported the draft decision, in document E/CN.4/1984/L.12, relating to that study and to Sub-Commission resolution 1983/30.

36. As in previous years, the Sub-Commission had been considering situations in various countries, including Chile, El Salvador, Guatemala and the Islamic Republic of Iran, some of which were already on the Commission's agenda. With regard to Sub-Commission resolution 1983/16, his delegation welcomed the Sri Lankan Government's initiative in submitting information to the Commission about the communal violence in that country during 1983, and encouraged that Government to continue its dialogue with the Commission. In particular, the conference of political parties, referred to in paragraph 42 of document E/CN.4/1984/10, seemed an excellent opportunity for such a dialogue.

37. In accordance with Sub-Commission resolution 1983/22, the report on conscientious objection to military service (E/CN.4/Sub.2/1983/30) had been transmitted to the Commission. The report deserved careful consideration not only by the Commission, but by all Governments as well as intergovernmental and non-governmental organizations. His delegation would submit a procedural draft resolution to that end in order to solicit opinions, and it hoped that the Commission, at the forty-first session, would thoroughly discuss the report under the agenda item relating to youth.

38. Mr. FRAMBACH (German Democratic Republic) said that his country's participation as an observer in the Sub-Commission's session reflected its approach to human rights and its esteem for the many constructive results achieved by the body of experts which had been established to support the Commission in the policy-making process by preparing studies and submitting recommendations on more theoretical questions.

39. A convincing example of the Sub-Commission's ability to assist other United Nations bodies in assessing circumstances and finding solutions was Mr. Khalifa's updated report on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime in South Africa (E/CN.4/Sub.2/1983/6 and Add.1 and 2), which had met with a broad response in the debate on agenda items 6, 7, 16 and 17. His delegation fully subscribed to the statement in Sub-Commission resolution 1983/6 to the effect that the updating of that report was of the greatest importance to the cause of fighting apartheid and other violations of human rights in South Africa and Namibia.

40. A further constructive result of the Sub-Commission's work was the study on the new international economic order and the promotion of human rights, submitted by Mr. Ferrero (E/CN.4/Sub.2/1983/24 and Add.1/Rev.1), which addressed a fundamental problem facing peoples in their struggle to implement human rights. The underlying comparison between developed and developing countries, however, was an inadmissible simplification which concealed the true reason for the alarming situation: the capitalist exploitation of the human and natural resources of the developing countries by transnational corporations and their capitalist home countries. The conclusions of the study nevertheless offered sufficient points of departure for further efforts aimed at the establishment of international economic relations permitting the comprehensive exercise of human rights in all States. The German Democratic Republic therefore supported the proposal in Sub-Commission resolution 1983/35 for the preparation of a study of the impact on human rights of the policies and practices of the major international institutions, notably the International Monetary Fund and the World Bank.

41. While appreciating the Sub-Commission's constructive achievements, his delegation was astonished at its gradual departure in recent years from its original mandate and from its ties with the Commission, its introduction of selective methods of work, and its efforts to establish itself in a more or less equal position with human rights organs comprising sovereign States. He could give several specific examples to support that observation.

42. Firstly, some of the studies requested by the Commission had been delayed, or requests had even been ignored, while priority had been given to studies for which no request had been made. Under agenda item 15, his delegation had said it was at a loss to understand why the Sub-Commission had done nothing to implement Commission resolutions 1982/4 and 1982/7 calling for the preparation of studies on (a) the use

of scientific and technological progress to ensure the right to work and development, and (b) the negative consequences of the arms race, particularly the nuclear arms race, for the implementation of economic, social, cultural, civil and political rights, the establishment of a new international economic order and, above all, the inherent right to life. His delegation would be interested to know the criteria on which the Sub-Commission based its acceptance or rejection of such requests.

43. Secondly, in resolution 1982/22, the Commission had requested the Sub-Commission to prepare a preliminary study on possible terms of reference for the mandate of a High Commissioner for Human Rights, in which connection account should be taken of the provisions of the Charter of the United Nations, other pertinent international documents and United Nations practice in the promotion of human rights. In its resolution 1982/27, however, the Sub-Commission had failed to give due attention to any of the criteria cited and the Commission had had to reiterate its request in resolution 1983/49. The result, in the form of Sub-Commission resolution 1983/36, was still not a study. No light had been thrown on the purpose of the possible establishment of the post of High Commissioner and there had been no assessment of possible alternative terms of reference. The draft text, which had been approved by only a minority of Sub-Commission members, took no account of the substantive objections of experts from various geographical regions. The intention appeared to be to vest a hypothetical High Commissioner with functions for which no mandate had been given by Member States under the Charter, and which would permit direct intervention in the internal affairs of sovereign States. The Sub-Commission's proposals were in direct conflict with Article 55 of the Charter, read in conjunction with Article 7, paragraph 2. The proposals regarding the mandate also failed to take account of General Assembly resolution 32/130.

44. Thirdly, the multiplicity of studies obviously explained why the Sub-Commission had insufficient time to make a thorough study of specific material. The studies were merely the views of individual experts and not the result of joint efforts or mutual inspiration. Some studies had considerable shortcomings which had apparently gone unnoticed in the Sub-Commission. One of them, for example, abandoned the United Nations practice, accepted by all Member States, of using primarily official, government-approved sources. The report on conscientious objection to military service (E/CN.4/Sub.2/1983/30) classified States according to certain criteria based almost exclusively on information from non-governmental organizations. The use of data provided by an intergovernmental organization concerning a State which was not a member of that organization was tantamount to direct interference in internal affairs. It might be asked, for example, what business the Council of Europe had with the German Democratic Republic. His delegation firmly rejected that method of preparing studies.

45. The report of the Sub-Commission (E/CN.4/1984/3 and Corr.1 and 2) was too voluminous and covered too many problems for his delegation to be able to express a comprehensive opinion. It would explain its position on a number of critical issues at the voting stage.

46. At its current session the Commission was required to elect the members of the Sub-Commission for the following three years. His delegation hoped that the new membership would keep more effectively to the Sub-Commission's original mandate. Although it was a body of independent experts, the Sub-Commission could not be an independent organ: it was part of the structure of the United Nations and a subsidiary body of the Commission, and as such it must not presume to operate as an intergovernmental organ. Failure to give due attention to those principles could not be conducive to fruitful co-operation.

47. Mr. GIESDER (Federal Republic of Germany), referring to the many tasks performed by the Sub-Commission, drew particular attention to the following: the guidelines on the human rights of persons subjected to any form of detention or imprisonment; the study of the implications for human rights of recent developments concerning states of siege or emergency; the draft terms of reference for the mandate of a High Commissioner for Human Rights; the study on human rights and scientific and technological developments; and the study on the question of conscientious objection to military service. By means of its studies and recommendations, the Sub-Commission had stimulated the further development of international protection of human rights and once again demonstrated its importance as an indispensable auxiliary body of the Commission.

48. The terms of reference given by the Commission to the Sub-Commission in 1949 had been to undertake studies and make recommendations. A second broad field of activities, added by the Commission in resolution 8 (XXIII) and by the Economic and Social Council in resolutions 1235 (XLII) and 1503 (XLVIII), had been the compilation of a comprehensive body of facts as a basis for decision-making by the Commission. Those tasks had been delegated to the Sub-Commission because experience had shown that an independent body of experts was better suited to deal with them than a body of government representatives which was subject to instructions and liable to exhaust its energies in annual repetition of well-known political positions. The Sub-Commission's real strength lay in the personal independence of its members. The new election procedure to be applied in 1984, which provided for the election not only of the titular members of the Sub-Commission but also of their deputies, would considerably help to strengthen the status of the members of the Sub-Commission as independent experts. Adoption of the suggestion that the Sub-Commission should be given the possibility of secret voting would be a further step in that direction.

49. The Sub-Commission's past efforts to free itself from the control of the Commission as the parent body were, in his delegation's view, attributable to the fact that the Commission had not always given due consideration to the Sub-Commission's valuable preparatory work. His delegation would therefore like to see more attention given to the Sub-Commission's studies and reports in the future. It would also like to see the Commission do more to follow up the Sub-Commission's efforts to stimulate the further development of international protection of human rights. A first step should be to devote more time to consideration of the report of the Sub-Commission at future sessions of the Commission.

50. His delegation understood that, because of the Commission's somewhat slow follow-up of the Sub-Commission's preparatory work, the Sub-Commission had occasionally gone beyond its terms of reference. While the primary function of an auxiliary body composed of independent experts was an advisory and preparatory one, that by no means precluded action by the Sub-Commission on its own initiative, given the wide scope of its terms of reference. The Sub-Commission should, however, exercise greater restraint when adopting resolutions of a political nature, particularly resolutions condemning individual countries. Such political assessments were the Commission's prerogative. By allowing itself to become more politicized, the Sub-Commission would only jeopardize its reputation as a body of independent experts.

51. The current report again showed the impressively wide spectrum of the Sub-Commission's activities. He drew particular attention to draft resolution IV, in which the Sub-Commission had requested Mr. Mubanga-Chipoya to prepare a study on the right of everyone to leave any country, including his own - a draft

resolution which his delegation whole-heartedly supported. In 1963, Mr. Ingles, the Special Rapporteur at that time, had reached the depressing conclusion that, despite the inclusion in article 13 of the Universal Declaration of Human Rights and in article 12 of the International Covenant on Civil and Political Rights of the right of everyone to leave any country, there had been setbacks rather than progress in the enjoyment of that right. His Government deeply regretted the fact that, 20 years after the completion of Mr. Ingles' study, that statement remained valid in various parts of the world. The time had come for a new approach to the exercise of that fundamental human right. Mr. Ingles had further pointed out that the legal restrictions in article 12, paragraph 3, of the Covenant might undermine the right to leave any country. Those reservations were still being systematically and flagrantly misused by some countries in order to deny their citizens the right to leave their country. His delegation therefore welcomed the fact that the Sub-Commission had requested its Special Rapporteur to study the extent of restrictions permissible under article 12, paragraph 3, of the Covenant.

52. In its final chapter, Mr. Ingles' report had contained a draft declaration of principles on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country. Such a declaration could still make an essential contribution to the exercise of that right. He therefore suggested that the newly-appointed Special Rapporteur should include that draft declaration in his analysis.

53. The Sub-Commission's unique importance lay precisely in such contributions as the aforementioned study. The Sub-Commission had, in the past, demonstrated its special strength precisely when it had endeavoured to protect the human rights of the individual.

54. Ms. DERMENDJIEVA (Bulgaria) said her delegation welcomed the fact that, in drafting its latest report (E/CN.4/1984/3), the Sub-Commission had heeded the recommendations made in Commission resolutions 17 (XXXVII) and 1982/23. The report was more complete and better prepared than those of previous sessions, and thus facilitated the Commission's discussion. The comments and suggestions made during the discussion on agenda item 19 reflected the Commission's keen interest in the Sub-Commission's activities, and would no doubt guide that body's work.

55. When acting within its terms of reference, the Sub-Commission played an important and useful role in United Nations efforts to promote and encourage respect for human rights and fundamental freedoms. The activities of the Sub-Commission, which, as a body of experts acting in their personal capacity should assist the Commission, were supplementary to the Commission's activities. The Sub-Commission's basic mandate was: firstly, to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission concerning the prevention of any kind of discrimination relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and secondly, to perform any other functions that might be entrusted to it by the Council or the Commission.

56. On the basis of that initial mandate, the Council and the Commission had subsequently adopted resolutions specifying or adding to the Sub-Commission's tasks. The Commission's criticism of the fact that the Sub-Commission had overreached itself had been justified by continued instances in which it had failed to act in accordance with its terms of reference. Its status and functions, and

its relationship with other United Nations bodies in the field of human rights, were well defined, and there was no need for it to spend time discussing them - time which could be better used for substantive consideration of important questions on its agenda. Her delegation therefore considered it inappropriate to establish a working group, as proposed in draft resolution XIII, to study the relationship of the Sub-Commission with the Commission and the Secretariat. Discussion among the officers of the Sub-Commission should suffice for considering its programme of work. If any changes in the Sub-Commission's terms of reference were warranted, the Commission was the proper forum for considering them, either in the working group on agenda item 11, or in a separate working group as proposed by the Brazilian representative.

57. Whenever it had kept to its mandate, the Sub-Commission had played a useful role in undertaking studies and submitting proposals for the Commission's consideration. The agenda for its thirty-sixth session had included such important items as the following: measures to combat racism and racial discrimination; the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa; the question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation in all countries, with particular reference to colonial and other dependent countries and territories; human rights and scientific and technological developments; and the new international economic order and the promotion of human rights.

58. The preparation of studies by Sub-Commission experts was an essential part of that body's activities. She welcomed the four final reports submitted to the Sub-Commission at its thirty-sixth session. It would be time-consuming and financially burdensome if the Special Rapporteurs presented their reports to the Commission, in accordance with the Sub-Commission's decision. It was sufficient for them to be distributed to members of the Commission in time for them to read them, together with the relevant chapters of the report and the relevant Sub-Commission resolutions, before the Commission's session.

59. The Sub-Commission had given no explanation of the situation with respect to the three other studies scheduled for 1983. It was difficult to understand the Sub-Commission's failure to implement General Assembly resolution 34/24 - in which one of those studies had been requested - prior to the Second World Conference to Combat Racism and Racial Discrimination. Neither had any action been taken on Commission resolution 38 (XXXVII). Failure by the Sub-Commission to prepare studies called for by higher United Nations bodies impeded the work of those bodies.

60. Her delegation had serious doubts about the appropriateness of some Sub-Commission proposals, including the one in draft resolution XII. The Sub-Commission's advice concerning the methods of examination of questions on the Commission's agenda was, in her delegation's view, unwelcome, particularly if not specifically requested.

61. The Sub-Commission had once more failed in its duties with regard to Commission resolution 1983/49. She wondered how, without implementing that resolution or Commission resolution 1982/22, the Sub-Commission had been able to justify its recommendation on the possible terms of reference for a High Commissioner for Human Rights. That approach, which appeared to amount to a kind of ultimatum, was incorrect.

62. Her delegation reserved its right to comment in due course on draft resolutions recommended for adoption by the Commission, and on Sub-Commission resolutions relating to matters requiring action or consideration by the Commission.

63. With respect to the proposal for a change in the Sub-Commission's method of voting, her delegation was firmly opposed to a secret ballot since it ran counter to the rules of procedure of the functional commissions of the Council, under which the Sub-Commission operated.

64. Mrs. OGATA (Japan) said that her delegation had, for many years, looked on the Sub-Commission as a unique body of independent experts engaged in in-depth studies relating to the protection and promotion of human rights. The report showed that the Sub-Commission had taken up a wide range of issues on human rights and fundamental freedoms. Her delegation hoped that it would concentrate increasingly on those on which it could exercise its professionalism and independence.

65. The Sub-Commission had made important contributions to the promotion and protection of human rights, largely through the high quality of many of its studies and reports. It had, however, suffered from a heavy workload, and some rationalization of its work was desirable. For that reason the Commission had adopted resolution 1983/22 inviting the Sub-Commission to make recommendations to the Commission as to how its work might best be harmonized with that of the Commission, and further inviting the Sub-Commission to examine the possibilities of rationalizing its methods of work. The Sub-Commission had subsequently held a general discussion on its role and methods of work and had decided, in its resolution 1983/22, to establish a working group on the subject. Her delegation had taken note of the resolution, and hoped that the Sub-Commission would not only review the working group's study but also discuss the matter thoroughly. It might be worthwhile exploring the possibility of establishing a forum for consultations between the Commission and the Sub-Commission, as proposed by the Brazilian representative, in order to strengthen the effective working relationships between the two bodies.

66. She wished to express her views on a number of points relating to the allocation of the Sub-Commission's work. Firstly, the Sub-Commission, composed of independent experts, and the Commission, as an intergovernmental organ, had essentially complementary roles to play. They must support each other in carrying out their respective mandates, with the common objective of promoting and protecting human rights. In view of the already heavy schedules of the two bodies, it was important to avoid duplication of work.

67. Secondly, it had been recognized that the Sub-Commission's discussions covered a wide range of human rights issues, which had been considerably extended and diversified partly because of additional mandates given in Council and Commission resolutions. Her delegation therefore recognized the need to streamline the Sub-Commission's work. It shared the view that the Sub-Commission should reduce the number of items on its agenda and select a smaller number of important items in order to discuss them more fully at each of its sessions.

68. Thirdly, while the studies of the Special Rapporteurs, particularly the study of the relevant guidelines in the field of computerized personal data files, the study of principles, guidelines and guarantees for the protection of persons detained on grounds of mental ill-health, and the study on conscientious objection to military service, were impressive, delays in distribution meant that the

Sub-Commission's discussion on them tended to be general and not to elicit the expert views of members. Clear and concrete comments from Sub-Commission members would help the Commission to form a better judgement of the significance of the studies.

69. Her delegation reserved the right to comment on the resolutions in the report when they came up for consideration, but would like to make a few general remarks at the current stage. It had been somewhat surprised at the number and variety of resolutions adopted by the Sub-Commission at its thirty-sixth session. Although many of them were good resolutions, there were some which gave rise to questions. Despite the expertise and independent character of the Sub-Commission, some resolutions touched on political issues relating to certain countries, and could be dealt with more appropriately by the Commission itself.

70. At the Commission's thirty-ninth session, she had questioned the use of alternates, and had agreed that they should possess the same qualities of independence and expertise as the full members in order to maintain the Sub-Commission's independent character. She had therefore welcomed the Council decision on the question and hoped it would be put into practice in electing the members of the Sub-Commission.

71. She had referred at the same session to the rights of observers, and had stated that, although the Sub-Commission was a body of independent experts, observers representing Governments had a legitimate interest in making their position known on issues directly affecting them. She was pleased to note from the relevant summary record of the Sub-Commission's meeting at its thirty-sixth session (E/CN.4/Sub.2/1983/SR.30, paras. 71-76) that the Sub-Commission had changed its interpretation of rule 69 of its rules of procedure in order to give observers an opportunity to participate in deliberations even during the discussion of draft resolutions.

72. Her delegation wished to reiterate its view that the Sub-Commission had a unique and vital role to play in the field of protection and promotion of human rights. It looked forward to continued close and fruitful collaboration with the Sub-Commission.

73. Sir Anthony WILLIAMS (United Kingdom) welcomed the fact that adequate time had been allowed for discussion of the agenda item under consideration, which was an important one not only because the Commission was responsible for its subordinate bodies but also because the Sub-Commission's work covered a very wide area. The United Kingdom had been a strong and consistent supporter of the work of the Sub-Commission, which was an important body in the human rights machinery of the United Nations. He hoped the Commission would again have a full and useful debate on that work, as it had done in 1983.

74. The relationship between the Commission and the Sub-Commission was, unfortunately, not as close as it might be. It was disappointing, on the one hand, to hear the criticism and concern expressed annually by the Commission about the Sub-Commission, and, on the other, to hear the members of the Sub-Commission expressing criticism and disappointment about the Commission. While constructive criticism could be healthy, unconstructive criticism between two bodies responsible for the welfare of individuals only hampered assistance to people who needed it. In its statement in 1983, the United Kingdom had likened the relationship of the Commission and the Sub-Commission to a parental relationship. While internal bickering among family members was not unknown, family contacts should preferably be based on respect and confidence.

75. The Sub-Commission's review of its own work, as provided for in its agenda, was a useful exercise, particularly in giving the Sub-Commission an opportunity to consider the amount of work it could undertake efficiently. During its annual four-week session, the Sub-Commission attempted to deal with as many subjects as the Commission covered during a six-week session. As a result, some items received insufficient attention. The Sub-Commission might usefully consider ways in which it could make better use of its time. One means of doing so would be to have a more limited and more ordered agenda. Incidentally, the Commission might also do well to consider the size of its own agenda on some occasion.

76. His delegation fully understood that the Sub-Commission needed to consider matters of immediate concern, but what was needed even more was the will to investigate how best to educate the public and make them aware of its work and efforts. Such efforts would be most effective if the Sub-Commission was seen not to be duplicating the work of other United Nations bodies or repeating debates heard elsewhere within the United Nations system. The Sub-Commission should limit and concentrate its efforts on its particular responsibilities and should not become involved in issues outside its terms of reference, such as disarmament matters. Nor should it attempt to adopt political resolutions which could more appropriately be dealt with by the General Assembly or the Security Council. There were enough technical human-rights matters for it to tackle.

77. It was inappropriate for the Sub-Commission to waste time repeating old debates on a change of name or methods of work. What the Sub-Commission was called was less important than what it did. His delegation could not support the proposal that it should report to the Council directly rather than through the Commission. Although the latter process imposed a great deal of work on the Commission, that was the approved method of work and it should continue.

78. His delegation would be ready to join in a consensus on most of the resolutions forwarded by the Sub-Commission, but it had difficulties with some of them, particularly those with recommendations involving additional costs. The Sub-Commission should remember that funds were scarce and should think carefully before recommending new studies, seminars or visits. Money was available only for indispensable expenditure.

79. The current year was particularly important for the Sub-Commission in that its entire membership came up for election during the Commission's session. Because of countries' increasing practice of replacing elected members of the Sub-Commission by diplomats, the Commission at its previous session had adopted a resolution allowing alternates to be named and elected at the same time as members. The result of that resolution was before the Commission in document E/CN.4/1984/47, which listed the candidates for election to the next three sessions of the Sub-Commission. It was somewhat disappointing that some States had still chosen to nominate members of their government service as their independent experts or alternates. Nevertheless, the naming of an alternate to take the seat of an absent elected member allowed delegations to know precisely for whom they would be voting. His delegation hoped that the election of alternates would ensure a full attendance at the plenary sessions of the Sub-Commission and in its working groups.

80. One way in which the members of the Sub-Commission could help to ensure their independence would be by the use of the secret ballot when appropriate. That idea, which had received some support in the Sub-Commission, was, in his delegation's view, well worth pursuing.

81. Mr. KONATE (Senegal) said that little time was available to the Commission to consider the Sub-Commission's report and recommendations. For that reason his delegation had proposed the establishment of a sessional working group to consider the Sub-Commission's report. That would make it possible for the Commission to organize its work more effectively and to assess the work done by the experts more carefully. Senegal would support any resolution which proposed such a step.

82. The Sub-Commission's mandate and role were being questioned by many delegations. Their doubts could be dispelled by reaffirming the technical nature of the Sub-Commission, and by ensuring that it continued to reflect the various conceptions of human rights embodied in different legal systems. The Sub-Commission should avoid becoming embroiled in political considerations, both in its debates and when adopting recommendations. Relations between the Sub-Commission and the Commission should be characterized by dialogue. His delegation supported the independence of the Sub-Commission within the limits of its mandate.

83. The Sub-Commission's report had noted that the evils of apartheid persisted. It had been difficult to implement the measures advocated by the international community owing to a lack of political will on the part of certain States. The Declaration and Programme of Action adopted at the Second World Conference to Combat Racism and Racial Discrimination had condemned the economic, military and other assistance granted to South Africa by certain States. His delegation welcomed the Special Rapporteur's report on such assistance. The Sub-Commission should assess progress made to date in combating such practices and propose specific solutions to promote the implementation of the Programme of Action. It would be extremely useful to give wide publicity to the Special Rapporteur's report, with the aim of mobilizing world public opinion.

84. His delegation had noted with satisfaction the progress made by the Working Group on Slavery in demonstrating the extent of child labour and other abuses. The international community should implement the relevant norms adopted by ILO and draft a convention on the rights of the child.

85. His delegation had noted the Sub-Commission's interest in female sexual mutilation and its consequences. The study proposed in resolution 1983/1 should demonstrate the real extent of the problem, which had historic and cultural aspects. Collaboration with other interested bodies, such as WHO, would be extremely useful. The study should be entrusted to an interdisciplinary group, comprising experts from the organizations concerned, together with experts appointed by the Sub-Commission, with the aim of preparing a programme to eradicate the phenomenon through an information campaign, which was essential in order to tackle the problem at its roots. The Commission, in acting to defend the victims of female sexual mutilation, should take care not to simply drive the practice underground, but should initiate a campaign to increase awareness of its dangers and consequences. Some non-governmental organizations were already holding seminars with that aim. By taking action, the Commission could help to liberate women from traditional prejudices.

86. Senegal welcomed the report on the new international economic order and the promotion of human rights. The current economic order hindered human development, particularly with respect to the right to an adequate standard of living. There was a need for a genuine political will to improve world economic relations

and establish an appropriate legal framework for the new order. Human solidarity and justice should be promoted in order to reduce inequalities between individuals and nations.

87. The extent and gravity of human rights violations throughout the world demonstrated that urgent and effective measures were needed. With that aim, his delegation supported the establishment of the post of High Commissioner for Human Rights as an effective means of interceding with Governments. The incumbent would have to enjoy the confidence of the General Assembly and, rather than having any power of compulsion, would seek the co-operation of States in endeavouring to alleviate individual suffering. The work of the High Commissioner should be humanitarian in character, and not directed towards obtaining political advantage for any State. He would co-operate with other relevant organs and with special rapporteurs, thus increasing their over-all effectiveness. The Centre for Human Rights would continue to provide secretariat services and to conduct research, in accordance with its mandate. The Human Rights Committee would supply the High Commissioner with information enabling him to discharge his functions.

88. Mr. GEVORGIAN (Union of Soviet Socialist Republics) said that the Sub-Commission had, at its thirty-sixth session, concerned itself with the struggle against racial discrimination and apartheid, and human rights violations in the occupied Arab territories and in Chile, El Salvador, and Guatemala. It had adopted a decision alerting world public opinion to the situation in Nicaragua, where the United States was waging an undeclared war. It was also continuing work on drafting measures to promote co-operation between States in the field of human rights.

89. At the Commission's previous session it had been noted that the Sub-Commission had tended to exceed its competence. In resolution 1983/22 the Commission had called upon the Sub-Commission to keep within its mandate, and had stated its belief that it was inappropriate for the Sub-Commission to take decisions affecting its status, role and competence. It had further noted that the Sub-Commission should seek the widest possible measure of agreement when adopting decisions. Although the Commission's action had had a positive effect on the Sub-Commission's work, the provisions of resolution 1983/22 had still not been fully implemented.

90. The Sub-Commission had attempted to expand its agenda by including matters of little importance which merely wasted the time of the experts and, moreover, had a negative effect. The Sub-Commission had been obliged to adopt a large number of resolutions without debate, while other resolutions submitted to the Commission had been of unacceptable quality. The Sub-Commission should not try to deal with too many issues and should take full account of Commission resolution 1983/22. It was an expert body, and should conduct its work on the basis of expert opinion, without recourse to voting.

91. With regard to the studies being carried out by special rapporteurs, four additional ones had been begun, ranging from surveys of sexual mutilation to the right to leave and return to one's country. In the Soviet view, no new studies should be begun until earlier studies had been finished.

92. It would be extremely expensive to reprint and disseminate the Commission's studies. In view of efforts being made by the United Nations to reduce its expenditure such amounts were hardly warranted. Although his delegation supported the Sub-Commission in its desire to improve the quality of its work, there seemed little justification for intersessional meetings. Careful analysis of the views of States on the Sub-Commission's work would do much to improve its effectiveness.

93. Mr. CHARRY SAMPER (Colombia) said that there was a need to consider the kind of recommendation which the Sub-Commission submitted to the Commission. With regard to action taken to promote human rights, it should be recalled that States had obligations towards their citizens under various international instruments. It was important to apply the provisions of those instruments coherently without ideological selectivity.

94. The Sub-Commission performed valuable work. The essential difference between the Sub-Commission and the Commission was that the former was composed of experts while the latter was made up of government representatives. It followed that the Sub-Commission's proposals were not binding on States. Certain political problems had arisen with some of the Sub-Commission's proposals. Due account should be taken of the fact that different assessments were likely to be made by experts and by representatives of States. For example, the foreign policy aspects of Government actions were a matter of concern solely to State representatives.

95. The Sub-Commission should take care to remain within its sphere of competence. The hierarchy between the two bodies should be respected and any duplication of work avoided in order to improve the efficiency of the United Nations human rights machinery. Although his delegation did not object to a change of name for the Sub-Commission, it should continue to be subordinate to the Commission and not to the Economic and Social Council, in order to avoid a duplication of functions. His delegation was prepared to endorse internal changes in the Sub-Commission's method of work. Careful consideration of the Sub-Commission's functions was required. The Sub-Commission and Commission complemented each other, but the role of government representatives was paramount.

96. Mr. HAYES (Ireland) said that his delegation was gratified that the Economic and Social Council had, on the Commission's recommendation, adopted a resolution which provided that alternates could be nominated for the Sub-Commission and that they should possess similar qualifications to those of members. The list of candidates for the current elections to the Sub-Commission contained many nominations which included an alternate as well as a candidate for titular membership. His delegation's decision on how to vote would be affected by the qualifications and calibre of both candidates.

97. At its thirty-ninth session the Commission, in resolution 1983/22, had offered guidance to the Sub-Commission in order to ensure complementarity between the activities of the two bodies. It was satisfactory that the members of the Sub-Commission had generally accepted the content of the resolution. The presence of the Sub-Commission's Chairman in the Commission during the examination of its report indicated the close co-operation which existed between the two bodies.

98. His delegation welcomed the Sub-Commission's adoption of resolution 1983/21 on the best means of harmonizing the work of the two bodies. It nevertheless hoped that concrete recommendations would be submitted to the Commission without undue delay. The suggestion that the working group on the matter should meet the Commission at its current session merited serious consideration, although it would be better for it to meet the Bureau rather than the entire Commission.

99. The range of topics dealt with by the Sub-Commission indicated the industry and dedication of its members. His delegation welcomed draft resolution XVI concerning the question of the establishment of the post of High Commissioner for Human Rights. Although his delegation did not whole-heartedly endorse everything in the text, it favoured the establishment of such a post and trusted that significant progress would be made towards its realization at the current session.

The meeting rose at 6.30 p.m.