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Held at the Palais des Nations, Geneva,
on Wednesday, 15 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

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The meeting was called to order at 10.10 a.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTIETH SESSION (agenda item 19) (continued)
(E/CN.4/1989/3-E/CN.4/Sub.2/1988/45, E/CN.4/1989/51, E/CN.4/1989/67,
E/CN.4/1989/NGO/14, E/CN.4/1989/NGO/17)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION; ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 11) (continued) (E/CN.4/1989/3- E/CN.4/Sub.2/1988/45 (chapter I, section A, resolution I), E/CN.4/1989/20, 21 and 47, E/CN.4/1989/CRP.1 and CRP.2, A/RES/43/12)

1. Mr. ROSSI (International Association for the Defence of Religious Liberty), referring to agenda item 19, commended the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the attention it gave to freedom of thought, conscience and religion and welcomed the two resolutions and the decision it had submitted to the Commission on Human Rights (resolutions 1988/15 and 32 and decision 1988/112). He would comment on resolution 1988/15 concerning violations of the right to freedom of religion in Albania.

2. In that text, the Sub-Commission requested the Commission to urge the Government of Albania to provide adequate constitutional and legal measures to ensure the effective exercise of freedom of religion and belief in that country. He recalled that Albania was the only country in the world to have totally suppressed religious freedom. All religious organizations and activities were prohibited by the Constitution and offenders were severely punished. Priests and worshippers were imprisoned and sentenced to hard labour for reasons of religious belief. That situation had existed for over 20 years.

3. There had, however, been some signs of change. Mr. Ramiz Alia, Secretary-General of the Albanian Communist Party and President of the Albanian Republic, had allegedly stated that people should not be imprisoned or punished for praying in their homes. Mgr. Nikoll Troshani, a Catholic bishop arrested in 1964 for having performed religious services, had recently been released. Many other priests had reportedly also been released. Reverend Arthur E. Liolin, Chancellor of the Albanian Orthodox Diocese in the United States, had visited Albania in August 1988 and been allowed to speak freely with the inhabitants. In the summer of 1988, Imam Vehbi Ismail, the director of the Albanian Islamic Centre in Detroit, in the United States, had also been authorized to visit Albania, where he had been able to talk freely with Albanians.

4. Despite those few signs of change, the international community had to continue to exert pressure on the Albanian authorities, primarily in order to make them understand that they had a duty to respect the right to religious freedom. He emphasized that recognition of that right was in no way incompatible with the Marxist-Leninist ideology of the Albanian leaders. Neither Marx nor Lenin had been opposed to freedom of conscience and religion. Lenin had denounced infringements of religious freedom in

Tsarist Russia by stating that heinous laws existed which victimized worshippers of other faiths, such as the non-orthodox, schismatics, sectarians and Jews, and by advocating full freedom for everyone, not only to practise any faith, but also to propagate any religion or convert to any faith. Lenin had, moreover, included in the first Constitution of the Union of Soviet Socialist Republics an article ensuring freedom of conscience and freedom of religious and anti-religious propaganda.

5. The Albanian leaders could not possibly consider Lenin a revisionist. Therefore, while remaining Marxist-Leninist, they could and must abolish from the Constitution the outrageous prohibition against the activities of religious organizations. He urged the delegations of the socialist countries to join other delegations in adopting Sub-Commission resolution 1988/15. That would lend greater credibility in the eyes of other countries to their support for the proposal to draft a binding international instrument on the elimination of all forms of intolerance and discrimination based on religion or belief.

6. Mr. TARDU (International Centre for Sociological and Penal Research) said that the report of the Sub-Commission (E/CN.4/1989/3) contained proposed standard-setting action of great importance to the fields with which his organization was concerned. Firstly, the draft declaration on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, prepared by Mr. Singhvi (Sub-Commission resolution 1988/25), provided a particularly in-depth analysis of its subject. It identified the specific conditions necessary to guarantee the independence of judges and lawyers under all political, economic and ideological régimes, including provisions with respect to salaries and pensions and protection against arbitrary transfers. The document had improved considerably on existing texts without being redundant.

7. In resolution 1988/11 on compensation for victims of gross violations of human rights, the Sub-Commission had taken the unprecedented step of recognizing that all victims of human rights violations were entitled to restitution and compensation. The Sub-Commission had decided to discuss the matter further at its 1989 session. The fundamental principle of restitution would apply to all types of gross violations, which had already been well defined in case law and in United Nations studies, and to all the entities concerned, namely, individuals, groups, Governments and, in the last resort, international organizations. That was a necessary step forward in the light of the resurgence of massive human rights violations throughout the world and of the gaps in international law, which contained only incomplete standards.

8. Referring to Sub-Commission draft resolution VI and resolution 1988/28 concerning a draft declaration on the protection of mentally-ill persons, he underscored the sensitivity and highly political aspect of the issue. There were gaps in the proposed draft and it contained provisions, such as article 5, paragraph 2, that were too vague to protect interned mentally-ill persons against arbitrary treatment. For the time being, the Commission had merely been invited to request the Secretary-General to ask for comments from States and agencies; there would thus be time to review the text with the aim of providing more effective protection for interned mentally-ill persons.

9. The draft guidelines on computerized personal data files which had been prepared by Mr. Joinet (E/CN.4/Sub.2/1988/22) and were the subject of draft resolution VII provided an interesting synthesis, but gave rise to some reservations. Principle 7 in particular seemed to leave the door wide open to derogations which would restrict access by the persons concerned on grounds of "State security" or "public morality". He urged the Special Rapporteur to review his text before the final stage of submission to the General Assembly.

10. He commended the Sub-Commission's excellent work, its Special Rapporteurs and its Working Groups on detention, disappearances, traditional practices affecting the health of women and children and the status of the individual in contemporary international law.

11. Mr. HADJAR (Liberation) urged the Commission on Human Rights to take an initiative in 1989 to protect millions of persons in Indonesia from a vicious and prolonged system of discrimination. The victims were alleged members or sympathizers of the Indonesian Communist Party (PKI) and other left wing organizations which had been banned after the Army had come to power in 1965.

12. According to official figures for 1988, the number of victims of such discrimination came to a total of 1,410,333; untold numbers of persons associated with them by blood ties or marriage were also victims of the same disgraceful system. Most of the core victims had been held in detention without charge or trial for many years. They had eventually been released in the late 1970s, but they continued to be denied many basic civil rights, such as the right to work in the State sector and other sectors of the economy, the right to pursue their former professions, the right to freedom of movement inside the country, the right to travel abroad and the right to join political parties, co-operatives and other organizations. They had also lost their pension rights and were required to re-register periodically with the civil and military authorities.

13. Until 1980, Government regulations had required persons applying for jobs in the State sector and other sectors of the economy described as "vital" to be in possession of a "political clearance" certificate, which had been automatically denied to former detainees or suspected "communist sympathizers" and their offspring. Those certificates had been phased out since 1980, but they had been replaced by a system of "mental and ideological screening" which was still in force. On 9 September 1988, the Jakarta Post had reported that the Minister Co-ordinator for Security and Political Affairs had specified that the screening included an assessment of such factors as the family environment, "dominant" relations and behaviour.

14. The system was implemented by regional and local security agencies and, above all, by a central agency called "Bakorstanas". The head of that agency in East Java had defined the criteria for mental and ideological screening in his region in a statement published in the Surabaya Post on 4 January 1989. He had said, in particular, that the persons who would fail the screening test would include anyone whose "environment" was directly or indirectly involved with a banned organization, such as the PKI, even if they did not sympathize with that organization.

15. Purges had been carried out on the basis of that screening system. For example, in January 1989, the appointments of 140 teachers to schools in Lampung had been revoked, as reported in the 21 January issue of Tempo. The Minister of Information had announced that newspapers which employed "ex-PKI" journalists or journalists with an "unclean environment" would have their publishing licences revoked (Tempo, 15 October 1988). The Chairman of the National Trade Union Federation had announced that the "clean-environment" criterion was the top priority in selecting union officials at every level (Suara Pembaruan, 21 September 1988). Members of Commission I in Parliament had reported that an undisclosed number of Government employees in Central Java had been dismissed for failing to have "clean-environment" certificates. In East Java, they had discovered that children of former political detainees had been unwilling to apply for places at high school because they knew they could not obtain "clean-environment" certificates and would not get jobs after graduating (Kedaulatan Rakyat, 6 September 1988).

16. He urged the international human rights community to take action on behalf of the millions of persons in Indonesia who continued to be the victims of persecution and discrimination without having ever been found guilty of any crime in a court of law. The Commission on Human Rights should appoint a special rapporteur to investigate the situation and call upon the Government of Indonesia to rehabilitate all those who were suspected of alleged involvement in organizations which had been banned in 1965 and to revoke all regulations which in any way infringed on their civil rights.

17. Mr. MACPHERSON (Friends World Committee for Consultation), noting that his organization represented Quakers around the world and commenting on the report of the Sub-Commission (E/CN.4/1989/3), said that the latter body played a particularly important role in setting standards and protecting especially vulnerable groups, such as minorities, indigenous peoples, children and women. However, the content of the debate on gross violations of human rights was not always reflected in the resolutions the Sub-Commission adopted. A way of improving that situation would be to consider resolutions on specific country situations prior to the discussions under resolution 1503 (XLVIII). It would also be helpful if the Sub-Commission submitted an annual report to the Commission on violations of human rights and drew its attention to evolving situations.

18. There were some obstacles to the efficient participation of non-governmental organizations (NGOs) in the Sub-Commission's discussions. There had, for example, been difficulties in the distribution of information to all members of the Sub-Commission, but that problem could be quickly solved by providing each member with a mail box close to the conference room. The possibility of developing the potential of working groups, which had a very important function, should be given further consideration.

19. At the Sub-Commission's fortieth session, it had been decided to transmit the draft optional protocol on the abolition of the death penalty (E/CN.4/Sub.2/1987/20) to the Commission for its consideration. That decision had been adopted without a vote following a constructive and stimulating debate. Quakers sought the abolition of capital punishment because it violated the sacredness of human life and was inconsistent with their belief in the individual's capacity for change. Their hope was that all countries would move to the abolitionist position once they had been persuaded that the death penalty was unnecessary. An optional protocol would allow States to

make a commitment to the abolishment of the death penalty by ratifying an international instrument; States which did not wish to do so would not feel bound to ratify a protocol that was optional. His organization hoped that the Commission would forward the draft optional protocol to the General Assembly for adoption.

20. Mrs. SCIUTO (Amnesty International) said that her organization, which closely followed the work of the Sub-Commission, particularly welcomed the decision the Sub-Commission had taken by consensus at its fortieth session to transmit to the Commission the draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. That decision had been taken after consideration of the comprehensive report prepared by Mr. Bossuyt, the current Chairman of the Commission (E/CN.4/Sub.2/1987/20).

21. Amnesty International was committed to the abolition of the death penalty worldwide and was encouraged by the global trend in that direction. Thirty-five countries had so far abolished the death penalty for all offences and 18 others had abolished capital punishment for all but wartime offences and other exceptional crimes. Among those 53 abolitionist States, 43 had abolished the death penalty since the end of the Second World War, including newly independent nations of Africa and the Pacific and countries having recently emerged from periods of political repression. In addition, another 27 countries or territories that retained the death penalty had not carried out any executions in at least the past 10 years. Some 80 countries - close to half the countries in the world - were thus abolitionist either in law or in practice. In other countries, the number of executions had dwindled to one or two per year. The death penalty had thereby all but ceased to be used as an instrument of criminal policy. Only in a handful of countries was the death penalty still widely used.

22. As early as 1971, in resolution 2857 (XXVI), the United Nations General Assembly had affirmed that "the main objective to be pursued is that of progressively restricting the number of offences for which capital punishment may be imposed, with a view to the desirability of abolishing this punishment in all countries". The General Assembly had reaffirmed that objective in resolution 32/61 of 8 December 1977. Moreover, the International Covenant on Civil and Political Rights had imposed considerable restrictions on the implementation of the death penalty and provided, in article 6, paragraph 6, that "nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant". The Special Rapporteur had pointed out that the Human Rights Committee had observed that article 6 strongly suggested that "abolition is desirable".

23. At the regional level, the abolitionist trend was also reflected in the adoption of the Sixth Protocol to the European Convention on Human Rights, which had entered into force in 1985 and had been ratified by more than half of the member States of the Council of Europe, and the proposal for an additional protocol to the American Convention on Human Rights which had first been discussed at the General Assembly of the Organization of American States in 1987.

24. Although it was extremely rare for a country that had formally abolished the death penalty to re-introduce it, the existence of an international instrument such as the United Nations draft optional protocol would help countries to resist pressure to do so. In general terms, the proposed text would enlist international law in support of an abolitionist posture. Amnesty International urged the Commission promptly to transmit the optional protocol to the Economic and Social Council with a view to its adoption by the General Assembly.

25. Mr. LACK (Co-ordinating Board of Jewish Organizations - World Jewish Congress) said that he was speaking also on behalf of the Andean Commission of Jurists, the Commission of the Churches on International Affairs, the Four Directions Council, the International Association of Democratic Lawyers, the International Bar Association, the International Commission of Jurists, the International Council of Women, the International Council of Jewish Women, the International Federation of Human Rights, the International Federation of Methodist Women, the International Federation of Women Lawyers, the International Institute of Higher Studies for Criminal Science, the International League for the Rights and Liberation of Peoples, the Minority Rights Group, Pax Christi, the Women's International Zionist Organization and Zonta International.

26. He recalled that, at its most recent session, the Sub-Commission had taken several important initiatives on the basis of the work of its working groups and with the participation of non-governmental organizations. The Working Group on Indigenous Populations had brought together 380 persons to review problems concerning indigenous rights and to consider an important draft declaration on that subject. The Working Group on Contemporary Forms of Slavery had examined slavery and the traffic in persons and decided on a programme of work for the coming years.

27. Two sessional working groups had drafted important new instruments. The Working Group on the question of persons detained on the grounds of mental ill-health or suffering from mental disorder had reviewed and improved on the draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care. The Working Group on Detention had worked on the wide-ranging questions of United Nations staff members in detention, the privatization of prisons, administrative detention, the execution of juveniles and freedom of speech and had prepared the first draft of a declaration on disappearances.

28. The highly creative work of the two sessional working groups had been carried out almost entirely outside the officially provided time. That raised the question of the Sub-Commission's agenda, which should be reconsidered with a view to eliminating subjects that largely, if not entirely, duplicated the Commission's work. The current agenda was so full that, when a study was undertaken by one of the experts, there was often no time for the other experts to discuss it properly, analyse it and suggest amendments. With more time, the Sub-Commission would be able to give more in-depth consideration to matters calling for expert examination, such as the significance of treaties with indigenous peoples, human rights and AIDS, freedom of expression, the realization of economic, social and cultural rights, minority problems, humanitarian law in armed conflicts and the essential link between human rights, the right to asylum and the status of refugees. The subjects chosen should be ones that would not lead to polemical debate based on ideological or geo-political differences.

29. Governments should also be encouraged to respect the principle of the independence of experts. The case of former expert Dumitru Mazilu was naturally disturbing to all. However, respect for independence began with nominating experts who could be completely independent. At least nine members of the current Sub-Commission were foreign service officers, while at least six others held some governmental position. Despite the best of intentions, that could and did make them vulnerable to pressure. During the most recent session of the Sub-Commission, for example, at least three Governments whose human rights practices had been under discussion had brought pressure to bear on the Governments of the experts' countries of origin, and that had led to several key changes of vote.

30. Non-governmental organizations played a vital role by providing information about human rights violations, either directly or through the rapporteurs and working groups. As the Prime Minister of France had said the previous week, if the NGOs did not provide that information, the United Nations would not be able to carry out its functions. At its last session, in resolution 1988/43, the Commission had called on the Sub-Commission to organize statements by NGOs and observers in such a way as to allow time for debate among its experts. The NGOs had taken the lead in that regard. Just as he was speaking on behalf of 19 organizations, a joint statement on the subject of indigenous peoples had been made in the Sub-Commission on behalf of 26 NGOs and another had been made on the rights of mental patients on behalf of a coalition of NGOs. He hoped that, in future, more joint statements on matters of common concern could be arranged, without limiting in any way the existing rights and status of NGOs and their individual autonomy.

31. In conclusion, he said that the new initiatives and procedures adopted by the Sub-Commission had made its latest session one of the most effective.

32. Mr. ONTIVEROS YULQUILA (Indian Council of South America) said that, since 1982, the Sub-Commission's Working Group on Indigenous Populations had accomplished excellent work, particularly in respect of the indigenous populations of South America. The continent now had 560 indigenous population groups which accounted for the majority of the population in three of the States in the region. The Working Group had endeavoured to promote recognition of those populations, which had been neglected by most States until 1980. In 1976, for example, Argentina had still categorically denied that indigenous peoples existed, whereas, in 1985, the Argentine Parliament had recognized their existence and had enacted laws relating to them. The 175 small groups of indigenous peoples in Brazil had likewise been officially recognized by the Brazilian Constitution in November 1988.

33. Indigenous organizations such as the one he represented were working for the adoption, in all the States concerned, of constitutional amendments to guarantee the rights of indigenous peoples and to establish a genuine cultural democracy. Since the population of many South American countries was made up of a variety of cultural groups, States also had to make provision for such ethnic and cultural diversity.

34. The Working Group on Indigenous Populations had, moreover, made considerable progress on the treaties concluded between States and indigenous populations. Most South American countries did not recognize the "Indian

treaties" concluded with the former colonial Powers. In 1988, the Indian Council of South America had undertaken a study on that subject and its findings had been published in a report.

35. Religious institutions which were trying, on the pretext of defending their ideology, to destroy the indigenous communities should be prevented from continuing to persecute some 400 South American peoples. The representatives of the Vatican and other religious organizations had to understand that those peoples had their own religions.

36. At the recent seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States, it had been stressed that racial discrimination against indigenous peoples existed in latent form in South America. Non-governmental organizations could help to enhance awareness of that problem, which was not given adequate recognition by the United Nations.

37. Mr. MOSES (Grand Council of the Crees) recalled that his organization represented the indigenous peoples who occupied a territory one and a half times the size of France on the shores of the James and Hudson Bays in Canada. Indigenous peoples constituted the majority of the inhabitants throughout more than three quarters of the Canadian land mass. In 1975, the Grand Council of the Crees had entered into the first modern treaty between an indigenous people and the Government of Canada, the Convention de la baie James et Nord Québécoise, and was working to implement it. In the light of its own experience, the Grand Council of the Crees considered that the question of the protection of indigenous rights must be urgently taken into consideration by the Commission.

38. For the first time, the Commission had before it a draft universal declaration on indigenous rights (E/CN.4/Sub.2/1988/25), which had been approved by the Economic and Social Council in resolution 1988/36. The draft declaration was the first substantive response to the appeal made the previous year to the Sub-Commission on behalf of 26 non-governmental organizations to put an end to the terrible tragedy of indigenous peoples. States had to bear in mind that the situation remained tragic despite the existing international instruments and national laws.

39. In Canada, for example, infant mortality among the indigenous peoples was twice as high as the national average. Economic interests inevitably prevailed over human rights concerns and Government policy was based on the idea that respect for indigenous rights depended on what the Government could afford. Referring to the case of apartheid, he said that trade between Canada and South Africa had more than doubled in 1988. The Government claimed, on the one hand, to be discouraging apartheid, while explaining, on the other, that economic considerations made such trade a necessity. Respect for human rights had to be measured against a universal standard. Whether sanctions were invoked against apartheid or treaties were concluded to protect indigenous rights, it must never be asked how much it would cost to fulfil legal and moral obligations. The principle of respect for human rights had to be abided by as an absolute and there could be no exceptions in international human rights law, either for Canada or for South Africa. It was in that spirit that States should examine the draft declaration, which embodied an ideal towards which all should strive.

40. Some States where indigenous peoples lived felt threatened by the work being done on the rights of those peoples, fearing they wanted their land back and wondering what the cost would be. Those States had to resolve the conflict between the need to respect indigenous human rights and their profound reluctance to respect human rights where economic considerations were involved. Indigenous peoples had turned to the international community for protection and to avoid extermination. For some, it was already too late. The Commission therefore also had to take account of other developments in international law and, in particular, the report by Mrs. Daes on the status of the individual and contemporary international law (E/CN.4/Sub.2/1988/33), which affirmed that the obligations incumbent upon an individual to respect human rights transcended obedience to a particular State. Mrs. Daes had recommended that a study should be undertaken on the status of indigenous peoples and nations under contemporary international law. In that connection, it should be pointed out that the United Nations Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States, held in Geneva in January 1989, had recommended that indigenous peoples should be recognized as proper subjects of international law. The Commission should request Mrs. Daes to prepare, for its forty-sixth session, an updated version of her invaluable report, which should be issued as a United Nations publication. It was also important that Mrs. Daes should continue her work on the draft universal declaration on indigenous rights, as provided in Sub-Commission resolution 1988/18, by preparing for the Sub-Commission's forty-first session a revised draft that would take account of the comments received from States and non-governmental organizations.

41. Although the Commission had been reluctant to approve the Sub-Commission's initial recommendation that 1992 should be designated the "International Year of Indigenous Rights", it had accepted the principle that 1993 should be so designated, as proposed in Sub-Commission resolution 1988/19. In resolution 1988/20, the Sub-Commission had raised the question of the study of treaties between indigenous peoples and States. That important and standard-setting study had been delayed unnecessarily and should be undertaken forthwith, since the Special Rapporteur, Mr. Alfonso Martínez, was prepared to begin his work.

42. In conclusion, the Grand Council of the Crees endorsed the proposal that the report of the Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States should be issued as a United Nations publication. That would help to combat ignorance and lack of understanding with regard to the problems of indigenous peoples.

43. Mr. BARSH (Four Directions Council) said that it was essential for Governments and indigenous peoples to take part in the drafting of the important standard-setting document constituted by the draft universal declaration on indigenous rights. It was encouraging that participation by Governments and NGOs in the sessions of the Working Group on Indigenous Populations was becoming increasingly global and that there had thus been open-minded and direct exchanges of ideas between Governments and the peoples concerned. The Commission had endorsed the idea of a draft declaration in 1985 and preliminary texts had been prepared by the Working Group in 1985 and 1987. At the Sub-Commission's request, the Chairman of the Working Group, Mrs. Daes, had provided a first consolidated text the previous summer which

would serve as a basis for future work. Although the text would not appear to require significant revision at the Working Group's next session in August 1989, it was essential for Governments and indigenous organizations to have enough time to study it. Comments and proposed amendments could be compiled in an annotated version of Mrs. Daes' text, which could then be the basis, beginning in 1990, for finalizing the declaration article by article.

44. While Government participation in sessions of the Working Group had been quite balanced geographically, there had been some regional over-representation on the indigenous side. At its last session, the Sub-Commission had requested that greater publicity should be given to the Working Group's activities and the Department of Public Information was preparing a special fact sheet on indigenous peoples. Efforts along those lines should help in the drafting of a more representative, balanced and workable declaration. The Four Directions Council hoped that the Commission would support Mrs. Daes' draft and join the Sub-Commission in requesting even wider dissemination of information on the Working Group's aims, procedures and activities particularly among indigenous peoples in under-represented regions.

45. The study on treaties, agreements and other constructive agreements between States and indigenous populations, entrusted by the Commission to Mr. Alfonso Martínez in 1988, was extremely important. First, it would determine the extent to which indigenous peoples had enjoyed a degree of legal personality in the past and whether that had helped to protect their rights. Secondly, it would examine the current and potential utility of agreements as a means of ordering indigenous peoples' relationships with the States in which they lived. There was nothing revolutionary in the idea that consultation, negotiation and agreement were particularly appropriate for protecting the rights of indigenous peoples. That concept had been highlighted not only in the well-known report by Mr. Martínez Cobo and in the current text of the draft universal declaration on indigenous rights, but also in the revised text of International Labour Organisation Convention No. 107. The study to be prepared by Mr. Alfonso Martínez could provide the factual background for understanding that concept. At the Commission's 1988 session, the view had been expressed that the study should dwell less on what States might have done wrong in the past and more on what they might do right in the future. The past nevertheless had to be understood as a means of identifying the best course for the future and no one should doubt the advisability of conducting the study without delay. In draft resolution III which it was submitting to the Commission, the Sub-Commission had endorsed the plan of work presented by Mr. Alfonso Martínez. In view of the importance of the study and the amount of research it would require, funds should be made available for the services of a consultant.

46. An international year for indigenous rights had been first suggested by Mr. Martínez Cobo in 1983 and had then been endorsed by the Sub-Commission in 1987 and by the Commission. While there had been considerable support for the proposed international year at the last session of the General Assembly, no formal action had been taken. Nor was that unusual, since the guidelines contained in General Assembly resolution 35/424 recommended that international years should ordinarily be proclaimed only after they had been discussed at two successive sessions of the Assembly. The final decision should therefore be taken at the forthcoming session of the General Assembly.

47. In the meantime, the Sub-Commission had reiterated its support for an international year for indigenous rights in its resolution 1988/19. It was now up to the Commission to forward that recommendation, in the form of a draft resolution, to the Economic and Social Council and the General Assembly. Two points nevertheless had to be clarified. First, the Four Directions Council had agreed, in a spirit of compromise, to the Sub-Commission's recommendation concerning 1993 instead of 1992, although the indigenous organizations had unanimously proposed 1992. His organization hoped that the Commission would appreciate how much many indigenous organizations and States had been willing to concede. The second clarification related to resources. The informal text which his organization had circulated referred explicitly to "existing resources", thereby suggesting that emphasis should be placed on indigenous rights in the context of programmes already planned for that year. In document E/CN.4/1989/NGO/14, his organization had set out a detailed plan of action for the international year under consideration which placed emphasis on the operational programmes of the specialized agencies and on co-operative technical work with regional intergovernmental organizations, particularly the Organization of American States (OAS), for obvious reasons, and the Organization of African Unity (OAU), since significant parallels could be drawn between the experience of indigenous peoples and the recent history of Africa. His organization hoped that the Commission would not hesitate to support the international year, as it had already done in 1988.

48. The Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States had been the most exciting development of the past year because, on the one hand, experts nominated by Governments and by indigenous non-governmental organizations had participated on an equal footing and, on the other hand, because its conclusions and recommendations had been adopted by consensus. He hoped that the Commission would provide the Rapporteur of the Seminar, Chief Ted Moses, with the opportunity to present his report, which should be distributed as widely as possible. Whether or not all Governments agreed with it entirely, it represented state-of-the-art thinking by a wide-ranging group of experts on a principle that was agreed on by all, namely, the improvement of indigenous peoples' social and economic conditions. Moreover, the above-mentioned concept of equal participation should be routinely endorsed in all technical seminars and conferences in that field. It should also be noted that the inclusion of the Chairman/Rapporteur of the Working Group on Indigenous Populations, ex officio, in the Seminar had provided an opportunity for the Sub-Commission's experts to contribute to standard-setting. The secretariat and Governments should henceforth give careful thought to the recommendations made by the Seminar. Without further delay, however, a follow-up technical conference with the specialized agencies could be organized to explore ways of increasing indigenous participation in the development process; such a meeting would not only benefit those peoples, but would also promote the realization of the economic and social rights of all persons.

49. In draft resolution IV which was before the Commission on the programme of advisory services in the field of human rights, the Sub-Commission proposed to authorize the Secretary-General to consider the inclusion in the programme of human rights education and training for indigenous communities. In his 1988 report to the Commission concerning that programme, the Secretary-General

had suggested including certain kinds of national-level NGOs as target groups. Since indigenous peoples were among the most vulnerable groups in society, they were a proper focal point for what would be a small experiment in strengthening and extending the operational activities of the Centre for Human Rights.

50. Mr. de FARIA (World Peace Council) said that his organization had followed with great attention the work of the Sub-Commission's fortieth session. It attached particular importance to the question of indigenous populations and would have several comments to make at the Sub-Commission's next session concerning the draft universal declaration on indigenous rights (resolution 1988/18). Those comments would be based on the revised draft declaration prepared by the Chairman/Rapporteur of the Working Group on Indigenous Populations, who had already presented an excellent paper. The World Peace Council also attached great importance to resolution 1988/20 and draft resolution III, as contained therein, on the "Study on treaties, agreements and other constructive agreements between States and indigenous populations". Such a study was bound to contribute substantially to recognition of the rights of indigenous populations and to standard-setting activities in that field. It was also encouraging to note that the outline of the study prepared by the Special Rapporteur (E/CN.4/Sub.2/1988/24/Add.1) had been endorsed first by the Working Group on Indigenous Populations and then by the Sub-Commission and had been the subject of favourable comments even by some of the States that were particularly concerned, as shown by the comments by States contained in the Sub-Commission's report (E/CN.4/1989/51). The World Peace Council hoped that the Commission would also endorse those decisions and submit draft resolution III to the Economic and Social Council.

51. His organization, which attached great importance to the protection of the environment as a prerequisite for the development and peace that were necessary for respect for human rights, supported draft resolution V concerning the movement and dumping of toxic and dangerous products and wastes. In co-operation with various Brazilian organizations, it had recently organized the International Seminar on Peace, Environment and Development, which had stressed that environment, development, disarmament and peace were inextricably linked. It therefore hoped that the Commission would adopt draft resolution V and transmit it to the Economic and Social Council. That text would add substantially to resolutions 43/212 and 43/196, in which the General Assembly had decided to consider, at its forty-fourth session, the question of convening a United Nations conference on environment and development.

52. Mr. KOLOSSOV (Union of Soviet Socialist Republics) said that the Sub-Commission, a body of independent experts created by the Commission over 40 years earlier, was a kind of laboratory that specialized in analysing vital issues. Its last session had differed from earlier ones in that considerable efforts had been made to improve methods of work and avoid politicization, as shown by the fact that 35 of the 40 resolutions before it had been adopted without a vote. The report of the Sub-Commission (E/CN.4/1989/3) had also highlighted the important contribution of non-governmental organizations.

53. The Sub-Commission was recommending that the Commission should adopt a draft resolution on the co-ordinating role of the Centre for Human Rights (1988/2). That was particularly important in the light of the fact that the Centre had already demonstrated that it could help to improve the

international situation in general and to strengthen mutual respect and confidence among States as well as understanding among peoples. His delegation, which was convinced of the need to find new means of further strengthening that role, supported the recommendation made in the draft resolution that the question should be discussed at the Commission's forty-sixth session under the agenda item "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission (...)".

54. The draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care (resolution 1988/28) would be a new and very important instrument for the protection of human rights and his delegation hoped that it would be adopted soon and implemented by all States. The draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (resolution 1988/22) would, together with the experts' comments, serve as a solid foundation upon which to build an instrument leading to progress. In the Soviet Union, as in many other countries, the abolition of capital punishment was advocated by legal experts, but viewed with hostility by most of society. However, a review of Soviet criminal law would show that the number of offences that were punishable by death had declined considerably. His delegation would contribute to the formulation of the second protocol, which would hopefully help to change attitudes in the USSR and elsewhere.

55. His delegation commended the Special Rapporteur on indigenous populations, whose report contained constructive proposals for solutions to the problems of indigenous peoples.

56. His delegation welcomed the fact that the Sub-Commission had begun to try to find ways of rationalizing its own work and that of the Commission and had made specific proposals along those lines.

57. The working papers prepared by Mr. Varela, Mrs. Palley and Mr. van Boven dealt with burning issues that left no one indifferent. With regard to religious freedom in particular, his delegation fully supported resolution 1988/32, in which the Sub-Commission recommended to the Commission that it should consider establishing a pre-sessional working group to discuss the drafting of a convention on freedom of religion or belief, particularly since it would not have any financial implications.

58. The Sub-Commission was a fount of intellectual wealth and the many documents it drafted were bound to give fresh impetus to respect for human rights standards both nationally and internationally. The Sub-Commission's work would be more satisfactory and effective if it focused on finding solutions that were acceptable to all. That obviously required a totally apolitical approach.

59. Mr. HERNDL (Observer for Austria) said he believed that the activities of the Commission and of the Sub-Commission had to be complementary. The Sub-Commission thus had to perform certain tasks that could best be dealt with by independent experts rather than by Government representatives, such as preparing studies and reports, setting human rights standards and, in particular, carrying out the initial stages of the procedure established by the Economic and Social Council in its resolution 1503 (XLVIII). It was the

independent expert status of its members that gave the Sub-Commission special importance as a technical body that was capable of proposing to the Commission new topics with which it should deal and of submitting carefully thought-out draft instruments. The Commission itself was responsible for giving the Sub-Commission guidance to ensure the complementarity of its activities with its own. It was therefore important for the Commission to be better informed of the follow-up given by its subsidiary body to its suggestions, a matter which was not always well defined in the Sub-Commission's report. In that connection, his delegation regretted that the Chairman of the Sub-Commission's fortieth session had not, as he should have, introduced the Sub-Commission's report before the Commission had begun its discussion of the item. If such a situation should occur again, the Chairman of the Sub-Commission should make his comments available to the Commission in writing.

60. At its fortieth session, which had been on the whole fruitful and encouraging, the Sub-Commission had again covered a great deal of ground. It had dealt with a number of country situations, discussed new issues, prepared a draft declaration on the independence and impartiality of the judiciary, taken up again the issue of traditional practices at the request of the Commission and made progress in drafting a declaration on the rights of indigenous populations. His delegation was convinced that the Special Rapporteur's diligent work on indigenous populations would soon enable the Sub-Commission to submit a revised draft declaration aimed at defending the rights of that vulnerable category of the world's population.

61. His Government had always fully supported the drafting of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty since it regarded that punishment as a form of cruel, inhuman and degrading treatment that no one should insist on maintaining. The optional nature of the proposed instrument made it obvious, however, that, although no State should or could ever be forced to agree to abolish capital punishment, no obstacles should be put in the way of those States wishing to do so. His delegation hoped that the members of the Commission could agree at least on the principle of having such an additional protocol, which should then be finalized as soon as possible on the basis of the excellent text prepared by Mr. Bossuyt. The Commission should take a decision at its current session, for the optional protocol would be an important step towards the full realization of human rights.

62. His delegation was concerned about the fate of Mr. Mazilu, who had been appointed by the Sub-Commission to prepare a report on human rights and youth, but had not been allowed by Romania to attend the Sub-Commission's fortieth session, in violation of the Convention on the Privileges and Immunities of the United Nations. Mr. Mazilu's case deserved the attention of the Commission, which should, as suggested by the Sub-Commission in resolution 1988/37, take the necessary steps to obtain an advisory opinion of the International Court of Justice. The case, in which there had been a clear violation of human rights, required action by the Commission.

63. Mr. ADLING (German Democratic Republic) said that the Sub-Commission had, made considerable efforts at its fortieth session to comply more fully with its mandate and leave political decisions to the Commission. He commended the Sub-Commission for having paid more attention to discussing the theoretical aspects of pivotal issues, while avoiding political confrontation. That new approach was bound to have a positive impact on international relations.

64. His delegation joined the Sub-Commission's experts who wanted non-governmental organizations to be encouraged to participate as constructively as possible in the Commission's work. While it was necessary, for the purpose of illustrating certain concerns, to single out individual cases, more effort should go into the design of specific proposals for the solution of problems whose importance was recognized by all. Non-governmental organizations would be considerably more effective and further contribute to helping the Sub-Commission fully carry out its mandate as an advisory body of the Commission if reference to the need to solve those problems was more pronounced, if options for solutions were submitted and if existing regulations were put under scrutiny. The two Sub-Commission experts who had submitted the working paper entitled "Review of the work of the Sub-Commission" (E/CN.4/Sub.2/1988/WP.1) had not only expressed those ideas, but had gone beyond them in proposing a new procedure for dealing with human rights violations. It was, of course, desirable to eliminate activities which duplicated those of the Commission and to adopt a more direct approach to human rights violations, but the procedure mapped out in the above-mentioned working paper could not be considered satisfactory because, in practice, it would mean that, when an NGO accused a State of human rights violations, regardless of whether the allegation was justified or not, the Sub-Commission, which had no fact-finding competence, would transmit the complaint to the Commission as it had been described by the NGO. That would place the NGO in the role of an accuser, while the State concerned would become the defendant. The resulting situation would be extremely complicated. However, the main difficulty was that the proposed procedure did not come under a specific human rights instrument. In all cases but those involving systematic and massive human rights violations, United Nations bodies sought to determine whether States had failed to comply with the obligations into which they had entered under a specific instrument. It was no coincidence that the bodies responsible for monitoring the implementation of covenants and conventions were considerably more effective than those that were primarily thought to contribute to promoting co-operation among Governments in the human rights field. For the same reason, Commission resolution 8 (XXIII) had served as the basis for practical procedures devised to help overcome systematic and massive human rights violations. His delegation supported the view, frequently expressed in the Sub-Commission, that resolution 8 (XXIII) had ceased to be an appropriate basis for establishing new procedures. Practice had already shown how United Nations Member States wanted effect to be given to the ideas contained in the resolution.

65. With regard to the results of the Sub-Commission's fortieth session, his delegation had welcomed with particular satisfaction Mr. Khalifa's 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 régime of South Africa (E/CN.4/Sub.2/1988/6 and Add.1), which would be useful to all those who had resolved to combat the collusion of transnational corporations, banks and insurance companies with the apartheid régime. His delegation also welcomed the progress made in the drafting of a universal declaration on indigenous rights and the appointment of a Special Rapporteur to prepare a study on treaties, agreements and other constructive agreements between States and indigenous populations (resolution III), an issue which was crucial to indigenous populations worldwide and one on which the international community should take a stand.

66. His delegation looked forward with special interest to the completion of the study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, which had been entrusted to a Special Rapporteur who had been requested by the Sub-Commission, in resolution 1988/33, to take account of various guidelines and other issues, particularly those contained in the reports prepared by Mr. Ganji, Mr. Ferraro and Mr. Eide. That study would increase awareness of the indivisibility and interdependence of civil, political, economic, social and cultural rights.

67. The tasks in store for the Sub-Commission, as a subsidiary body of the Commission, were difficult, but of great interest. If they were to be carried out satisfactorily, the Sub-Commission must resolutely follow the course that had been charted at its fortieth session and give priority to a dispassionate discussion of the issues on its agenda.

68. Mr. ZAMIR (Bangladesh) said that the report of the Sub-Commission on its fortieth session (E/CN.4/1989/3) reflected the constructive dialogue that had taken place among its members at that session, which had been very fruitful, since it had resulted in the adoption of extremely important proposals and documents. Bangladesh no longer had any experts among the members of the Sub-Commission, but, as an observer State, it had nevertheless co-operated actively in the work of that body.

69. His delegation welcomed the study on treaties, agreements and other constructive agreements between States and indigenous populations, prepared by Mr. Alfonso Martínez. In its opinion, the study should be confined strictly to indigenous populations which were clearly recognized as such and which should not be confused with minorities or other such groups. It should not overlap with the report of Mr. José R. Martínez Cobo, Special Rapporteur on the problem of discrimination against indigenous populations. Since the words "other constructive arrangements between indigenous populations and Governments", which appeared in operative paragraph 1 of Commission resolution 1988/56 were quite vague, the Special Rapporteur should be at pains in his study not to lose sight of the perspective in which the problem had originally been placed. As stipulated in operative paragraph 2 of the same resolution, the socio-economic realities of States and the inviolability of their sovereignty should be taken into consideration in all aspects of the study, including its recommendations.

70. Referring to the draft second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, which the Sub-Commission had decided by consensus to transmit to the Commission, he said that, in his country, which still had capital punishment, the practices and processes of law were consistent with the recommendations on the rights of the accused adopted by the United Nations General Assembly in resolution 2393 (XXIII) of 26 November 1968. Provision had been made for alternative penalties in almost all cases and, even after the exhaustion of all legal remedies, a person sentenced to death could seek a recourse of mercy from the Head of the State under article 57 of the Constitution. All the existing guarantees meant that, even when the death sentence was handed down, it was very rarely executed.

71. Mrs. MAO (China) said that the report of the fortieth session of the Sub-Commission (E/CN.4/1989/3) showed that its members had done a great deal of work and produced positive results. Her delegation noted with satisfaction that the Sub-Commission had continued to oppose racism and apartheid. In his report (E/CN.4/Sub.2/1988/6 and Add.1), Mr. Khalifa had stressed the importance for the international community of imposing comprehensive sanctions on South Africa. The work of Mr. Eide on the achievements and obstacles encountered during the first Decade to Combat Racism and Racial Discrimination was expected to have a favourable impact on the implementation of the Programme of Action for the Second Decade. Her delegation approved the decision of the Sub-Commission requesting the Chairman of the Commission on Human Rights to address a telegram to the Government of South Africa demanding the immediate release of the black leaders of the movement against racial discrimination and actively recommending Mr. Nelson Mandela as the candidate for the United Nations Human Rights Award. It also supported the suggestions made by the Sub-Commission in resolution 1988/6 concerning the principles and measures to combat racism and racial discrimination, such as the establishment and strengthening of effective mechanisms to combat racism in all countries, the effective dissemination of international anti-racism instruments and the sponsoring of seminars on the manifestations and causes of racism.

72. Her delegation supported the activities of the Sub-Commission on the protection of the rights of indigenous populations and, in particular, the draft declaration on indigenous rights submitted by the Working Group on Indigenous Populations. The Commission and the Economic and Social Council should attach great importance to the various activities undertaken by the Sub-Commission in that regard, such as the study entrusted to Mr. Alfonso Martínez, and the Secretary-General should give the Sub-Commission and the Working Group all the assistance they needed to fulfil their mandates. Her delegation also endorsed the proposal made by the Sub-Commission in resolution 1988/19 to proclaim an international year for the promotion of indigenous rights in 1993 and hoped that that initiative would meet with a broad response from the international community.

73. Her delegation endorsed the idea of making the Centre for Human Rights the co-ordinating body within the family of organizations responsible for the protection and promotion of human rights. It was of the view that, while fulfilling its mandate, the Centre should also strive continuously for self-perfection, particularly by securing the employment of its staff in accordance with the principle of equitable geographical distribution in order better to reflect and co-ordinate the demands and interests of regions and countries with different political, economic and legal systems and different cultural traditions.

74. In view of the important role played by the Sub-Commission, it remained imperative that it should constantly improve its methods of work and enhance its efficiency. The Sub-Commission itself had decided to review its work every two years as from its forty-first session. Her delegation hoped that the institutionalized mechanism for review and improvement would enable the Sub-Commission to make an even greater contribution to activities in the field of human rights, especially in the struggle to prevent massive and flagrant violations of those rights.

75. Mr. GOSHU (Ethiopia) said that the report of the Sub-Commission on its fortieth session reflected the diligence and studiousness of its members and the efforts it was making to develop and promote human rights.

76. His delegation attached particular importance to draft resolution II, as contained in chapter I, section A, of the report. It had no doubt that the Special Rapporteur would continue to update the list of financial institutions, transnational corporations and other organizations collaborating with the racist régime of South Africa, but, in its opinion, the thrust of Sub-Commission resolution 1988/3 could have been strengthened if it had contained a more specific account of the activities of transnational corporations.

77. Resolution 1988/104, on the review of the Sub-Commission's work, contained several relevant suggestions and his delegation took note with satisfaction of the continued attempts to improve the organizational efficiency of the Sub-Commission. In order to make the Sub-Commission's activities more meaningful, however, its role had to be more clearly defined and its working methods properly evaluated and streamlined. The Sub-Commission's mandate was to give an independent expert opinion on issues referred to it by the Commission. Over the years, however, the Sub-Commission had gradually deviated from that mandate by dealing with issues which went beyond its terms of reference and which were already being considered by other bodies and its discussions were becoming increasingly politicized. That situation should be rectified.

78. With regard to one of the Sub-Commission's important functions, which was to carry out studies, he said that, while his delegation did not deny the usefulness of such undertakings, it believed that to carry out several studies at the same time would only increase the Sub-Commission's workload and might affect the quality of its work. The focus of future studies should be on a selected number of issues and no new study should be undertaken until those already authorized had been completed. It was essential to improve the Sub-Commission's working methods and, in that connection, his delegation commended the Sub-Commission's proposal to review its work on a biennial basis.

79. The improvement of the results of the Sub-Commission's activities hinged on recognition of the problems concerning its methods of work. It was therefore high time for the Commission to explore effective ways and means of streamlining the work of the Sub-Commission.

80. Mr. LIVERMORE (Canada) said that the Sub-Commission, which had been created to prepare studies on the prevention of discrimination and protection of minorities, had, over the years, evolved into a body whose functions touched upon United Nations legislative and implementation processes across the spectrum of the human rights field. The time had therefore come to reconsider its methods of work. That was the purpose of resolution 1988/43, which had been adopted by the Commission at its forty-fourth session, co-sponsored by Canada and contained guidelines and suggestions on how the Sub-Commission could streamline and simplify its work. His delegation would come back to that question when the report of the Chairman of the Sub-Commission on the implementation of the guidelines formulated by the Commission in that resolution was available. For the time being, it had some suggestions to make on three important points.

81. First, since the Sub-Commission's agenda was becoming increasingly overloaded, his delegation urged the members of the Commission and of the Sub-Commission itself to exercise the greatest possible restraint in developing ideas for new topics to be studied by the Sub-Commission. Conversely, the Sub-Commission should be discouraged from submitting proposals to the Commission that it had not itself been able to consider thoroughly. Secondly, given the overwhelming workload facing the United Nations in the human rights field, it was necessary to avoid duplication of effort. The Sub-Commission could contribute by adopting a modus operandi that was different from those of political organs such as the Commission and the General Assembly. Thus, instead of focusing on the adoption of resolutions, it might endeavour to produce a report that provided an analytical summary of the deliberations of its members on the subjects that had been debated. Such an approach would appear to be appropriate to the expert "think tank" role that the Sub-Commission was expected to play. Thirdly, it was above all essential to uphold the principle of the independence of its experts, since the increasing politicization of its discussions was the cause of a great deal of scepticism about the real value of the Sub-Commission's work. A related problem was that of pressures which some Governments occasionally brought to bear on experts they had nominated. The case of the Romanian expert, Mr. Mazilu, was an extreme and deplorable example of that phenomenon and his delegation expected that the secretariat would report on its contacts with the Government of Romania. It also anticipated that the Commission was fully prepared to act if those representations proved less than satisfactory. Despite those concerns, the Sub-Commission had, at its last session, been able to make progress in its consideration of a number of important questions. His delegation welcomed the completion of the draft body of principles and guarantees for the protection of mentally-ill persons and hoped that the Commission would be able to take the necessary steps to refine the important work done in that regard.

82. Canada was particularly interested in the activities of the Working Group on Indigenous Populations, in which it played an active role, and commended Mrs. Daes for all the effort she had put into the production of the draft principles and preambular paragraphs to be included in the draft universal declaration on indigenous rights. His delegation urged Governments, indigenous representatives and others to consider that work carefully and to comment on it in accordance with paragraph 5 (a) of Sub-Commission resolution 1988/18. With regard to the study on treaties, agreements and other constructive agreements between States and indigenous populations, his delegation would not repeat the comments it had already made, at the Commission's request, on the outline of the study. It nevertheless commended the Special Rapporteur for the universal approach which he had adopted and which was in conformity with the mandate of the Working Group. Canada was particularly pleased that resolution 1988/18 referred to the United Nations Voluntary Fund for Indigenous Populations, to which Canada was a major donor. It believed that the Fund played a vital role in ensuring that the needs and situations of indigenous communities from around the world were taken into account in the development of universal standards. It also welcomed the Sub-Commission's work on the independence of the judiciary and the suggestions that Mr. Singhvi's study should be referred to the Committee on Crime Prevention and to the Eighth United Nations Crime Congress on the Prevention of Crime and the Treatment of Offenders for further consideration.

83. His delegation considered that the progress achieved by the Sub-Commission at its fortieth session was not unrelated to broader political developments which had given rise to enhanced co-operation in many international forums. The Commission should welcome and encourage that trend, but it also had to continue to provide guidance that would enable the Sub-Commission to adapt its agenda and methods of work to the constantly changing requirements of the Organization. Canada pledged its continuing support to the Sub-Commission in that undertaking.

The meeting rose at 1 p.m.