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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND  
PROTECTION OF MINORITIES

Forty-first session

SUMMARY RECORD OF THE SECOND PART (PUBLIC) \*/ OF THE 35th MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 30 August 1989, at 6.45 p.m.

Chairman: Mr. YIMER

CONTENTS

Organization of work (continued)

Consideration of draft resolutions and decisions

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\*/ The summary record of the first part of the meeting appears as document E/CN.4/Sub.2/1989/SR.35.

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ORGANIZATION OF WORK (continued)

1. Mr. JOINET referred to his formal motion made at the previous meeting, pursuant to rule 78 of the rules of procedure, concerning a vote by secret ballot on decisions relating to draft resolutions under agenda item 6. In case there was any objection to the 24-hour time-limit, he wished formally to request that no decisions should be taken concerning draft resolutions under agenda item 6 before 10.10 a.m. the following day, after a decision had been taken on his proposal.
2. After a discussion in which Mr. ALFONSO MARTINEZ, Mr. CHERNICHENKO, Mr. DESPOUY, Mr. JOINET, Mr. BHANDARE, Mrs. WARZAZI, Mr. ILKAHANAF and Mrs. KSENTINI took part, the CHAIRMAN invited the Sub-Commission to vote on the proposal to postpone action on draft resolutions under agenda item 6 until 10.10 a.m. the following day.
3. The proposal was adopted by 17 votes to 3, with 3 abstentions.
4. Mr. BHANDARE, speaking in explanation of vote, said he had voted against the proposal for two reasons. First, he was in principle opposed to voting by secret ballot when all proceedings regarding draft resolutions were heard in public. Second, he was opposed to the fact that a solemn decision to treat the most important item on the Sub-Commission's agenda, item 6, on a priority basis, should be deviated from for reasons that were not valid since there had been sufficient time to move Mr. Joinet's proposal earlier.
5. Mr. ILKAHANAF said that his vote in favour of postponement had not meant that he was also in favour of Mr. Joinet's proposal as a whole. He had voted in favour to help the Sub-Commission to extricate itself from a difficult position and to proceed with its consideration of draft resolutions under other agenda items.
6. Mr. DESPOUY said that he had voted in favour of the proposal because it made a tacit understanding, i.e., the 24-hour delay, more explicit.
7. Mrs. KZENTINI said that she had not participated in the vote in order not to endorse the direction in which the Sub-Commission appeared to be heading. The Sub-Commission was becoming involved in too many procedural debates, thus contravening the instructions issued by the Commission on Human Rights and using time that should be devoted to considering substantive issues.
8. Mrs. PALLEY suggested that the draft resolution she had sponsored, E/CN.4/Sub.2/1989/L.39, should be transmitted to the working group to be established under draft decision E/CN.4/Sub.2/1989/L.29, which might use it as a model for dealing with item 6 matters. If the Sub-Commission did not opt for voting by secret ballot, she would request roll-call votes, so that the positions taken would be recorded for future historians of the Sub-Commission.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS

Review of the work of the Sub-Commission (agenda item 3) (continued)  
(E/CN.4/Sub.2/1989/L.2, L.3, L.7, L.28 and L.29)

Draft resolution E/CN.4/Sub.2/1989/L.2

9. Mrs. MBONU noted that Mr. Alfonso Martínez should be added to the list of sponsors. She introduced the draft resolution and hoped that it could be adopted without a vote.
10. Mr. van BOVEN agreed that the question of the new international economic order and the promotion of human rights deserved consideration on an annual basis. However, draft resolution E/CN.4/Sub.2/1989/L.2 should be co-ordinated with draft resolution E/CN.4/Sub.2/1989/L.42, which dealt with the same subject.
11. Mr. BHANDARE endorsed Mr. van Boven's remarks and said that he wished to become a sponsor of draft resolution E/CN.4/Sub.2/1989/L.2.
12. Mr. ALFONSO MARTINEZ pointed out that the two draft resolutions were being considered under two separate agenda items.
13. Mr. ILKAHANAF said that in his view the two resolutions were quite different and should be considered separately.
14. Mr. DESPOUY, supported by Mr. DIACONU and Mr. VARELA QUIROS, proposed that the Sub-Commission should take a decision on draft resolution E/CN.4/Sub.2/1989/L.2 immediately and consider ways to co-ordinate it with E/CN.4/Sub.2/1989/L.42 when that draft resolution was before it.
15. Mr. JOINET stated that he wished to become a sponsor of the draft resolution. He drew attention to a problem of procedure, in that the original bi-yearly consideration of the item had been at the Commission's behest.
16. Mrs. MBONU remarked that the sponsors of draft resolution E/CN.4/Sub.2/1989/L.42 might have consulted the sponsors of draft resolution E/CN.4/Sub.2/1989/L.2, which had been issued before theirs, in order to co-ordinate the two drafts. In any event, the two resolutions were different, and she urged that draft resolution E/CN.4/Sub.2/1989/L.2 should be dealt with immediately.
17. Mr. TIAN Jin and Mrs. KSENTINI endorsed Mrs. Mbonu's remarks and expressed their desire to become sponsors of the draft resolution.
18. Mr. van BOVEN said that he joined in the consensus on the draft resolution. At the forty-second session, however, the Sub-Commission would have practically no documentation on that item since the only substantive document discussed would be Mr. Türk's next report. The Sub-Commission should resolve that problem when it discussed draft resolution E/CN.4/Sub.2/1989/L.42.
19. Draft resolution E/CN.4/Sub.2/1989/L.2 was adopted without a vote.

Draft resolution E/CN.4/Sub.2/1989/L.3

20. Mrs. BAUTISTA introducing draft resolution E/CN.4/Sub.2/1989/L.3, said that it had been submitted in response to the pressure felt by the members at not having enough time to study communications relating to violations of human rights under agenda item 8.

21. Mr. RAMISHVILI suggested that the Chief of the Communications Unit might indicate the exact amount of work involved in preparing documents for the Sub-Commission with regard to communications.

22. Mr. MOLLER (Chief, Communications Unit, Centre for Human Rights) explained that the material in question averaged not less than 1,000 pages per year. For the current year, there had been 1,200 pages, which had been made available on the twelfth working day after the Working Group on Communications had concluded its work. That meant that the translation, revision, typing, proof-reading and reproduction of 1,000-1,200 pages had had to be accomplished in 11 working days. Every year the material was distributed as early as humanly possible, and in the present circumstances the Secretariat would not be able to accomplish that work even one day earlier. He understood the time pressures on members, but as the Chairman had noted, that was a permanent problem occasioned by the fact that the Working Group on Communications always met immediately prior to the Sub-Commission's session.

23. Mrs. BAUTISTA said that in the light of Mr. Moller's remarks, she would withdraw her draft resolution. However, the record should indicate the members' concern at the lack of time available for them to do justice to their work.

Draft resolution E/CN.4/Sub.2/1989/L.7

24. Mr. EIDE, introducing the draft resolution, said it responded to the need for more contacts and co-ordination among the various human rights bodies as a result of substantial developments in the field of human rights.

25. Mr. JOINET said that, had he been consulted, he would have liked to be a sponsor of the draft resolution, he had however, two reservations. First, the activities should not be financed under the advisory services programme but out of the regular budget. Second, he wondered whether such a meeting should be held in 1990. Perhaps it would be better, on the basis of the documentation established by the Secretary-General, to decide in 1990 whether such a meeting should be held. If his suggestions were accepted, he would become a sponsor of the draft resolution; if not, he would vote against it.

26. Mr. RAMISHVILI pointed out that the programme of advisory services was not based exclusively on voluntary funds. In his understanding the sponsors' intention had been to finance the resolution from programmes under the regular budget. Following earlier consultations with members, he would like to propose the following amendments: in the fourth line of paragraph 1, the words "and fundamental freedoms" should be added after the words "human rights" and in the second line of paragraph 2, the words "of eminent experts" should be added after the words "international meeting". He believed the sponsors had had in mind a small meeting of 25 or 30 experts.

27. Mr. DESPOUY endorsed Mr. Joinet's remarks and said that he felt in two minds about the draft resolution. On the one hand, it dealt with one of the most serious human rights challenges for the future, i.e. harmonizing the work of the international monitoring bodies, and for that reason should be supported. However, the question of who would be invited was very complex and if not organized in advance might jeopardize the goals of the meeting.

28. Mr. DIACONU also felt that the Sub-Commission should wait until 1990 to decide when the meeting should be held. In the fifth line of paragraph 2, the words "regional and" should be deleted, since a regional organization was necessarily an international one. Regarding paragraph 4, he saw no reason why the question should be discussed under two separate agenda items.

29. Mrs. MBONU wondered who the "eminent experts" would be and which non-governmental organizations would participate.

30. Mrs. KSENTINI fully supported the idea underlying the draft resolution, but shared the concern expressed regarding the specific proposal for an international meeting. Perhaps the Sub-Commission should make its own study before proposing a high-level international meeting. She therefore proposed deleting paragraph 2; amending the third line of paragraph 3 to end with the words: "mechanisms in the field of human rights, which should be submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session;", with the words in between being deleted; amending paragraph 4 to indicate that the question would be examined at the Sub-Commission level and perhaps mentioning the question of considering the possibility of organizing an international meeting.

31. Mr. ALFONSO MARTINEZ shared the views expressed regarding the importance of the draft resolution and the concern over the nature of the funding and the modalities of the international meeting. Perhaps discussion might be suspended until the following day to permit consultations with the members who had expressed doubts.

32. Mr. van BOVEN said that, following consultations with the other sponsors, he wished to propose a wording for paragraph 2 which might remove misgivings. In the first line, the words "in 1990," should be replaced by the words "not later than in 1991,", and the phrase "within the framework of the programme of advisory services" would be deleted. The words "of eminent experts" should be added after the words "international meeting" in line 2. After the words "human rights" in line 3, the rest of the paragraph would be deleted and replaced by the words "and to inform the Sub-Commission at its forty-second session of his plans as regards the holding of this meeting;". Mr. Diaconu's point regarding the two agenda items mentioned in paragraph 4 was well taken, and the item "Review of the work of the Sub-Commission" should be deleted.

33. Mr. VARELA QUIROS supported Mr. van Boven's proposals and he also proposed adding the words "with the broadest possible participation" after the words "human rights" in the third line of paragraph 2.

34. The CHAIRMAN suggested that action on draft resolution E/CN.4/Sub.2/1989/L.7 should be deferred until the sponsors had had time to consult among themselves.

35. It was so decided.

36. Mr. JOINET requested that the Secretariat should use the intervening period to prepare the financial implications of draft resolution E/CN.4/Sub.2/1989/L.7.

Draft decision E/CN.4/Sub.2/1989.L.28

37. Mrs. WARZAZI, introducing draft decision E/CN.4/Sub.2/1989/L.28, said that it dealt with efforts to rationalize the studies undertaken by the Sub-Commission, in accordance with the guidelines communicated to it by the Economic and Social Council and the Commission on Human Rights. She hoped the draft decision would be adopted by consensus.

38. Mr. SADI proposed two amendments. The words "that would ensure the participation of the greatest number of members of the Sub-Commission in this programme" should be added to the end of sub-paragraph (a), and the words "and the names of those who had prepared them." should be added to the end of sub-paragraph (b).

39. Draft decision E/CN.4/Sub.2/L.28, as amended, was adopted.

Draft decision E/CN.4/Sub.2/1989/L.29

40. Mr. van BOVEN, introducing draft decision E/CN.4/Sub.2/1989/L.29, said that it was the outcome of painstaking negotiations among interested members of the Sub-Commission and that he hoped it would be adopted as it stood.

41. Mr. DIACONU asked whether the working group in question would be open-ended.

42. Mr. van BOVEN said that it was his understanding that the group would be composed of five members selected from the various regions and would not be open for participation by all.

43. Mrs. KSENTINI, supported by Mrs. MBONU, said that the working group should be open-ended, in keeping with United Nations practice. It was also not entirely clear that the working group would be a sessional one. She therefore proposed that the words "sessional open-ended" should be added before the words "working group" in the second line. On the question of membership, she proposed replacing the words "selected from" in the third and fourth lines by the words "designated by".

44. Mr. van BOVEN said those amendments were acceptable to him on the understanding that the term "open-ended" implied only Sub-Commission members.

45. Draft decision E/CN.4/Sub.2/1989/L.29, as amended, was adopted.

The meeting rose at 8.45 p.m.