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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Thirty-fifth session

SUMMARY RECORD OF THE 36th MEETING

Held at the Palais des Nations, Geneva  
on Friday, 10 September 1982, at 10 a.m.

Chairman:

Mr. CHOWDHURY

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The meeting was called to order at 10.25 a.m.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued)

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Consideration of draft resolutions and decisions

Draft resolution E/CN.4/Sub.2/1982/L.37

1. Mr. EIDE, introducing the draft resolution, said that in the last line of operative paragraph 2 the word "or" should be added between the words "Bureau" and "at the request ...".

2. The draft resolution gave effect to resolution 1982/22 of the Commission on Human Rights, in which the latter requested the Sub-Commission to formulate a first study on possible terms of reference for the mandate of a United Nations High Commissioner for Human Rights, and to Sub-Commission decision 3 (XXXIV), by which the Sub-Commission decided to consider at its thirty-fifth session the positive role which a High Commissioner for Human Rights should play in the full enjoyment of human rights. At the current session the establishment of such a post had been the subject of a discussion during which members' positions had been based essentially on their approach to human rights and to the role of Governments. To his thinking, the very purpose of government was to protect and ensure the implementation of human rights, in other words, to ensure the implementation of economic and social rights, to respect and protect civil rights, and to operate in conformity with political rights. If that was so, any international assistance granted to a Government in the sphere of human rights could only be seen as positive since it was designed to ensure still wider application of all human rights; and could not be regarded as interference in the internal affairs of the State concerned.

5. In the view of the sponsors of the draft resolution, the High Commissioner's main function should be to ensure effective enjoyment of the whole range of human rights through direct contacts with Governments on a confidential basis, particularly in regard to urgent matters involving threat to the life, integrity and physical liberty of individuals or groups. With the emphasis thus placed on the need to act urgently and to maintain confidentiality, the role of the High Commissioner should not preclude any of the existing procedures which had longer-term objectives and, in particular, were slower. Nor should co-ordination between the role of the High Commissioner and that of other bodies, including the Centre for Human Rights, raise any practical difficulties. That view had been expressed by the new Secretary-General himself at a recent press conference.

4. Referring to the amendments proposed by Mr. Akram in a text without a symbol distributed during the meeting, he said that amendments 3 and 5 were acceptable to the sponsors of the draft resolution. They could not, however, agree to amendment 2 relating to operative paragraph 1 (c), which provided that the High Commissioner would initiate direct contacts with Governments only following decisions taken by the General Assembly, the Economic and Social Council or the Commission on Human Rights. That amendment ran counter to the underlying principle of the draft resolution since it would prevent the High Commissioner from acting urgently and, above all, on a confidential basis. If Mr. Akram maintained the amendment, the sponsors of the draft resolution would request that it should be put to the vote.

5. For similar reasons, the sponsors were unable to accept amendment 4, the effect of which was that the Bureau of the Commission on Human Rights would act in a supervisory rather than advisory role vis-à-vis the High Commissioner. They were also unable to accept amendment 6, which provided for the addition of a new operative paragraph 4 recommending that the procedures set forth in the draft resolution should replace the provisions for investigation of specific situations envisaged under Economic and Social Council resolutions 728 F (XXVIII) and 1503 (XLVIII). In the view of the sponsors, it would be premature to envisage practical procedures of that kind; if the Sub-Commission and the Commission adopted their draft resolution, the implications of the establishment of the new post could be examined during the next session at leisure.

6. Lastly, the sponsors could not agree to amendment 1 to the effect that the High Commissioner would perform his functions under the direction of the General Assembly, the Economic and Social Council and the Commission on Human Rights. Within the confines of his terms of reference, the High Commissioner should be free to act with the independence granted to him by the General Assembly.

7. As it was apparent that the draft resolution could not be adopted by consensus, there seemed no point in delaying a vote on it. It would not be surprising if those who now opposed the draft resolution would be the first to congratulate the High Commissioner on his work in a few years' time.

8. Mr. MASUD paid a tribute to the sponsors of draft resolution E/CN.4/Sub.2/1982/L.37 for their efforts and impartiality. Generally speaking, the members of the Sub-Commission seemed willing to give expression to an idea that should prevent violations of human rights and provide better protection for those rights. While he was not opposed to that idea, he considered that the Commission did not have enough information to take a decision on a question as important as the establishment of such a post. There were many points still to be clarified. Apart from the fact that it was not known what qualifications, powers, status and competence the future High Commissioner for Human Rights should have, no explanation had yet been given as to which of the thousands of violations notified every year should be referred to him. Nor had anything been said about his position vis-à-vis the Director of the Centre for Human Rights or the modalities of the High Commissioner's appointment. At all events, his terms of reference should be the subject of detailed study for which the Sub-Commission lacked the necessary information.

9. For all those reasons, he would recommend that consideration of the draft resolution should be deferred for a year.

10. Mr. AKRAM said that he recognized the dedication of the sponsors of the draft resolution to the cause of human rights and their firm belief in the need for, and importance of, a High Commissioner. He, for his part, was prepared to support the establishment of such a post to the extent that the High Commissioner's terms of reference would enable him to play a role that could improve existing methods of preventing violations and protecting human rights.

11. In defining those terms of reference, it would be advisable first to consider the situation and practical difficulties that existed in the social, economic and political spheres. The first difficulty would be to choose, out of the 30,000 or so violations notified each year in approximately half the Member countries of the General Assembly, those which called for action by the High Commissioner. For Mr. Eide, the criterion for such a choice was necessarily the degree of urgency of the communications, whereas his own view was that any United Nations procedure must be applied to the most serious cases as a matter of priority. For instance, as could already be seen in the case of southern Africa and the Middle East, the effectiveness of sanctions was undermined not by the absence of a high commissioner but by difficulties of a purely political nature. That was why amendments 1 and 2, which he had proposed in the text circulated during the meeting, provided for recognition of the competence of the General Assembly, the Economic and Social Council, and the Commission on Human Rights to define the most serious cases of violations, thus enabling the High Commissioner to contact the Governments concerned in order to remedy those situations.

12. He was surprised to note that, in operative paragraph 2 of the draft resolution, the sponsors accorded only an advisory role to an intergovernmental body such as the Bureau of the Commission on Human Rights. That would be contrary to the spirit and letter of the Charter, which, in that connection, provided that it was the duty of the Secretary-General to give effect to the decisions taken by intergovernmental bodies. In the event, the sponsors seemed to have reversed the roles.

13. Article 55 of the Charter provided that the United Nations should promote higher standards of living, solutions of international economic, social and related problems, and universal respect for, and observance of, human rights. Those three objectives were indissociable, in his view, and if a post of High Commissioner was created and the incumbent had the power of independently establishing direct contacts with Governments to point out what changes should be made in their human rights policy and to propose corrective measures, parallel instruments should be created to enable the United Nations to intervene concurrently in the three above-mentioned areas. In that connection, he referred to the North-South dialogue, in the context of which an attempt had been made to set up a committee empowered to negotiate with Governments; certain countries had, however, objected on the ground that such negotiations should not interfere either with government policy or with the activities of such specialized agencies as IMF, the World Bank or GATT. It was therefore surprising that the same Governments should recommend the establishment of a supranational body that could intervene in the internal affairs of sovereign States. Accordingly, his amendments were intended to bring the draft resolution on the establishment of a post of High Commissioner into line with the provisions of the Charter on economic, social and humanitarian matters.
14. It was quite clear that the wide powers that would be conferred upon a High Commissioner would have the effect of deleting the last sentence of the 1503 procedure, which provided for the creation of bodies to investigate certain situations. It would therefore seem logical for the High Commissioner himself to assume responsibility for such investigations.
15. Mr. JOINET said that after thorough analysis of the matter with Mrs. Odio-Benito, whose absence he regretted, he had reconsidered some of the reservations which he had expressed earlier.
16. The proposals set forth in draft resolution E/CN.4/Sub.2/1982/L.37 were well balanced, since the envisaged terms of reference were sufficiently well defined to enable an opinion already to be formed on the matter. The Bureau of the Commission on Human Rights would be the "guardian angel" of the High Commissioner, who would be appointed at the highest level; that fact would ensure wide support. The High Commissioner would report to the competent bodies and, in particular, to the General Assembly, which constituted a further guarantee.
17. He was, however, opposed to the abolition of the 1503 consideration procedure and would be obliged to abstain in the vote on the text as a whole if that proposal were adopted since, in his view, a matter of principle was involved.
18. In his view, the Sub-Commission should try not to defer consideration of the draft resolution again; after all, it was merely a proposal made to the Commission, which would have to decide for itself whether or not to defer it. In conclusion, he requested that his name should be included among the sponsors of the draft resolution.
19. Mr. SAKER felt there was a danger that the post of High Commissioner might duplicate that of the Director of the Centre for Human Rights and that the creation of such a post might give rise to a certain rivalry between the two incumbents. It

was highly probable, moreover, that the creation of the post would not result in any improvement in the human rights situation, which depended mainly on co-operation among States. Lastly, the draft resolution might give rise to interference in the internal affairs of States and to financial implications, which must also be borne in mind.

20. He therefore proposed that as matters stood no resolution should be adopted and that, in order to give effect to the Commission's request, the Sub-Commission should simply submit to the Commission its summary records on the relevant agenda item, together with the report contained in document E/CN.4/Sub.2/1982/36.

21. Mr. BELTRAMINO said he did not question the lofty aims involved but considered that it would be more realistic to take account of the current situation in the international community. Questions could logically be asked as to the advantages of creating a High Commissioner's Office if it were to be approved by only a few countries which would, moreover, be those that had least need of it.

22. In the present circumstances, what mattered was effectiveness. It could readily be seen that the international community was not sufficiently mature to accept a draft resolution that was much too dogmatic and moreover, had not been studied in sufficient detail owing to lack of adequate data. The voice of reason dictated that no decision should be taken for the time being and that consideration of the matter should be deferred.

23. Mr. SOFINSKY noted that no consensus had emerged during the discussions on the item and that opinions differed as to means of promoting respect for human rights. Some countries feared interference in their internal affairs, while others rightly observed that the creation of a post of High Commissioner would not contribute to the promotion of human rights but would be a new bone of contention among the members of the international community. It would be tantamount to creating within the Organization itself a new body that would not be universally recognized.

24. Furthermore, there were still too many questions regarding the functions of a High Commissioner and his place in the Organization, as well as the operation of the machinery thus instituted. The Commission had called only for a first study and the Sub-Commission could give effect to its request by submitting to it the report of the Bureau, which on that occasion had met as an informal working group (E/CN.4/Sub.2/1982/36), together with the summary records of the discussion. He therefore associated himself with those speakers who had requested that the question should be deferred to the next session.

25. Mr. CAREY joined the sponsors of the draft resolution.

26. Mr. WHITAKER said that in his view, the failure of the Sub-Commission to respond to the request addressed to it by the Commission on Human Rights in resolution 1982/22 would cast discredit on its work. After a four-week session it should be capable of forming a few simple ideas. The draft resolution as presented was a very balanced compromise text and it was pointless to try and enlarge the consensus by deferring the matter until a subsequent session.

27. It was inadvisable to introduce amendments to such a well thought out text. The amendments proposed by Mr. Akram were, in fact, very radical in nature. Amendment 6, consisting of the addition of a new paragraph to the operative part of the draft resolution, went much too far since it was for the Economic and Social Council to reconsider resolutions it had adopted. Furthermore, Council resolution 1503 (XLVIII) afforded a safeguard since it was conceivable that the incumbent of the post of High Commissioner might, for personal or political reasons, cease to enjoy the confidence of the international community.

28. Mr. FOLI fully endorsed Mr. Whitaker's remarks and agreed that the Sub-Commission should certainly respond to the request which the Commission on Human Rights had addressed to it. It should not take refuge in excuses any longer since to do so would be to invite sharp criticism from the Commission.

29. Mr. MASUD, referring to article 49 of the rules of procedure of the functional commissions of the Economic and Social Council, moved the adjournment of the debate on the item.

30. The motion to adjourn the debate was rejected by 10 votes to 9 with 1 abstention.

31. Mr. EIDE, supported by Mr. CAREY, proposed that the draft resolution should be put to the vote.

32. The CHAIRMAN reminded members that the Sub-Commission had before it Mr. Akram's six amendments, which had been submitted during the meeting in a working paper that bore no symbol. Amendments 3 and 5 had been accepted by the sponsors and were therefore incorporated in the draft resolution. He invited the Sub-Commission to vote, separately, on amendments 1, 2, 4 and 6 as proposed by Mr. Akram.

33. Amendment 1 was rejected by 8 votes to 7, with 4 abstentions.

34. Amendment 2 was rejected by 9 votes to 8, with 3 abstentions.

35. Amendment 4 was not adopted, there being 9 votes in favour and 9 against.

36. Amendment 6 was rejected by 9 votes to 5, with 6 abstentions.

37. The CHAIRMAN put to the vote the draft resolution as a whole.

38. Draft resolution E/CN.4/Sub.2/1982/L.37, as amended, was adopted by 10 votes to 6, with 4 abstentions.

Draft resolution E/CN.4/Sub.2/1982/L.39

39. Mr. SOFINSKY said that he wished to dissociate himself from the consensus that had apparently emerged on the draft resolution. In his view, there were too many items on the agenda for the next session.

40. The draft resolution was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1982/L.40

41. Mr. MUBANGA-CHIPOYA joined the sponsors of the draft resolution.
42. The draft resolution was adopted without a vote.
43. The CHAIRMAN noted that the draft resolution had been adopted unanimously.

Draft resolution E/CN.4/Sub.2/1982/L.42

44. Mr. CAREY said that, in his view, operative paragraph 1 (b) and (c) of the draft resolution should be amended since it would seem presumptuous to prejudge the conclusions of the final report which Mr. Eide and Mr. Mubanga-Chipoya were requested to prepare. For that reason he proposed that in subparagraph (a) the word "right" should be replaced by the word "possibility", and that in subparagraph (c) the phrase "for the recognition of conscientious objection to military service" should be replaced by "dealing with conscientious objection to military service".
45. While he was tempted to suggest that subparagraph (d) should also be amended, he would not do so. If, however, the draft resolution was put to the vote in separate parts, he would vote against that subparagraph.
46. Mrs. WARZAZI said that she could not support paragraph 1 (b), (c) and (d) of the draft resolution as worded at present.
47. Mrs. DAES said that, while she supported the draft resolution as a whole, she wished to propose the addition of the following phrase to operative paragraph 1 (b): "and their responsibilities to offer instead of military service any other service in the social or economic fields, including work for economic progress and development of their countries".
48. Mr. SOFINSKY said he considered that the study requested of Mr. Eide and Mr. Mubanga-Chipoya was indispensable. The draft resolution, however, was so categorical in its terms that it might be in conflict with the legal systems of certain States. He was therefore unable to support it.
49. Mr. SAKER said there seemed to be a contradiction between subparagraph (a) and subparagraph (b) of paragraph 1: if the possibility of a war of aggression was recognized, the right of the victims to defend themselves must also be recognized. In occupied countries, for example, that right was a duty. For that reason of principle, he was unable to support subparagraph (b).
50. Mr. CEAUSU, supported by Mr. YIMER and Mr. SOFINSKY, proposed that paragraph 1 (a), (b), (c) and (d) should be deleted and that the introductory paragraph should end with the word "objection".
51. Mr. EIDE, speaking as a sponsor of the draft resolution, said that he was prepared to accept the amendments proposed by Mrs. Daes and Mr. Carey. He also agreed to the deletion of paragraph 1 (c). As to the other subparagraphs, the authors would welcome some indications from the Sub-Commission regarding the purposes for which they should draw up their final report. In order to have an accurate idea of the Sub-Commission's position on those various points, it would be preferable for a vote to be taken.



52. Mr. MUBANGA-CHIPOYA, also speaking as a sponsor of the draft resolution, said he had no objection to Mrs. Daes' proposed amendment and agreed to the deletion of paragraph 1 (c). Like Mr. Eide, he would welcome a clear statement from the Sub-Commission regarding the purpose of the report that was requested.

53. Mrs. WARZAZI said that, in the light of the amendments which the sponsors of the draft resolution had accepted, there was no longer any reason for her to oppose it.

54. The CHAIRMAN put Mr. Ceausu's oral amendment to the vote.

55. The amendment was rejected by 8 votes to 6, with 3 abstentions.

56. The CHAIRMAN put to the vote draft resolution E/CN.4/Sub.2/1982/L.42 as amended during the meeting with the sponsors' consent.

57. Draft resolution E/CN.4/Sub.2/1982/L.42, as amended, was adopted by 9 votes to 4, with 3 abstentions.

Draft resolution E/CN.4/Sub.2/1982/L.40 (continued)

58. Mr. HERNDL (Director, Centre for Human Rights) pointed out that operative paragraphs 3 and 4 of draft resolution E/CN.4/Sub.2/1982/L.40 had financial implications which related to two journeys Mexico City-Geneva-Mexico City and to subsistence allowances for two periods of five days, the total cost of which was \$7,600.

Draft resolution E/CN.4/Sub.2/1982/L.43

59. Mrs. de SOUZA, introducing the draft resolution relating to discrimination indigenous populations, said that the sponsors had agreed, *inter alia*, that there should be a measure of continuity in the composition of the Working Group appointed to deal with the matter, and had decided that the Commission on Human Rights and the Economic and Social Council should be requested to establish a fund to enable representatives of indigenous populations to come to Geneva and participate in the work of the Group. She trusted that the draft resolution would be adopted by consensus.

60. Draft resolution E/CN.4/Sub.2/1982/L.43 was adopted by consensus.

Draft resolution E/CN.4/Sub.2/1982/L.44

61. Mr. SOFINSKY proposed the deletion of operative paragraph 1 (a) of the draft resolution which, by draft resolution E/CN.4/Sub.2/1982/L.44, the Sub-Commission would recommend for adoption by the Commission on Human Rights. One study on the subject had already been carried out and it therefore seemed unnecessary to appoint a member of the Sub-Commission to carry out another, particularly since the Sub-Commission's agenda for the thirty-sixth session was already very heavy.

62. Mr. EIDE, speaking as a sponsor of the draft resolution, said he considered, on the contrary, that it would be extremely useful to undertake a closer study of such a very important matter and therefore suggested that subparagraph (a) should be retained.

63. Mr. CEAUSU, supporting Mr. Sofinsky's proposal, said that in his view asking for a further study might suggest that the Sub-Commission was not satisfied with the one carried out by Mrs. Questiaux. In any event, if anybody did have some better ideas on the question, two or three years should be allowed to elapse before asking for a further study on the same subject.

that he wished to join the list of sponsors of the draft endorsed the request made in subparagraph (a) that the Sub-Commission should undertake a closer study.

65. Mrs. de SOUZA requested that her name should be added to the list of sponsors of the draft resolution.

66. Mr. JOINET said that if reference was made to the summary record of the meeting at which the study already carried out had been introduced by its author, it would be clear that Mrs. Questiaux had herself expressed the hope that more detailed studies would be carried out on some of the points she had analysed. In his opinion, he would not have had any objection to the request embodied in paragraph (a) of the draft resolution.

67. The CHAIRMAN invited the Sub-Commission to vote on Mr. Sofinsky's proposal to delete subparagraph (a) from the draft resolution which the Sub-Commission recommended for adoption by the Commission.

68. The proposal was rejected by 6 votes to 3, with 6 abstentions

The CHAIRMAN then put to the vote the draft resolution contained in document E/CN.4/Sub.2/1982/L.44.

70. Draft resolution E/CN.4/Sub.2/1982/L.44 was adopted by 13 votes to 1, with 2 abstentions.

Draft resolution E/CN.4/Sub.2/1982/L.46

71. Draft resolution E/CN.4/Sub.2/1982/L.46 was adopted by consensus.

Draft resolution E/CN.4/Sub.2/1982/L.48

Mr. CAREY requested that his name should be added to the list of sponsors of the draft resolution.

73. Mr. HERNDL (Director, Centre for Human Rights) said that the financial implications of paragraphs 1 and 2 of the draft resolution which the Commission on Human Rights would recommend for adoption by the Economic and Social Council amounted to \$100,000 in 1983 and \$1,500 chargeable to the 1984 budget in respect of two air flights between Athens-Geneva-Athens by the Special Rapporteur.

74. Mr. JOINET, noting that the draft resolution referred only to detained persons, said that mental illness sometimes made it necessary to place patients in hospitals

that might be closed. However, there were also open hospitals. He was not asking that the draft resolution should be amended but would merely like the Rapporteur to take account of that point in her further work.

75. Draft resolution E/CN.4/Sub.2/1982/L.48 was adopted unanimously.

Draft resolution E/CN.4/Sub.2/1982/L.49

76. Mr. EIDE requested that his name should be added to the list of sponsors of the draft resolution and expressed the hope that it would be adopted unanimously.

77. Mrs. DAES pointed out that, in the case of the draft resolution under consideration, she would need secretariat assistance solely in connection with the reproduction and distribution of her report. It would not be necessary, however, to provide for travel expenses since she would present that report at the same time as the report that would be entrusted to her if the Commission adopted the resolution set forth in draft resolution E/CN.4/Sub.2/1982/L.48.

78. Mr. HERNDL (Director, Centre for Human Rights) said that in the circumstances draft resolution E/CN.4/Sub.2/1982/L.49 had no financial implications.

79. Mr. SOFINSKY expressed the hope that draft resolution E/CN.4/Sub.2/1982/L.49 would be adopted unanimously.

80. Draft resolution E/CN.4/Sub.2/1982/L.49 was adopted unanimously.

Draft resolution E/CN.4/Sub.2/1982/L.47

81. Mr. HERNDL (Director, Centre for Human Rights) said that the draft provisional agenda for the thirty-sixth session had been prepared by the secretariat in accordance with Economic and Social Council resolution 1894 (LVII) adopted on 1 August 1974. As required by that resolution, the basic documents to be submitted under each agenda item, and the legislative authority for their preparation, were indicated following the titles of those items. In that connection, it should be noted that the provisional agenda and the relevant documentation might be affected by relevant decisions of the General Assembly, the Economic and Social Council, and the Commission on Human Rights, as well as by decisions adopted by the Sub-Commission at its current session. The Sub-Commission would note that the provisional agenda before it was basically identical with the agenda for the current session, except for the addition of a new item (item 20) which concerned the individualization of prosecution and penalties, and repercussions of violations of human rights on families.

82. He also drew the Sub-Commission's attention to document E/CN.4/Sub.2/1982/L.10 concerning the dates when the Sub-Commission would meet the following year. Provision had been made for the next session to be held from 15 August to 9 September 1983, which meant that the meetings on the last two days of the thirty-sixth session of the Sub-Commission would be held, as in 1982, on days that were official holidays at the United Nations Office at Geneva.

83. In accordance with the usual practice, the Sub-Commission was invited to take note of the draft provisional agenda, subject to any amendments that it might wish to make thereto.

84. Lastly, he drew attention to document E/CN.4/Sub.2/1982/35, in which was reproduced resolution 1982/50 of the Economic and Social Council entitled "Revitalization of the Economic and Social Council", and in particular to operative paragraph 1 of that resolution, in which the Council had decided to adopt a number of measures concerning its programme of work and the organization of its work, as well as documentation and its calendar of meetings.

85. Mr. WHITAKER said some members of the Commission felt that it would be better not to change the dates proposed for the 1983 session, not only because arrangements had already been made on that basis, but also because certain members whose presence was essential from the outset would be in Manila until 12 August, which meant that the date of the session could not be brought forward by one week. However, an effort should be made, by careful planning of the work of the thirty-sixth session, to enable all staff to take the two days' leave to which they were entitled. To that end, and also to lighten a very heavy agenda, he proposed that certain items should be considered together - in the first place, items 14 and 15 which related to the question of slavery and the exploitation of child labour respectively. The question of child labour was in fact already being considered by the Working Group on Slavery. Moreover, as Mr. Boudhiba had completed his task, there was no longer any need to make it a separate item. Similarly, if Mrs. Daes had no objection, the Sub-Commission could consider together items 19 and 20 which related respectively to the status of the individual and contemporary international law, and to the individualization of prosecution and penalties, and repercussions of violations of human rights on families. They were important items on which the Sub-Commission had that year been able to hold only two brief discussions and it would perhaps be of advantage to consider them together during a single long debate. In addition, items 5 and 6 could also be taken up at the same time since they concerned two aspects of the same tragic problem.

86. Thanks to the time saved by combining the items to which he had referred, it might be possible to include in the Sub-Commission's agenda an item relating to the protection of minorities. To a large extent that question was still the *raison d'être* of the Sub-Commission, as its name indicated. It was not normal therefore that at the current session no agenda item had been exclusively devoted to the matter, particularly since there were many important questions concerning such groups as the romas, migrant workers, "untouchables" and others to which the Sub-Commission should devote the necessary time.

87. Lastly, he would suggest, again with a view to rationalization and efficiency, that at the next session the various working groups should meet simultaneously and not consecutively as they had done at the current session, when for two hours every day five persons were working while 20 members of the Sub-Commission waited until they had finished their work. If arrangements were made far enough in advance, the necessary interpretation services could probably be secured in order to enable the working groups to meet at the same time.

88. Mrs. WARZAZI said she did not think that the agenda for the next session be drawn up in the light of the two days of official holidays for secretariat on the previous day, which had been a public holiday in Geneva, the United Nations had worked. Given its heavy agenda, the Sub-Commission could not afford to lose two working days and for that reason, too she was categorically opposed to the inclusion of an additional item in the agenda.

89. Mr. MASUD said that he agreed in principle with Mr. Whitaker, who had, rightly pointed out that the Sub-Commission's agenda was already extremely full. He therefore considered that a new item should not be added to it, particularly since the matters to which Mr. Whitaker had referred would be considered in the context of item 9 relating to communications, item 7 relating to the question of violation of human rights and fundamental freedoms, and item 14 relating to slavery.

90. Mr. BOSSUYT said he was prepared to agree to the new schedule proposed in document E/CN.4/Sub.2/1982/L.10, paragraph 2, section B. Even if the Sub-Commission did, in urgent and exceptional cases, request additional conference services, it should not make that its normal practise. It therefore seemed preferable to change the dates proposed for the Sub-Commission's next session so that the question of official holidays did not arise again.

91. Mr. Whitaker's proposal that certain agenda items should be grouped together was very sensible; the Sub-Commission might also wish to combine items 7 and 8. It would be preferable, the following year, to take up agenda item 9 relating to communications before item 7 relating to the question of violation of human rights and fundamental freedoms. The Commission on Human Rights already did so and it was sometimes difficult for members of the Sub-Commission to give their views on communications after having made statements in public meetings on the human rights situation in certain countries. As for Mr. Whitaker's proposal regarding simultaneous meetings of sessional working groups, normally it would have certain financial implications.

92. Mr. SOFINSKY said he was opposed to the inclusion of new items in the Sub-Commission's agenda. The deletion of certain items or the combination of items, such as exploitation of child labour, with others could however be considered. He trusted that the Sub-Commission would adopt the draft provisional agenda for the thirty-sixth session proposed in document E/CN.4/Sub.2/1982/L.47 as it stood.

93. Mrs. DAES supported Mr. Whitaker's suggestion that agenda items 14 and 15 should be combined. It would however, be unwise to combine items 19 and 20, which the Commission on Human Rights had not assimilated to each other in resolution 26 (XXXVI). Some confusion might arise if those items were considered together. Mr. Bossuyt's proposal that items 7 and 8 be combined was, however, acceptable.

94. Mr. HERNDL (Director, Centre for Human Rights) said that the secretariat was, of course, always ready to service bodies that met on official holidays at the United Nations Office at Geneva. He wished, however, to point out that the cost of the services required the previous day to prepare the documentation amounted to \$27,000 and the cost of the conference services for the Sub-Commission's meetings on the same day amounted to \$8,000. In addition, the fact that most of the services (bank, telephone, etc.) at the United Nations Office at Geneva were not open on those days caused some difficulty for members of the Sub-Commission. It would therefore seem preferable to bring forward the dates of the Sub-Commission's next session.

95. Mr. JOINET said he thought it would be difficult to include an additional item on the agenda without deleting another. He was not in favour of Mr. Bossuyt's proposal that item 9 should be considered before item 7 since the result would be the virtual suppression of consideration of the latter item. When members of the Sub-Commission came to consider matters falling under item 7, they would be unable, for reasons of confidentiality, to make known some of the views expressed during consideration of item 9. Consequently it would be preferable to follow the order now adopted for the consideration of those two items.

96. Mrs. WARZAZI said that it should be possible to make savings on conference services by not mobilizing additional teams of interpreters from 6 p.m. to 9 p.m. for meetings that ended at 7 p.m. Moreover, with a view to rationalization of work, agenda items 10, 17 and 20 could, in her opinion, be taken up together.

97. Mr. MASUD observed that the number of special rapporteurs appointed to prepare studies or draw up reports continued to increase. It also seemed to him that, if a new item was added to the agenda, the length of time for which members were permitted to speak, which in certain cases, had already been limited to three minutes, would be limited still further.

98. Mr. SOFINSKY agreed with Mr. Whitaker that it was senseless for five members of a working group to meet while the 20 other members of the Sub-Commission did not hold a plenary meeting. It would be more sensible for working groups to meet simultaneously rather than consecutively.

99. Like Mrs. Warzazi, he was not entirely convinced of the need to change the dates of the Sub-Commission's next session because of the official holidays at the United Nations Office at Geneva. Members of the secretariat had worked the previous day and there had also been a meeting of the Trade and Development Board. The Jeûne Genevois was not even a national holiday, so there was no apparent reason why it should affect the work of an international secretariat.

100. Mr. SAKER said he did not think it would be advisable to include in the agenda a new item which would make the Sub-Commission's task even heavier. Some questions might be dealt with in the context of other agenda items.

101. Mr. EIDE said that, in his view, it would be preferable, before seeking to rationalize the Sub-Commission's work, to wait until the next session when it would take up the question of its role and activities. At that time the secretariat could perhaps propose various measures. Certain agenda items were sufficiently broad to encompass consideration of others. In any event, it would be premature to take any immediate decisions on the matter.

102. Mr. WHITAKER said he did not think it would be advisable for the Sub-Commission to delay its decision on its provisional agenda until the next session. He formally proposed that items 10, 17 and 20 should be combined, as suggested by Mrs. Warzazi. Items 5 and 6 could also be combined, as they were in the Third Committee of the General Assembly, as well as items 14 and 15. He agreed with Mrs. Daes that it was perhaps inadvisable to combine items 19 and 20.

103. A change in the dates of the Sub-Commission's next session did not, however, seem advisable. If the session started on Thursday, 11 August 1983, members would need two additional days' subsistence allowance for the Saturday and Sunday that followed almost immediately after the opening of the session. Moreover, the participants in the Second World Conference to Combat Racism and Racial Discrimination, which would end in Manila on 12 August would be unable to arrive in time for the Sub-Commission's session. If the dates for the Sub-Commission's next session were changed, he for his part would have to resign from the working group of which he was a member.

104. Mr. Whitaker's proposal that items 10, 17 and 20, items 5 and 6, and items 14 and 15 of the agenda for the thirty-sixth session should be combined was adopted by 15 votes to 1.

105. Mr. CAREY proposed that under "Legislative authority" relating to agenda item 8 in document E/CN.4/Sub.2/1982/L.47, reference should be made to the Sub-Commission's decision on draft resolution E/CN.4/Sub.2/1982/L.22.

106. The CHAIRMAN said that, if there was no objection, he would take it that the members of the Sub-Commission agreed to Mr. Carey's proposal.

107. It was so decided

108. The draft provisional agenda (E/CN.4/Sub.2/1982/L.47), as orally amended, was adopted.

109. Mr. BOSSUYT proposed that the Sub-Commission's thirty-sixth session should open on 10 August 1983.

110. Mr. WHITAKER said he would prefer the Sub-Commission to convene on 15 August, as proposed in document E/CN.4/Sub.2/1982/L.10, section A; it should try to complete its work before the two days of official holiday which would fall at the end of the session.

111. The schedule proposed in document E/CN.4/Sub.2/1982/L.10, paragraph 2, section A, was adopted by 10 votes to 1, with 5 abstentions.

The meeting rose at 1.15 p.m.