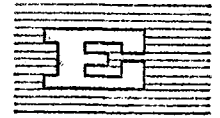


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COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1594th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 10 February 1981, at 4.30 p.m.



Chairman:

Mr. CALERO RODRIGUES

(Brazil)

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of Minorities on its thirty-third session (continued)

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The meeting was called to order at 4.45 p.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF  
MINORITIES ON ITS THIRTY-THIRD SESSION (agenda item 23) (continued)  
(E/CN.4/1413; E/CN.4/1420)

1. Mr. STOEL (Netherlands) said that even if the Sub-Commission had sometimes lost sight of the boundaries of its mandate, its remarkable productivity greatly outweighed that shortcoming. It was better to have to restrain it once in a while than to have to prod it into action. As for the idea that the Sub-Commission had no competence to send telegrams to Governments, in resolution 3 (XXIII) the Commission had explicitly requested the Sub-Commission to prepare a report on violations of human rights from all available sources, thus authorizing it to seek information from Governments. In urgent cases, therefore, the Sub-Commission could send telegrams.
2. His delegation attached great importance to the independence of the members of the Sub-Commission. The fact that they did not - in principle - receive instructions from their Governments was a guarantee of an objective and frank approach to human rights problems. In actual fact, not all members were really independent, and over the years the practice had developed of appointing alternates, mostly diplomats, to replace members. His delegation was concerned about that tendency, examples of which were given in annex I to the report under consideration. At the most recent session of the Sub-Commission, five members had been replaced for the entire session by government representatives, and six members had formally submitted the names of their alternates. The Sub-Commission would be well-advised to look into that problem, which represented a threat to the independence of its members. His delegation would take into account the practice followed by members or Governments when it cast its vote in the election of the new members of the Sub-Commission.
3. Most of the matters of substance dealt with in the report of the Sub-Commission could be discussed under the corresponding items of the Commission's agenda, but the question of indigenous peoples did not correspond to any item, although it might conceivably be dealt with under the question of national, ethnic, religious and linguistic minorities. In its resolution 5 (XXIII), the Sub-Commission had recognized the importance of the subject and of the need to protect and promote the human rights of indigenous populations, and had expressed the hope that the study of that problem would be completed before its following session. His delegation explicitly associated itself with that resolution, for the study in question was not a purely academic exercise, but a matter of great practical importance and real urgency.
4. In many corners of the world, indigenous peoples lived in remote areas where, until recently, they had been able to maintain their traditional way of life more or less isolated from modern society. Those peoples had often been pushed back into barren areas by other peoples who had come later and taken possession of the best parts of the country. But now, because of the growing scarcity of resources, those remote areas were beginning to interest the rest of society, a fact which frequently had radical and tragic implications for the indigenous peoples. The same phenomenon could be witnessed in varying degrees on all continents, but the most numerous group affected was probably formed by the Indians of the Americas,

whose fate had caused concern among the people, and in the Parliament, of the Netherlands. It was therefore at the explicit request of his Government that he was calling for a speedy completion of the study prepared under the aegis of the Sub-Commission in order to enable the United Nations to give thorough attention to the problems of indigenous peoples.

5. Mr. JOPATKA (Poland) raised the question whether the Sub-Commission had complied with Economic and Social Council resolution 1979/36, in which it had been called upon, "with a view to consolidating its effectiveness and resources, to examine its programme of work so as to identify specific areas for its concentrated attention and to make recommendations thereon to the Commission on Human Rights". The Sub-Commission performed important tasks in the field of human rights within the United Nations system, as was reflected in its report. But a review of the report prompted some critical remarks. The Director of the Division of Human Rights had been right to quote the terms of reference of the Sub-Commission in his introductory statement on agenda item 23. The Polish delegation fully endorsed the critical remarks of the delegation of Brazil concerning some aspects of the Sub-Commission's activities and some of its recommendations. In its resolution 9 (XXXII), the Sub-Commission had rightly stated that its scope and jurisdiction had been enlarged and now dealt with matters which extended beyond prevention of discrimination and protection of minorities. But instead of drawing the conclusion that it must adhere strictly to its terms of reference, it was asking that its terms of reference be adjusted to the scope of its activities, an approach with which the Polish delegation could not agree.

6. At its current session, the Commission was called upon to elect the new members of the Sub-Commission. At the same time it was called upon to confirm the terms of reference of the Sub-Commission and to establish for it general guidelines and methods of work. It would not be right to take decisions on agenda item 11 when discussing agenda item 23, as suggested by the Sub-Commission. There was no need to change the present scope and methods of work of the Sub-Commission, or to broaden its terms of reference and authorize it to follow new procedures not acceptable in the United Nations. The Sub-Commission should limit itself to questions relating to the prevention of discrimination and protection of minorities. There was no reason to change its name, as suggested in its report. The Sub-Commission was and should remain a body of experts, and not a political body taking decisions on merits. It should have clearly-defined research and advisory functions, similar to those of an international scientific seminar and not those of a United Nations commission composed of representatives of Member States.

7. His delegation endorsed the criticisms expressed by the delegation of Brazil concerning the opinion of the Legal Office of the United Nations (report of the Sub-Commission, p.55). Furthermore, there was no justification for the Commission to comply with the requests contained in Sub-Commission resolution 27 (XXXIII). In that connection, it would be advisable to ask the Secretary-General to prepare a set of documents defining the terms of reference and methods of work of the Sub-Commission and to submit those documents to the Sub-Commission itself and to the Commission at its thirty-eighth session. In examining those documents and taking into account the opinions expressed on its work at the Commission's thirty-seventh session, the Sub-Commission should reconsider the ways of implementing the decision contained in Economic and Social Council resolution 1979/36.

8. His delegation had a high opinion of the numerous studies prepared at the request of the Sub-Commission, for example the report prepared by Mrs. Daes (E/CN.4/Sub.2/432/Rev.1 and Add.1-7). At the same time, it would like to draw attention to the need for a careful selection of subjects for study and reports. For example, it doubted whether it was the task of the United Nations, and the Sub-Commission in particular, to prepare studies on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers. The Sub-Commission's spirit of initiative was laudable, but it should take account of the proposals of the Commission concerning its work, and the Commission should in turn make more frequent requests for the Sub-Commission to prepare specific expert studies.
9. Mr. SADI (Jordan) pointed out that he himself was a member of the Sub-Commission and observed that the controversy concerning the Sub-Commission's terms of reference and jurisdiction could have been avoided if the Commission had paid due attention to its previous reports instead of simply taking note of them. Responsibility for what the Commission considered to be departures by the Sub-Commission from its terms of reference therefore lay with the Commission. What was more, the members of the Sub-Commission had begun to ask themselves the same questions. Thus, as far as the question of sending telegrams to Governments was concerned, the Sub-Commission had decided to defer consideration of the question of its jurisdiction in view of the impending election of new members of the Sub-Commission who would have to participate in the discussion. Consequently, the Sub-Commission would find the discussion that had been held on the report extremely useful since from it guidelines would emerge.
10. It had been said that the Sub-Commission, through the terms it used in its resolutions, was behaving like the General Assembly. However, the Commission could adopt the report as well as reject it, or amend it. That having been said, the Sub-Commission had in no way sought to short-circuit the Commission. Its members were experts with legal experience, but they were not fully abreast of the procedures in use in the United Nations system; they should therefore be given the benefit of the doubt.
11. For example, resolution 3, concerning measures to combat racism and racial discrimination and the role of the Sub-Commission, in which it was recommended that a human rights assistance fund be set up, was only a recommendation addressed to the Commission. There were many kinds of funds in the system, and the Sub-Commission had felt that it would be advisable to establish a fund financed by voluntary contributions, to help countries rapidly to achieve the minimum standards laid down in the international instruments, to assist in the introduction of human rights education, and to request all Member States to translate important United Nations instruments relating to human rights into their respective languages. The other United Nations funds were intended for the partial satisfaction of man's material needs; the fund proposed by the Sub-Commission would contribute to the promotion of human rights, since man could not live by bread alone.
12. Resolution 14, concerning the question of the human rights of persons subjected to any form of detention or imprisonment, was accounted for by the fact that no other United Nations body gave any attention to the question; the Sub-Commission had therefore felt bound to express its concern. If it had exceeded its terms of reference, it had been with the idea that it could not rely solely on press reports on the

condition of prisoners and that it had to ascertain the situation for itself. Thus, it could submit to the Commission information obtained from reliable persons, thereby saving the Commission a lot of time, since its members would no longer have to discuss the merits of the evidence submitted to them. In particular, the Sub-Commission had thought that Mrs. Questiaux, Mr. Whitaker and Mrs. Daes could be sent to Israel to visit prisons and detention camps in which Palestinian Arab prisoners and detainees were being held. Those three members were undoubtedly independent experts. By adopting that recommendation, the Commission would be giving effect to an important part of the report of the Sub-Commission.

13. With regard to resolution 19, concerning the question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, he drew attention to the fact that in that area the Sub-Commission's only sources of information were non-governmental organizations, and that it was not possible to verify the information they furnished. The Sub-Commission had therefore felt justified in establishing an impartial information-gathering service within the United Nations.

14. The three resolutions he had mentioned illustrated the spirit in which the Sub-Commission had acted.

15. Mr. EL-FATTAL (Syrian Arab Republic) said that the statement made by the representative of Brazil at the outset of the Commission's consideration of agenda item 23 remained just as valid at the current stage of its deliberations. The members of the Sub-Commission were admittedly not familiar with the procedures of the United Nations, but they were nonetheless university professors with a knowledge of law and should be acquainted with the basic rules in force in the United Nations, in particular concerning the structural relationships between the various bodies. In his opinion, it would be possible to establish a human rights assistance fund on one condition; that human rights should no longer be put up for auction on the stock-markets of the capital cities of the "great democracies".

16. He agreed with the representative of Brazil that the only report that had been submitted in proper form to the Commission was the report of Mrs. Daes, whom he wished to congratulate on the considerable work she had accomplished. It was true that article 29 of the Universal Declaration of Human Rights was sometimes neglected owing to the selective approach which so well suited the goals pursued by certain countries. He was pleased that Mrs. Daes had been able to obtain a response from Israel on the question under consideration and pointed out that Israel acknowledged in writing what it denied in practice. In that connection, he read out paragraph 281 of document E/CN.4/Sub.2/432/Rev.1. If the dictum enunciated therein actually applied, why would the Security Council, the General Assembly, the Commission, the Sub-Commission and other bodies condemn Israel? Why was Israel spreading such information when it did not even recognize the fourth Geneva Convention? The information communicated by Israel was not only erroneous, but also incomplete, since it did not mention the law of return, which imposed obligations towards a so-called State on every Jew. Did not that law scorn the individual and collective rights of Jews? It must nevertheless be acknowledged that if Israel were to invoke that law, Jews the world over would protest against an instrument which imposed upon them a nationality they had not chosen.

17. Mr. RAHIM (India) said that the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1413) was informative and instructive and deserved the most serious attention of the Commission, because it referred to the work of proven experts serving in their individual capacity and, therefore, acting objectively and more independently than intergovernmental bodies.

18. At the preceding session of the Commission, he had expressed concern at the large number of studies undertaken by the Sub-Commission on various subjects, which might lead to a frittering away of its scarce resources to the detriment of other important activities. That trend was continuing: at its thirty-third session, in resolutions 6, 7, 8, 11, 12, 16, 17, 22, 23 and 24 and in decision 2 (c), the Sub-Commission had recommended that all kinds of activities should be undertaken. However, those activities had financial implications; it was not clear whether they were envisaged as part of the programme budget for the current or the coming biennium; nor was it clear whether they were in conformity with the General Assembly resolutions requesting that no activities not envisaged in the programme budget be undertaken. But, more important, the Commission must decide whether such activities were in conformity with the mandate of the Sub-Commission, and his delegation was not convinced that they were. The Commission could, of course, consider whether the mandate should be expanded, but no change appeared necessary at present, and in any case any change would require extremely careful consideration and a consensus.

19. It was unfortunate that the Sub-Commission, in resolution 19, should have departed from established procedure and shown a strange sense of hierarchy in recommending the establishment of an information-gathering service within the Division of Human Rights directly to the Economic and Social Council, thus by-passing the Commission. His delegation could not endorse such a procedure or the content of the recommendation and drew attention to Commission resolution 24 (XXXVI) on that question. Furthermore, it shared the concern expressed by the Brazilian delegation about direct requests by the Sub-Commission to Member States and the Secretary-General.

20. The Sub-Commission's proposal to establish a human rights assistance fund was a matter of concern to his delegation, especially since no indication was given about how it would be financed or how it would operate. Such a fund would divert available resources from the development priorities of the developing countries, however dear the cause of human rights might be. The Working Group established under agenda item 11 was called upon to consider a similar proposal by the General Assembly, but his delegation could not support the creation of new funds of that kind without firm commitments to provide development assistance on a continuing, assured and incremental basis.

21. The same points could be made with regard to Sub-Commission resolutions 25 and 27. The name of the Sub-Commission corresponded to its current mandate and unless that mandate was altered, there was no need to change its name.

22. Lastly, it was worth considering whether the status of the Sub-Commission as an independent and expert body would not be better preserved and strengthened if members who could not attend a particular session were to designate alternates who were not government employees. If the Permanent Missions in Geneva were to service the Sub-Commission, any distinction between the Commission and the Sub-Commission would disappear, to the detriment of the Sub-Commission's credibility.

23. Mr. HILALY (Pakistan) said that the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1415) showed that the Sub-Commission had continued its traditional normative activities; he did not share the view that it had exceeded its mandate. His delegation attached particular importance to the studies prepared by the Sub-Commission and congratulated Mrs. Daes on her study (E/CN.4/Sub.2/432/Rev.1 and Add.1-7). That study might have gained substantially from a more extensive analysis of Islamic jurisprudence, which was a very complete code of the relationships between the individual and the community. He hoped that the Commission would decide to publish it.

24. His delegation was pleased that the Sub-Commission had begun to take an active interest in the implementation of the standards in force in the field of human rights and measures to redress mass violations of human rights. Its resolutions on the Palestinian detainees in the occupied territories, on Kampuchea and on the denial of the right to self-determination through military intervention and aggression should help the Commission in preparing its own recommendations, and his delegation would revert to those issues at the appropriate time.

25. He agreed that the name of the Sub-Commission should be changed since the proposed name would be a more factual reflection of its activities. He was prepared to consider the Sub-Commission's recommendations concerning methods for investigating human rights violations and the role of the members of the Sub-Commission. The other institutional suggestions by the Sub-Commission should be examined by the Commission under agenda item 11.

26. Mr. INGLES (Philippines) did not share the view that the Sub-Commission had exceeded its mandate. It could address Governments and the Secretary-General on its own initiative when fulfilling a specific task which the Commission had entrusted to it, if circumstances so required. It had been said that the Sub-Commission was not entitled to take decisions with financial implications, but the financial implications were minimal in the case in question and the competent bodies should take due account of the Sub-Commission's recommendations which deserved implementation.

27. He thanked Mrs. Daes for her study (E/CN.4/Sub.2/432/Rev.1 and Add.1-7): he respected her choice of legal systems but drew her attention to article II, paragraphs 2 and 4, and article V, paragraphs 1-4, of the 1973 Constitution of the Philippines. It was surprising that Mrs. Daes, breaking with past practice, had not included in her study a draft declaration of principles on (i) limitations on the exercise of certain human rights and freedoms, and (ii) the drafting of United Nations standards relating to the protection of human rights in time of public emergency. Mrs. Daes had, however, recommended that the Sub-Commission should request the Economic and Social Council, through the Commission, for authorization to prepare two declaratory resolutions, one containing common principles and standards defining limitations and restrictions on the exercise of certain human rights, and the other containing principles, guidelines and standards relating to the protection of human rights in time of public emergency. The Sub-Commission had adopted only the first of those recommendations and had taken no decision on the second. However, a special rapporteur was competent to draw up a declaration of principles containing his recommendations and conclusions without the authorization of the Sub-Commission, the Commission or the Economic and Social Council.

28. His delegation welcomed Sub-Commission resolution 25, in which the Sub-Commission informed the Commission of its readiness to assist the Commission in responding to reports of mass and flagrant violations of human rights of an urgent nature. It shared the view that the Sub-Commission should continue to carry out studies in the human rights field and, as its members had recommended, to perform any other work entrusted to it by the Commission, particularly with regard to cases of mass and flagrant violations of human rights of an urgent nature.

29. His delegation could not endorse the proposal by the Sub-Commission (resolution 27) that it should hold two two-week sessions a year. The Sub-Commission should meet once a year for four weeks. The proposal to change the name of the Sub-Commission could lead to a change in the Sub-Commission's very nature or its mandate. The Sub-Commission should keep its present name and fulfil its present mandate, which was broad enough to allow it to undertake the studies and other tasks entrusted to it by the Commission. The Commission should use the services of the Sub-Commission in the most effective and beneficial way possible. Having said that, his delegation endorsed all the other recommendations of the Sub-Commission.

30. Mrs. DERMENDJIEVA (Bulgaria) considered that the Sub-Commission, within the limits of its mandate and through the Commission, had made a significant contribution to the activities of the United Nations in the field of human rights. Items 4, 5, 6, 7, 9, 12 and 15 of the Sub-Commission's agenda for the thirty-third session were on the agenda for the current session of the Commission.

31. Her delegation congratulated Mrs. Daes on her comprehensive and thought-provoking study, the Commission should discuss the study before considering the two resolutions of the Sub-Commission relating to it. It should be noted in that connection that the preparation of studies by the Sub-Commission, with the authorization of the General Assembly or the Economic and Social Council, was a very useful undertaking, in particular for information and educational purposes, and the practice should be continued.

32. Her delegation shared many of the views expressed by the Brazilian delegation concerning the report of the Sub-Commission. Some of the recommendations made by the Sub-Commission related to questions which were outside its competence. The Sub-Commission should conform strictly to its mandate and carry out only those tasks expressly entrusted to it by the Economic and Social Council or the Commission. It should not duplicate the work of the Commission by examining, without prior approval from the Commission, questions that did not fall within its mandate, which could be changed only with the Commission's authorization. The Sub-Commission had obviously exceeded its mandate by directly addressing the Secretary-General, other United Nations bodies and specialized agencies, by calling upon Governments directly to take action and provide it with information, thereby placing itself above sovereign Governments, and by proposing the establishment of new activities in the field of human rights - assistance funds, fact-finding missions, and an information-gathering service within the Division of Human Rights. It was the Working Group established to consider item 11 of the Commission's agenda that should study any proposal concerning the overall analysis, which should take into account all the existing mechanisms and procedures for the implementation of human rights in the United Nations system.



33. Similarly, her delegation was concerned about Sub-Commission resolutions 25 and 27, to which it would revert in greater detail in its statements under item 11. How could a subsidiary organ of the Commission draw a situation to the attention of the President of the General Assembly, the President of the Security Council, the President of the Economic and Social Council, the Secretary-General or even the General Assembly without the prior decision of the Commission, the Economic and Social Council or the General Assembly? How could the Sub-Commission be granted the competence to make representations, through the Secretary-General, directly to Governments? The Sub-Commission was a body of experts which was not empowered to solve political problems concerning emergency situations.

34. Her delegation felt that it was not necessary for the Sub-Commission to meet twice a year. With regard to the Sub-Commission's suggestion concerning authorization of a secret ballot, reference should be made to rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, and to rule 66, which provided for a secret ballot only in the case of elections.

35. In conclusion, her delegation hoped that, in its future work, the Sub-Commission would respect the decisions of the Commission and the Economic and Social Council and would abide strictly by its terms of reference.

36. Mr. TOSEVSKI (Yugoslavia) said he was pleased to note that the Commission was devoting more time than at its previous sessions to consideration of the Sub-Commission's report (E/CN.4/1413) and activities in general. The representative of Brazil, in his detailed analysis of that report, had drawn attention to the serious problems which arose, not only for the Sub-Commission, but also for the Commission itself. In fact, the trends noted in the Sub-Commission appeared to reflect a majority view in that organ, a fact which emerged clearly, for example, in paragraph 29 of the report, concerning action in emergency situations. After reading out the first four sentences of that paragraph, he pointed out that only one member had dissociated himself from the majority view that the Sub-Commission should hold intersessional meetings.

37. The Sub-Commission was not to blame if it sometimes exceeded its mandate; such action merely reflected a trend which was noticeable in the Commission itself. What the Commission should do was to institute a wide-ranging debate on the working methods to be adopted by the two organs in the future, and on the motivation of their action. The Commission should also request the Sub-Commission to discuss for its part the possibility of improving its working methods in the interests of the satisfactory discharge of its mandate. The Sub-Commission should submit specific proposals on its activities and organization, which the Commission could take into account for purposes of improving its own methods. It was therefore not a question of rejecting or approving the trends observed in the Sub-Commission, but rather of seeking an all-round improvement of working methods in the human rights field.

38. Mr. RIBEIRO (Portugal), observing that the Sub-Commission's membership was to be renewed said that it had done an excellent job at its thirty-third session and addressed special thanks to Mrs. Daes, who had just submitted to the Commission her study of the individual's duties to the community.

39. A number of criticisms had nevertheless been levelled against the way in which the Sub-Commission was discharging its mandate; they appeared to be due to the inadequate attention paid to that body so far. First of all, like the Canadian representative, he wondered why members of the Sub-Commission were frequently replaced by alternates who had not been elected, since that restricted the Sub-Commission's independence vis-à-vis Governments. In general, the Sub-Commission must be thanked for its work, but there was also a need to study certain critical observations concerning its functioning and the scope of its activities.

40. Perhaps the study should go back to the Commission itself, a highly politicized body which took up the political problems discussed in the General Assembly and frequently dealt with them even more forcefully and aggressively. It might be asked whether human rights were not often used in that forum as a pretext for defending the political line of Governments. The members of the Commission had to obey precise orders and frequently stated that they were awaiting instructions from their Government. The Sub-Commission was not entirely immune from such politicization, for delegations proposed, as candidates, diplomats who were accustomed to attending international meetings, were experts in the art of lobbying and consensus and presented arguments for their régime. Rarely were members of the Sub-Commission truly detached from their Governments.

41. The Commission's machinery for dealing with complaints from victims of human rights violations was cumbersome, despite the strenuous efforts of the Division of Human Rights to enhance its credibility. The Director of the Division, in his introductory statement, had voiced a certain disenchantment on that point. The Commission received anguished appeals from all sides, but often had to be satisfied merely with filing them; in many respects, its action was more limited than that of non-governmental organizations such as Amnesty International or the International Commission of Jurists. When, under the auspices of the United Nations, there had been talk of sending to Iran a commission composed of eminent jurists to deal with the hostage problem, no one had even thought of appointing members of the Commission or the Sub-Commission. A short space of time had seen the fall from power of five dictators guilty of innumerable violations of human rights (the former Shah of Iran, ex-Emperor Bokassa and the former Presidents Macias Nguema, Somoza and Amin), but neither the Commission nor the Sub-Commission had played any real part in those changes. Their role remained academic and theoretical; they had no means of implementing their recommendations.

42. Rather than accusing the Sub-Commission of exceeding its mandate, efforts should be made to increase its dynamism by entrusting to it well-defined and at the same time far-reaching tasks. It might be difficult for it to escape political constraints, but at least it should perform the humanitarian tasks of which the world was in such great need. To that end, its structure and operation, and those of the Commission, should be improved, with a view to enhancing its credibility; otherwise, it would only be able to present reports which would have very few practical results.

43. Mr. ORTIZ RODRIGUEZ (Cuba) associated himself with those representatives who had thanked Mrs. Daes for her report on the individual's duties to the community. The value of the Sub-Commission's work was undeniable, but sufficient time must be devoted to consideration of its report, as his delegation had already requested in the past. The Sub-Commission's work was specialized, and its role was to produce ideas for developing United Nations activities in the human rights field.

44. The first observation called for in that context was that it must be given guidelines to prevent it from deviating from its mandate. The Sub-Commission, for its part should respond to the appeals and directives of the Commission, the parent body. It was widely recognized that the Sub-Commission had exceeded its functions and, in his delegation's opinion, the concern voiced in that respect was justified. The situation would have to be studied with a view to ensuring satisfactory co-ordination between United Nations bodies; subsidiary organs established with a precise mandate arrived at after lengthy deliberations must in practice contribute to such co-ordination.

45. He endorsed the Brazilian representative's view of the Opinion of the Legal Office of the United Nations (document E/CN.4/1413, p. 53). The second sentence of that text read: "The capacity to collect information is a prerequisite for the effective accomplishment of the Sub-Commission's tasks"; that was true, and such information was obviously useful, but it must be collected through the normal channel, i.e. the Commission. The fourth sentence referred to "developments in practice which have shown considerable broadening of the scope of the Sub-Commission's activity (including addressing Governments directly)"; the responsibilities envisaged in that sentence were a matter not for the Sub-Commission, but undoubtedly for the Commission itself.

46. The Sub-Commission must not extend its mandate beyond what its parent bodies desired; that would give rise to contradictions and inhibit effective action. On the contrary, its activities must be strengthened within the framework of its mandate and the procedures established for subsidiary organs. In the course of its development, the Sub-Commission had admittedly performed activities that were outstanding from the standpoints of importance, number and quantity; nevertheless, its studies and proposals must be related to well-defined areas. The Commission expected a good deal of the Sub-Commission, but the latter's rules of operation must be revised, and above all respected. On the one hand, the Sub-Commission was inclined to exceed its mandate, and on the other, it was regrettable that it had not paid sufficient attention to such questions as apartheid, racial discrimination or the situation of minorities and had failed to make the position clear on those issues.

47. The CHAIRMAN announced that the Democratic Yemen had joined the sponsors of draft resolutions E/CN.4/L.1549 and L.1550.

The meeting rose at 7.15 p.m.