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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Fortieth session

SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 August 1988, at 3 p.m.

Chairman: Mr. BHANDARE

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The meeting was called to order at 4.15 p.m.

ELIMINATION OF RACIAL DISCRIMINATION (agenda item 5) (continued)

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (continued) (E/CN.4/Sub.2/1987/6)

1. Mr. FLINTERMAN said that all members of the Sub-Commission would undoubtedly welcome the seriousness with which the Centre for Human Rights and the Under-Secretary-General were initiating and co-ordinating the manifold activities undertaken within the framework of the Second Decade to Combat Racism and Racial Discrimination.

2. Despite the enormous efforts of the United Nations family as a whole and the Committee on the Elimination of Racial Discrimination in particular, racially discriminatory practices and racism had not yet disappeared. In his own country, for example, insurance companies engaged in discriminatory practices by making it more difficult for people of Turkish or Moroccan origin to obtain a reasonable car insurance policy. Other studies showed continuing hidden discriminatory practices in such fields as housing and labour.

3. Discriminatory practices based on race were perhaps the most pernicious and vicious form of discrimination. More information was required about the obstacles impeding the full realization of the principles of equality and non-discrimination. Mr. Eide's study would be helpful in that regard and he fully appreciated the reasons for the delay in its completion. That delay would, however, lead to an even more thoughtful and meaningful analysis of the obstacles and means of removing them than would have been possible in the current year. Mr. Eide's suggestion of a seminar, as part of the preparation for his final report, was very helpful. Discriminatory practices were not only a legal problem; States were often willing to try to stop such practices but were unable to do so for social, political, moral or economic reasons. A seminar with the participation of the most renowned experts in racial discrimination from various disciplinary backgrounds could well be the best way to ensure that the Sub-Commission's discussions would bear fruit.

4. He welcomed the positive developments mentioned by Mr. Eide and wished to supplement that information by referring to the decision of the General Assembly to compile a collection of model legislation against racial discrimination for the guidance of Governments. According to the annotated agenda (E/CN.4/Sub.2/1988/1/Add.1), a report on that issue was to have been submitted by the Secretary-General to the Economic and Social Council at its first regular session of 1988. He would be interested in receiving a copy of that report and of the summary record of the Council's meeting at which it had been discussed.

5. He agreed with Mr. Eide about the great importance of the work of the Committee on the Elimination of Racial Discrimination, and expressed the hope that more States would formally recognize the competence of that Committee to receive and consider individual complaints. Currently only 10 out of more than 120 States parties had done so. In the same context he recalled that, in 1987, the Sub-Commission had recommended for adoption by the Commission on Human Rights a resolution in which it had expressed concern at the financial difficulties of the Committee on the Elimination of Racial Discrimination and had requested that the General Assembly should decide that the expenses of

members of that Committee should be paid from the United Nations regular budget. To the best of his knowledge, no action had been taken on the matter by the Commission. Other supervisory committees in the field of human rights, such as the Convention Against Torture, were facing similar financial difficulties. He was firmly convinced that the expenses of such committees, which supervised specific treaties, should be borne by the world community, namely the United Nations, as a whole. Those committees were entrusted with the implementation of the most basic principles of the United Nations, as enshrined in the Charter and the Universal Declaration on Human Rights.

6. Apartheid was the most heinous form of racial discrimination but statements made by representatives of indigenous populations, such as the Navajos and Hopis, had shown the complexities and intricacies of the campaign against racial discrimination. Such groups deserved the warmest sympathies of the Sub-Commission.

7. Ms. ATTAH said that the reports of the Under-Secretary-General for Human Rights and Mr. Eide had confirmed that action against racial discrimination, prejudice and apartheid required urgent measures by Governments and the international community. She wished to pay tribute to non-governmental organizations, institutions and groups that had done so much to draw attention to the true position in many countries where the human rights of minorities were being violated. Governments could, by commission or omission, contribute unintentionally to the sufferings of minority groups by not dealing promptly and firmly with social discontent; currently the situation was being aggravated by economic difficulties. It was gratifying, however, to learn from Mr. Eide's comments that many Governments were willing to contribute towards the elimination of racism and prejudice against minority communities.

8. One case which had defied solution was the apartheid State of South Africa, which had subjected members of the indigenous African majority to all kinds of inhuman indignities. They were not allowed to determine how they wished to be governed, to be educated, to live or to work. The State was morally bankrupt for it would stop at nothing, including the massacre of black defenceless youths, to achieve its aim. She appealed to Amnesty International to unmask the horrors of South African prisons and to expose the stories of the emasculation of black youths under detention through the administration of dangerous drugs. Young people had been so alienated that it would not be surprising if, having been brought up under unprovoked terrorism, they imbibed the culture of violence. Those who suffered under the yoke of the vicious South African security forces were not impressed by the doctrine of constructive engagement. Those same so-called security forces had even carried their terrorist acts into peace-loving neighbouring countries with impunity.

9. Racism was the greatest enemy of human rights. She therefore welcomed the institution by the United Nations of a Second Decade to Combat Racism and Racial Discrimination. Governments and non-governmental organizations must intensify their efforts in that area. She supported the activities of the Special Rapporteur, Mr. Eide, in updating his report. Factors which contributed to racism, apartheid and all forms of discrimination must be examined with a view to their elimination. UNESCO had done a great deal of relevant work and she hoped that it would respond to that appeal. Racism was

based on ignorance and fear, and those two ills must be addressed adequately through the education of the young and through correct information on, and respect for, the different cultures of the world.

10. In conclusion, she paid tribute to Nelson Mandela for his bravery and all the Mandelas in different parts of the world who were fighting for the rights of their peoples.

11. Mrs. KSENTINI said that 40 years after the proclamation of the Universal Declaration of Human Rights, the prohibition of discrimination, embodied in article 2, continued to be flouted in many parts of the world. The situation had reached an intolerable level in South Africa, where the minority régime had made apartheid a State institution and a system of government which defied the most sacred values of civilization.

12. When the rights of an individual were trampled on, the victim had the right to resist and it was the duty of the international community to support him in securing the restoration of his rights. That obligation was all the greater when the violation was massive and flagrant. While the obligation of the international community to promote human rights had never been challenged, international co-operation had, in practice, never been capable of standing up to such threats to human rights as the shameful practice of apartheid, which had rightly been termed a crime against humanity. Strong measures decided upon with a view to the elimination of apartheid had not been implemented, not because of a lack of resources but because of a lack of the necessary political will.

13. For every right violated there was a corresponding right to resist, but against such resistance the oppressor had developed a powerful system of repression. The repressive measures of the South African Government had been universally condemned but the régime continued its brutal repression of the anti-apartheid movement, strikes, demonstrations, the critics of bantustanization and forced displacement, and of the just struggle for self-determination of the South African and Namibian peoples whose lands had been illegally occupied and pillaged. Repression could not conceal just causes nor could it curb the determination of those who believed in such causes to achieve their legitimate claims. Nelson Mandela was a living example of resistance to apartheid.

14. The struggle of the Palestinian people in the occupied territories was a further reminder of the limits of any policy which attempted to silence a people ready to make any sacrifice and to pay with its own blood and that of its children in its struggle for freedom and the creation of an independent State of Palestine under the leadership of its sole legitimate representative, the PLO. The international community must react vigorously against such denials of the most basic human rights.

15. While racism directed against entire peoples continued to be an affront to mankind, racism also existed in hidden forms in a number of societies, with the result that certain groups became outcasts, deprived of their most basic rights. While such racism could not be compared in scale with institutionalized racism, it nevertheless called for vigilance and action on

the part of Governments. The current surge of racism against migrant workers and refugees was a case in point. The documentation on those issues submitted in connection with the 1984 Round Table convened by the United Nations High Commissioner for Refugees might be of interest to Mr. Eide.

16. She welcomed the excellent oral report of the Rapporteur and the comments of the Under-Secretary-General, who had recalled the three principal goals of the Second Decade to Combat Racism and Racial Discrimination which, she hoped, would contribute to the elimination of political régimes based on racism. In that connection, she hoped that the report called for by the General Assembly in its resolution 42/47 would be updated. She wished to encourage the Under-Secretary-General to continue along the path he had chosen in order to enhance the activities being pursued in connection with the Second Decade. It was more important than ever that the international consensus for the eradication of apartheid should be further strengthened.

17. Mr. DIACONU thanked Mr. Eide for his report (E/CN.4/Sub.2/1988/5) and said that he looked forward to the submission of the final report in due course. Much remained to be done if true equality was to be achieved. All the States Members of the United Nations had undertaken to guarantee equality of rights, and all groups in society must work constantly, not only to eliminate discrimination, but to prevent it from arising at all. It was particularly important to educate young people in a spirit of respect for others and non-discrimination in order to eliminate chauvinism. The media also had an important role to play in that task.

18. The apartheid régime in South Africa practised racial discrimination against entire peoples and used its legal system to violate the right to self-determination of the Namibian people. Numerous United Nations resolutions had condemned the apartheid system, and many countries had broken their ties with South Africa, but more action was needed on the part of the international organizations. The occupation of Arab territories by Israel was a violation of the human rights of the Palestinians and the other peoples of the region and did nothing to resolve the Middle East problem. It was essential to find a solution which would guarantee the right to self-determination of the Palestinian people and guarantee the rights of the other States of the region.

19. Mr. JOINET said that, in its discussion of the issue, the General Assembly had rightly emphasized the important role played by non-governmental organizations and other private groups in the fight against racial discrimination. The General Assembly had called for the wide dissemination and discussion of the Secretary-General's study on the role of private group action to combat racism and racial discrimination (A/41/550), which the Sub-Commission might also find useful.

20. Legislation by itself was not sufficient to combat racial discrimination; constant vigilance on the part of all sectors of society was essential, and it was in that respect that non-governmental organizations could take advantage of their private capacity to denounce the actions of companies or Governments. The existing legislation was in need of improvement: for instance, the European Convention on Human Rights prohibited only those human rights violations expressly referred to in the text, which did not include rights such as freedom of conscience.

21. Mrs. Ksentini had touched on the problem of xenophobia, which lay at the heart of all racism and racial discrimination, and should perhaps be considered together with them. The concealed discrimination referred to by Mr. Flinterman was becoming more widespread, as his own report on the regulation of computerized personal data files (E/CN.4/Sub.2/1988/22) would make clear, since such discrimination was almost always carried out on the basis of personal data files. The problem affected many more people than was generally realized and might, indeed, warrant the inclusion of a separate item on the Sub-Commission's agenda by the end of the century.

22. Some western countries had contested the very principle underlying the list of enterprises linked with South Africa which was updated every year by Mr. Khalifa. He himself supported the purpose of the report, but had certain reservations about the way in which it was presented. However, he felt that the problem would remain on the Sub-Commission's agenda for a long time to come.

23. Ms. MABANDLA (African National Congress) thanked the Sub-Commission for making it possible for her organization to participate in the current session.

24. The situation in South Africa had deteriorated under the continuing state of emergency. Thousands of people, including many children, had been detained and tortured or killed by the security forces. ANC activists had been subjected to attacks not only in the front-line States, but even in Europe. The apartheid régime had closed all avenues for peaceful protest by restricting the activities of the United Democratic Front and the Congress of South African Trade Unions, infringing freedom of the press and spreading covert slander against clergymen opposed to apartheid, such as Desmond Tutu and Allan Boesak.

25. The Legislature had become one of the most repressive tools of the régime. So-called reforms, such as the Abolition of Influx Control Act of 1986, which purported to abolish restrictions on the free movement of blacks in South Africa, had been countered by numerous administrative controls. The Illegal Squatting Bill, currently before Parliament, would enable the Judiciary or local government committees to evict "illegal squatters". Her organization believed that the measures were aimed at the thousands of tenant farm workers, who could be moved on if they lost their jobs or engaged in trade union activities. The Group Areas Amendment Bill, also submitted to Parliament, proposed the imposition of heavy fines on persons living in areas allocated to other racial groups and would, of course, primarily affect blacks. Thousands of black families had been subjected to enforced resettlement, which did not guarantee them better housing or access to health facilities and destroyed the continuity of their children's education.

26. The South African régime claimed that the local-authority elections to be held in October 1988 were a meaningful reform measure. In fact, those elections were to be conducted along apartheid lines, with each racial group voting for its own councillors. The South African people had accordingly decided to boycott them. The régime was exerting considerable pressure on the people to register for the elections, including a controversial bill before Parliament which provided for the casting of "prior special votes" and allowed a candidate's agents to vote on behalf of illiterates.

27. Her organization also wished to draw attention to the growing collusion between the State and the Judiciary, which consistently, in political cases, handed out sentences which were not commensurate with the alleged offence. Fifty-four patriots, including the famous Sharpeville Six, were currently facing the death penalty in South African prisons. The South African régime also continued to perpetrate acts of destabilization in neighbouring States, acts which denied those States their right to pursue their economic policies in peace.

28. Her organization would continue to expose the designs of the apartheid régime and engage the security forces in armed struggle. The people of South Africa had a right to reject the apartheid administrative structure and, if need be, render South Africa ungovernable. Apartheid could only be destroyed by a combination of armed struggle, popular action and international pressure. Her organization was grateful to the international community for the pressure it exerted on the South African régime, but considered that the implementation of the anti-apartheid measures proposed by the United Nations, and in particular the imposition of comprehensive sanctions, would hasten the end of the system. She called upon the Sub-Commission to consider ways of saving the 54 South African patriots currently facing the death sentence and to condemn the local elections due to be held in October 1988.

29. Mr. BERGSMO (Baha'i International Community) said that racism was an affront to the dignity of its victims as well as its perpetrators. The aspiration of all peoples to live in a just and peaceful society could not be attained without the eradication of racism. If that odious practice was to be overcome, the recognition of the unity of mankind, implemented by appropriate legal measures, must be universally upheld.

30. In the view of the Baha'i International Community, racism was tenacious because it was not confined to its more apparent manifestations but first took roots in the minds of individuals. Accordingly, any campaign to eradicate it must be concerned with endeavours to change attitudes and beliefs. Political action alone could not offer a permanent solution. Racism, fuelled by a complex array of social pressures, rested upon the false premises of ignorance, stereotypic misconceptions, feelings of superiority and the absence of spiritual values. It must be countered by the belief that all human beings belonged to a single family, the human race. It was therefore essential to educate every individual in the oneness of the human race.

31. Because racism was a disease with global dimensions, the United Nations had a vital role to play in its elimination. The Baha'i International Community therefore welcomed the holding in 1988 of a global consultation on racial discrimination. That consultation, and United Nations activities in general, should focus on education in human unity and racial equality. The United Nations could promote a global education campaign, involving national and local governments as well as non-governmental organizations. The proclamation of the Second Decade to Combat Racism and Racial Discrimination was the first step in that direction. The Baha'i International Community welcomed the General Assembly's invitation to UNESCO, in resolution 42/47, to expedite the preparation of teaching materials on racism and racial discrimination, with particular emphasis on activities at the primary and

secondary levels. However, a more sustained and far-reaching education campaign was called for, and must be undertaken from the grass-roots level. As part of their contribution, Baha'i committees in over 100 countries were training children in the principle of racial unity.

32. In order to change attitudes, it was not enough to present factual information on the problem of racism. Baha'is had therefore advocated the development of a model universal curriculum on the unity of mankind in previous statements to the Sub-Commission and had suggested that UNESCO would be the appropriate agency to prepare it. Since the beginning of the Baha'i faith, its members had been committed to the goal of eliminating prejudice and fostering racial unity. If their experience could contribute to the struggle against racism, they would be happy to offer it as a model.

33. Mr. TEITELBAUM (International Federation for Human Rights) said that his organization had been represented in a commission of inquiry into the problem of minors detained in South Africa; the commission had met in Johannesburg in April 1988. It had heard statements by doctors, lawyers, psychologists and young ex-detainees, and he could provide to the Sub-Commission a report with a summary of their testimony. The problem was an extremely serious one and affected thousands of minors in South Africa. The Federation therefore called for the institution of an international campaign for the immediate release of all minors detained in South Africa and the cessation of all persecution of those minors.

34. Ms. MARKHUS (Observer for the Libyan Arab Jamahiriya) expressed regret at the continuation of and indeed increase in, racial discrimination despite the relevant laws passed in several countries and the proclamation of two United Nations Decades to Combat Racism and Racial Discrimination. All States Members of the United Nations were advocating the elimination of apartheid so that everyone in South Africa would be able to enjoy all the human rights to which they were entitled.

35. The racial system in South Africa constituted a violation of the rights of its inhabitants and was similar to the system existing in Israel, where the Israelis oppressed and tortured the Palestinian people who were struggling to protect their human rights and dignity. Links between South Africa and the Jews had existed long before 1948. In 1926, for instance, a South African Minister had spoken in favour of the establishment of a Jewish State in Palestine. The demographic composition of the two countries was similar. In Palestine, Jews had immigrated from many parts of the world, just as white colonists had done in South Africa, and had started to oppress the indigenous inhabitants on the strength of supposed racial superiority. Both systems had been condemned by the international community, which had stated that Zionism was a form of apartheid.

36. The Libyan Arab Jamahiriya condemned South Africa's military attacks on the front-line countries and liberation movements, and considered that the international community should demonstrate its solidarity with the people of those countries not merely by words but by deeds. Her country appreciated UNESCO's efforts to implement the principles underlying the two Decades, especially its special studies on the history of politics in that region. It

also welcomed the work being done by the Sub-Commission. It gave material and moral support to the people of southern Africa, as it did to the Palestinian people and oppressed peoples on the American continent, especially the indigenous Indians.

37. Islamic law declared that all people were equal before God without any form of discrimination. The international community should work to ensure the full enjoyment by all of the human rights conferred on them by God.

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued)
(E/CN.4/Sub.2/1988/1 and Add.1 and Add.1/Corr.1)

38. Mr. EIDE said that, unlike Mr. Khalifa, he did not think that there were any negative relations between the Commission and the Sub-Commission; each had different functions. The Commission itself had stated that the Sub-Commission's impartiality and the independent status of its experts and their alternates should be the guiding principle. The Sub-Commission was composed of a group of members who were independent of their own and other Governments, were supposed to be experts, took as their basis the International Bill of Human Rights and sought to apply it objectively. Their guidance should not be national interests but a common goal to implement those rights. The Sub-Commission had been established to help the parent body, which was political in character.

39. Many people had referred to the politicization of the Sub-Commission but had not investigated the reason for that development. After a comparative study of statements made at the Sub-Commission's 1987 session and those made 10 years earlier, he had discovered that in 1987 there had been 169 statements by representatives of non-governmental organizations and government observers and only 137 by members of the Sub-Commission. The main manifestation of the politicization of the Sub-Commission was its handling of allegations of violations of human rights. In 1977, two meetings had been allocated to that agenda item, whereas in 1987 it had been allotted 11 meetings out of a total of 37 for the whole session. Yet the total number of agenda items had increased, so that it was possible to have only a very superficial discussion of some of them. He did not suggest that the Sub-Commission should abandon consideration of violations, but only that it should consider whether it had found the right approach to its handling of them. A major advance since 1970 was that United Nations bodies could deal with allegations of gross and systematic violations. That approach should be strengthened.

40. The Commission and other bodies had repeatedly stressed the need to avoid duplication of the discussion of certain situations. That did not, however, mean that the Sub-Commission should not discuss them, but that it should do so in the light of its own expertise, which could be of use to the parent body. In resolution 1988/43, paragraph 12, the Commission had urged the Sub-Commission, when examining items which were extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues on which it could make a distinctive contribution. That point had also been made by the non-governmental seminar held in 1986 to protest against the cancellation of the Sub-Commission's session.

41. Despite constant pressure to adopt resolutions on various situations, they could not be an end in themselves but must have a meaningful follow-up, and that required the involvement of the Commission, sometimes the Economic and Social Council, often the General Assembly and very often the Governments concerned. That might seem frustrating to the non-governmental organizations providing relevant information, most of which did very important work. In fact, however, it was in the interests of the serious non-governmental organizations that the Sub-Commission should improve its procedures for handling allegations of human rights violations. The Sub-Commission was often the first instance where allegations were made and its task was to assess them before taking further action on them. Ideally, it should check that the allegation satisfied minimum admissibility requirements, and was reliably attested and clear as to which provisions of the International Bill of Human Rights had been violated and in what way the Government was alleged to be responsible.

42. The time had come for the Sub-Commission to reflect on whether it was carrying out the procedure on violations in the best way possible. Mr. van Boven and he had prepared a working paper on the subject, which would be distributed shortly, suggesting a further look at the mandate given by the Secretary-General in resolution 8 (XXIII) - a mandate that had been carried out only once, in 1968, and had since been more or less dormant. There were two elements in the mandate: one - which had been carried out - required that the Sub-Commission should draw the Commission's attention to any situation which it had reason to believe revealed a consistent pattern of human rights violations; and the other - which had not been properly carried out - required it to prepare for the Commission's use a report containing information on violations of human rights and fundamental freedoms from all available sources (para. 2 of the resolution). It was in the interests of all concerned that non-governmental organizations should be entitled to bring relevant information to the Sub-Commission's attention, that Governments should be able to examine, challenge or take account of information submitted, and that the members of the Sub-Commission, as experts, should be able to deal with those matters in a reasonable, detached, honest and serious manner before processing them and submitting them to the Commission.

43. Over the past few years reasonably good relations had been developed between the Commission and the Sub-Commission. The Commission paid more attention than any other United Nations body to the kind of work being done in the Sub-Commission and he did not feel that the Sub-Commission would be better served by reporting direct to any other United Nations body, such as the Economic and Social Council, which had many other things to do. The Sub-Commission would have a more sympathetic hearing in the Commission than elsewhere and he saw no reason to challenge the dialogue between the two bodies.

44. Mr. SENE (Chairman, Commission on Human Rights) said that agenda item 3 raised the question of the relationship between the Commission and the Sub-Commission - a debate which perhaps went back to 1980 or to the time the Commission had set up the Sub-Commission. Mr. Eide had made a shrewd analysis of the Sub-Commission's task, which was to conduct investigations in the light of the Universal Declaration of Human Rights, and make recommendations to the Commission on allegations of violations of human rights and fundamental freedoms, problems concerning the protection of racial, religious and

linguistic minorities, or any other matters referred to it by the Economic and Social Council or the Commission. Today, the members of the Sub-Commission were giving the Commission valuable assistance on a wide variety of subjects and the Chairmen of the two bodies had held important consultations throughout the Commission's forty-fourth session. In his opening statement at that session, he had spoken of the high quality of the Sub-Commission's debates and its advice and recommendations, and had congratulated its members on their independence and integrity, which were recognized by the international community.

45. As a strong supporter of the enduring relationship between the Commission and the Sub-Commission, he was disturbed by some of the comments made at the Sub-Commission's preceding meeting, such as references to breaking the links with the Commission, autonomy, being bombarded with directives and paternalism. The Sub-Commission had been compared with other United Nations bodies, but such comparisons were worthless, and there was no point in talking about autonomy, particularly when the Secretary-General had set up a special commission of 18 experts under the Council to investigate the structure and functions of intergovernmental machinery in the economic and social fields with a view to strengthening co-ordination, avoiding duplication and increasing the efficiency of those bodies. The presence at the Sub-Commission's current session of the representatives of many observer countries and non-governmental organizations bore witness to the international community's interest in the Sub-Commission's work. He commended all the experts present and assured them of the high esteem in which they were held by the Commission. He hoped that the present session would demonstrate the Sub-Commission's spirit of fraternity and co-operation in tackling its difficult task.

46. In connection with agenda item 5, he referred to the plight of Nelson Mandela and said that there was reason to hope for progress on the human rights situation in South Africa and elsewhere as a result of the détente created by the efforts of the super-Powers - the United States of America and the Union of Soviet Socialist Republics - and also the efforts of the other members of the Security Council under the auspices of the Secretary-General. Human rights would play an increasingly important part in international relations and in world peace and development. He also referred to Mr. Carey's comments on transnational corporations at the preceding meeting. He commended the Special Rapporteur, Mr. Khalifa, and assured him of the Commission's admiration and support in his arduous task.

47. Lastly, he stressed the need for the Commission and the Sub-Commission to work together in a spirit of enthusiasm, mutual confidence and co-operation, and to help the United Nations towards new achievements which would strengthen its credibility and authority in the present and in the future.

48. Mr. JOINET said² that he disagreed to some extent with Mr. Khalifa and shared Mr. Eide's views on the statement made by Mr. Khalifa at the preceding meeting. As was clear from the remarks by the Chairman of the Commission on Human Rights, relations between the Sub-Commission and Commission had greatly improved in comparison with the regrettable period of conflict which had started in 1978. There was now a situation of dialogue instead of conflict. The attempts in 1986 and 1987 to suppress the Sub-Commission had forced it to

engage in self-examination and the resulting progress showed that good had come out of evil. The structure for dialogue had now been set, and indeed the two Chairmen had participated in the discussion on the Sub-Commission's work at the recent session of the Commission.

49. He had considerable misgivings about the idea of restructuring, except for reasons of economy, lest it should affect the character of the Sub-Commission as a group of individual experts. In the case of violations of human rights, whose examination was included in the Sub-Commission's mandate, it would be regrettable if restructuring gave rise to complex procedures and such delays in action by the Sub-Commission on reports of violations that by the time reports were adopted, at best democracy had been restored in the country concerned or at worst the victims were already dead. It was essential that the Sub-Commission should retain its ability to deal with human rights violations; the remedy lay not so much in procedure as in the character and wisdom of the experts. He mistrusted any procedure which, on the pretext of improvement, might stifle the Sub-Commission's work in that field.

50. As to the objection to repeating resolutions year after year, the struggle for human rights depended on perseverance, which unfortunately entailed repetition. For example, it was essential to repeat resolutions on occupied territories or against apartheid.

The meeting rose at 6.15 p.m.