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Held at the Palais des Nations, Geneva,  
on Wednesday, 27 February 1985, at 3 p.m.

Chairman:

Mr. CHOWDHURY

(Bangladesh)

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The meeting was called to order at 3.25 p.m.

CONSIDERATION OF A DRAFT RESOLUTION ON AGENDA ITEM 9: THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (E/CN.4/1985/L.18) (continued)

1. Mr. MANALO (Philippines), introducing draft resolution E/CN.4/1985/L.18 on the situation in Kampuchea, regretted that it had not been put to a vote the previous day. It now had 28 sponsors: Bangladesh, Belgium, Bolivia, Canada, Costa Rica, Gambia, the Federal Republic of Germany, Haiti, Honduras, Italy, Japan, Liberia, Luxembourg, Malaysia, Mauritania, Nepal, Netherlands, New Zealand, Oman, Pakistan, Philippines, Qatar, Singapore, Somalia, Sudan, Thailand, Turkey and the United Kingdom of Great Britain and Northern Ireland. It reaffirmed the conviction of the sponsors that the continued occupation of Kampuchea was a violation of the Kampuchean's right to self-determination and that the occupation forces should withdraw immediately.
2. The draft resolution contained two new elements. The first was the reference in operative paragraph 2 to the offensive launched the previous summer against the forces of the Democratic Kampuchean coalition. That offensive had caused a new influx of 160,000 Kampuchean civilians into Thailand which had added to the considerable burden that country was already bearing. The second new element was an expression of appreciation to the Secretary-General for his recent visit to the region, which had enabled him to converse with several heads of Government in the quest for a peaceful settlement of the Kampuchean problem.
3. Apart from that, the draft resolution was identical to previous resolutions adopted by the Commission by respectable majorities. It reiterated the essential components of a just solution to the Kampuchean problem: withdrawal of foreign forces, restoration of Kampuchea's independence, sovereignty and territorial integrity, recognition of the Kampuchean people's right to self-determination and commitment by all States to non-interference in the internal affairs of Kampuchea.
4. The draft resolution proposed free and fair elections, the repatriation of Kampuchean refugees and the provision of services by the United Nations in the field of human rights. The sponsors considered that a free, independent and non-aligned Cambodia could be established through a comprehensive political solution which took account of the recommendations adopted by the General Assembly over the preceding six years; that would remove from the region a persistent threat to international peace. The sponsors hoped that the Commission would once again exercise its influence to promote the restoration of the fundamental rights of the Kampuchean people.
5. Mr. PACE (Secretary of the Commission) said that the secretariat regretted the delay in distributing draft resolution E/CN.4/1985/L.18, which had precluded it being considered the previous day, as the representative of the Philippines had mentioned. He explained that although the text of the draft resolution submitted by the sponsors had been sent to Documents Control on 20 February at 5 p.m., subsequent transmission had been interrupted by a breakdown in the pneumatic post service used for the rapid transmission of documents. The breakdown had held up the transmission of documents for the Commission and other bodies. The maintenance staff had acted quickly but the cause of the breakdown had not been discovered until the afternoon of 25 February; shortly afterwards, the text of the draft resolution had been delivered directly to the various language sections. The

secretariat had taken steps to ensure that such an incident did not recur; he regretted the inconvenience caused to the Commission and hoped that in future it would be possible to provide the Commission with more effective support services.

6. The CHAIRMAN invited delegations which wished to do so to comment on draft resolution E/CN.4/1985/L.18 before the vote.

7. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the contents of the draft resolution were inconsistent with the most elementary principles of international law. It constituted an interference in the internal affairs of a sovereign State and an insult to its people. The text had been submitted on the initiative of countries which were conducting propaganda in the Commission against the People's Republic of Kampuchea and which encouraged international campaigns against it while supporting enemies of the Kampuchean Government such as Pol Pot and Norodom Sihanouk. But Kampuchea was currently a stable country which had just adopted a new constitution, where free elections had taken place and where the central and local administrative organs were solidly established. It was a non-aligned country which sought good relations with neighbouring States and which was pursuing the objectives of national independence, democracy and social progress.

8. The Soviet Union supported the position of the People's Republic of Kampuchea. It had requested the expulsion from the United Nations of the false representatives who in fact represented Pol Pot, driven from power by the Kampuchean people after causing the deaths of over 3 million of his fellow citizens. Those so-called representatives wanted to pass murderers off as freedom fighters, and the Commission should reflect on the significance of such an interpretation. The Soviet Union condemned the moves being made in United Nations bodies in support of the Pol Pot clique and affirmed that the only legitimate representatives of the Kampuchean people were those mandated by the People's Republic of Kampuchea. His delegation was concerned to ensure respect for the rights of the Kampuchean people and would vote against draft resolution E/CN.4/1985/L.18.

9. Mr. DO TAT CHAT (Observer for Viet Nam) said that his delegation had supported the resolutions adopted under agenda item 9 relating to Namibia, Palestine and Western Sahara. On the other hand, it had regretted the sterile exercise on the alleged Afghanistan problem and it resolutely upheld the justice of the position of the Democratic Republic of Afghanistan.

10. Viet Nam's standpoint with regard to Kampuchea was the same as its position on Afghanistan. It distinguished between two courses; the course of confrontation, on which certain Powers wished the Commission to embark, and another course, pointed out by the non-aligned summit at New Delhi and along which the peoples of Indo-China and certain realistic members of ASEAN were constantly striving. Progress had been made in the second course; in particular, a meeting between the Minister of Foreign Affairs of Indonesia, for ASEAN, and of Viet Nam, for the three Indo-Chinese countries, would shortly take place. It was especially desirable that the Commission should not create obstacles which would inhibit progress towards the second solution, which was the only practicable one. The draft resolution was worse than a mistake, it was ill-timed.

11. Mrs. KRAMARCZYK (German Democratic Republic) said that the Commission on Human Rights was not competent to adopt a resolution relating to the internal affairs of a sovereign State. In that respect, draft resolution E/CN.4/1985/L.18 ran counter to the Charter in laying down how a people should conduct its internal development. The draft was no help to the Kampuchean people who had suffered so greatly under the Pol Pot régime; on the contrary, it was an encouragement to forces which wished to obstruct development in Kampuchea and deny that country its rightful place in the United Nations. Furthermore, such an attitude might well jeopardize peace in South-East Asia, where instability already prevailed. Her delegation would therefore vote against the draft resolution.
12. Mr. SISODA (Observer for Democratic Kampuchea) stated that by adopting for the sixth time a resolution on the right of the Kampuchean people to self-determination, the Commission was once again declaring itself on the side of justice. The General Assembly had also requested in a number of resolutions, the most recent of which was dated 30 October 1984, that all foreign troops should withdraw from Kampuchea and that a peaceful settlement of the problem should be reached as a matter of urgency. He expressed the gratitude of the Kampuchean people and of the coalition Government of Democratic Kampuchea, under the presidency of His Royal Highness Samdech Norodom Sihanouk, to the representatives of friendly countries in the Commission and to the Governments they represented. The adoption of draft resolution E/CN.4/1985/L.18 would be a great encouragement to the Kampuchean people.
13. By continuing to occupy Kampuchea, Viet Nam was denying the Kampuchean people the right to self-determination. It was putting the country to fire and the sword in order to conquer and annex it, threatening the entire Khmer nation, its civilization and identity. The Kampuchean people had resisted; it had been fighting for six years with growing success. The international community must condemn Vietnamese aggression and, by adding its influence to the resistance of the Kampuchean people, force the Hanoi authorities to withdraw their troops from Kampuchea and respect the relevant United Nations resolutions. He would leave it to the Commission to judge the worth of the arrogant remarks made by the observer for Viet Nam, the aggressor country, and by the delegations of the countries which were its accomplices.
14. Mr. GOLEMANOV (Bulgaria) stated that his delegation would vote against draft resolution E/CN.4/1985/L.18. It unreservedly supported the efforts being made by the people of the People's Republic of Kampuchea to achieve social progress and justice and the official proposals put forward by the Governments of Kampuchea, Viet Nam and Laos to restore peace and security in the region. In the absence of the legitimate representatives of the People's Republic of Kampuchea, the debate which had taken place in the Commission could not but be tendentious and irrelevant; draft resolution E/CN.4/1985/L.18 was the result of a malicious political campaign against the People's Republic of Kampuchea and its people.
15. Mr. LEBAKINE (Ukrainian Soviet Socialist Republic) regretted that draft resolution E/CN.4/1985/L.18 proposed measures that were incompatible with the aims and objectives of the United Nations and insulting to the People's Republic of Kampuchea and its people, which had suffered so much to regain its liberty. During the six preceding years, the Kampuchean people had affirmed its vitality by making progress in economic development and strengthening political stability. In view of that situation, the question arose as to what the sponsors of the draft resolution wanted. Did they want the return of the Pol Pot clique, guilty of

atrocities of all kinds and of genocide? It had been established that the Pol Pot régime had caused the deaths of over 3 million people. Today, it was playing an essential role in the so-called coalition Government, which was supported by the imperialist Powers. The imperialists did not hesitate to use instruments of that sort against countries whose political and economic order they disliked. He regretted that representatives of developing countries had joined the representatives of the imperialist countries in sponsoring draft resolution E/CN.4/1985/L.18, which ran counter to the liberty and independence of Kampuchea. His delegation would vote against the draft resolution.

16. At the request of the representative of the Philippines, a vote was taken by roll-call on draft resolution E/CN.4/1985/L.18.

17. Austria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Bangladesh, Brazil, Cameroon, China, Colombia, Costa Rica, France, Gambia, Germany, Federal Republic of, Ireland, Japan, Kenya, Lesotho, Liberia, Mauritania, Netherlands, Peru, Philippines, Senegal, Spain, Sri Lanka, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Against: Bulgaria, Congo, German Democratic Republic, India, Libyan Arab Jamahiriya, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Finland, Mexico, Mozambique, Nicaragua, United Republic of Tanzania.

18. Draft resolution E/CN.4/1985/L.18 was adopted by 28 votes to 8, with 5 abstentions.

19. Mr. LI LUYE (China) said that he gathered from the explanation given by the representative of the secretariat about the delay in distributing draft resolution E/CN.4/1985/L.18, on the situation in Kampuchea, that the mistake had been due to machines and not to men. However, noting that certain documents which, like the draft resolution concerned, had been submitted on 21 February had been available in time, he wondered whether the machines also had political leanings. In a desire to co-operate and to strengthen collaboration with the secretariat, his delegation had shown great patience, since it wished above all to avoid delaying tactics and shabby tricks. He very much hoped that such an incident would not happen again with a draft resolution on Democratic Kampuchea or on any other subject.

20. Mr. SOFINSKY (Union of Soviet Socialist Republics) said he did not question the reasons given by the representative of the secretariat to explain the delay in distributing draft resolution E/CN.4/1985/L.18. It showed that even machines seemed to rebel against certain proposals.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-SEVENTH SESSION (agenda item 19) (E/CN.4/1985/3 and 50; E/CN.4/Sub.2/476 and Add.1-6; E/CN.4/Sub.2/1982/2 and Add.1-7; E/CN.4/Sub.2/1983/21 and Add.1-8; E/CN.4/Sub.2/1984/20 and 23)

21. Mr. KOOLJMAANS (Netherlands) said that his delegation had always attached particular importance to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, primarily because of the wealth of material produced by that body of independent experts, whose contribution to the promotion and protection of human rights was invaluable. He wished to pay tribute to the Sub-Commission's rapporteur, Mr. Despouy, who had submitted a comprehensive and well-referenced report (E/CN.4/1985/3).

22. The quantity and quality of the Sub-Commission's work were impressive. Like others, his delegation had nevertheless cautioned the members of the Sub-Commission not to over-extend themselves. Noting that the number of resolutions recommended to the Commission on Human Rights for adoption or consideration had almost doubled in comparison with 1984, his delegation again urged the Sub-Commission to set clear priorities in performing its tasks.

23. His delegation had taken note with great interest of the Sub-Commission's annual review of its own work, as referred to in its resolution 1984/37 and in the report of its working group (document E/CN.4/Sub.2/1984/3). The plan of action for the period 1985-1989 and the preliminary list of "core items" to be kept on the agenda (see E/CN.4/1985/3, annex IV) were a step in the right direction and it was gratifying that the Sub-Commission, in endorsing the recommendations of its working group, had followed the guidance given by the Commission in its resolution 1983/32, thereby reinforcing the complementary relationship between its activities and those of the Commission.

24. Resolution 1984/37 on the review of the Sub-Commission's work contained a number of valuable ideas. His delegation particularly welcomed the suggestion that the election of members of the Sub-Commission should be staggered (paragraph 6 (a)), since that would result in greater continuity in its expertise. The election in 1984 of a number of alternates to replace the experts of the Sub-Commission had been a welcome step, but his delegation was not convinced that the system currently functioned as well as it should. The provisions of Commission resolution 1983/21 must be scrupulously observed. In particular, experts and alternates should not operate in tandem as if they constituted a delegation, since although it was understandable that some members thought it necessary to have an assistant to cope with an ever-increasing workload, the effect of Parkinson's law could be seen looming on the horizon. It was perhaps relevant in that connection to recall that no person should serve as an alterante unless formally elected as such and that the opinion expressed in Commission resolution 1982/23 that the appointment of a Government official as an alternate might sometimes not be in keeping with the character of the Sub-Commission as an expert body was equally applicable to the expert himself.

25. His delegation agreed in principle with the recommendation that the Centre for Human Rights should be strengthened, but it wondered whether it would not be possible meanwhile to improve the necessary servicing of the Sub-Commission using available resources. Furthermore, in connection with the Sub-Commission's decision-making process, it seemed possible, in his delegation's view, to strengthen the independent status of the Sub-Commission by introducing a system of secret balloting which would be used when requested by a majority of the experts. Finally, his Government

regretted that the dialogue which had been proposed by the Commission in its resolution 1984/60 had not materialized and it recommended that such a dialogue, which would undoubtedly be useful, should take place during the Commission's forty-second session.

26. Turning to the resolutions and draft resolutions contained in the Sub-Commission's report, he welcomed draft resolution II (E/CN.4/1985/3, page 2) on the elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. His delegation hoped that a start could soon be made on the drafting of such an instrument, which should not be contentious in view of the importance of a broad interpretation of the right to life. The list of executions in the world, published monthly by Amnesty International, showed that a much more restrictive approach to the death penalty was needed.

27. Similarly, his delegation welcomed the appointment of a special rapporteur on situations known as states of siege or emergency (page 4, resolution V), which generally gave rise to serious violations of human rights and therefore required special attention. Accordingly, it endorsed resolution 1984/9 (page 11) asking the Commission to recommend to the Government of Paraguay to persevere in its aim of co-operating with the Commission with a view to ending the state of siege and to declaring a national amnesty.

28. His delegation, which attached great importance to the principle of fact-finding, supported draft resolution VI (page 4) relating to the mission of a member of the Sub-Commission to Mauritania, which could be regarded as a success in view of the co-operative attitude of the Government of Mauritania, and which was an encouragement to undertake similar missions in other countries.

29. The specific proposals regarding the establishment of a United Nations voluntary fund for indigenous populations, put forward in draft resolution VIII B (page 7), should be approved and recommended to the Economic and Social Council, since the establishment of such a fund, which would enable representatives of indigenous populations to participate in the Working Group's work, would constitute an important step forward in promoting and protecting the human rights of such populations.

30. The question of the right to leave any country including one's own and to return to one's own country, which was the subject of resolution 1984/21 (page 12), was of particular interest to his Government, which considered that the Sub-Commission should be asked to draft a declaration on the subject for approval by the Commission.

31. His delegation supported the recommendation in draft resolution 1984/22 (page 12) on the particularly delicate issue of the punishment of amputation. In that connection, the Human Rights Committee had found, in its general comment on article 7 of the International Covenant on Civil and Political Rights, that forms of corporal punishment came under the general prohibition of cruel and inhuman or degrading punishment contained in that article. There could be no derogation from that prohibition, which was laid down by international law and could not be made dependent on cultural or religious differences. The Netherlands had a long tradition of respect for all creeds and religions but, in the case in point, the Netherlands Government, while recognizing that it was a sensitive and complicated question, urged all Governments to show the utmost moderation and wisdom.

32. His delegation agreed with the Special Rapporteur, Mrs. Daes, that it was essential to have further replies to the questionnaire on the rights and responsibilities of individuals, groups and organs of society to promote and protect human rights, to which only seven countries had replied (page 78). The international community had a collective duty to define principles and guidelines for the protection of human rights.

33. Mr. HAYES (Ireland) expressed his appreciation of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1985/3). In his comments, he would confine himself mainly to the role of the Sub-Commission and its relationship with the Commission. At the thirty-ninth session, his delegation had said that, in its view, the role of the Sub-Commission was complementary to that of the Commission, from which it was distinguished by the independent status and special expertise of its members. Supported by other delegations, it had made suggestions to safeguard and make full use of those qualities and had advocated a dialogue between the Commission and the Sub-Commission with a view to improving co-operation and co-ordination between them. At the fortieth session, it had expressed satisfaction at the Sub-Commission's response and at some of the suggestions which had been made. It now felt that the dialogue had become an established process which had already produced discernible results and from which still more might confidently be expected.

34. During the past two years, the Commission and Sub-Commission had revised their agendas not only in order to streamline their work internally but also to achieve better co-ordination with each other. In accordance with its resolution 1983/21, the Sub-Commission had undertaken a review of its work, with the assistance of a background note from the secretariat (E/CN.4/Sub.2/1984/2) and of a report by a working group (E/CN.4/Sub.2/1984/3). It had decided that the working group should continue its deliberations: his delegation welcomed that decision and looked forward to additional suggestions from the Sub-Commission as a result in the near future.

35. His delegation was pleased that the Sub-Commission had endorsed the list of core items to be kept on its agenda between 1985 and 1989 and the long-term plan of studies (see annex IV of the report E/CN.4/1985/3).

36. His delegation could approve in principle all the recommendations in paragraph 6 of resolution 1984/37 (see E/CN.4/1985/3, page 18), but thought that some proposals required more detailed consideration, in particular those in subparagraphs (a), (c) and (e) of that paragraph.

37. His delegation could support the proposed changes in the term of membership of the Sub-Commission and the election of members, in the conviction that the effectiveness of the Sub-Commission would thereby be increased because there would be greater continuity of contributions and new members would be more easily absorbed into the Sub-Commission. In that connection, he wished to revert to a question about which his delegation had already expressed concern: the nomination of alternates. It should not be forgotten that the independence and special expertise of its members were the guarantee of the effectiveness of the Sub-Commission's role. Under an Economic and Social Council resolution, alternates had been nominated since the Commission's fortieth session at the same time as members of the Sub-Commission and were required to have the same qualifications. For those who were concerned to safeguard the specific character of the Sub-Commission - independence and



expertise of its members - it was disappointing to note that, perhaps for reasons of convenience, there was still a tendency to nominate as alternates Government officials who were accustomed to act in accordance with Government instructions rather than independently, thereby jeopardizing the independence of the Sub-Commission. He requested the members of the Sub-Commission and their alternates to consider whether his misgivings were well-founded.

38. Reverting to the recommendations in paragraph 6 of Sub-Commission resolution 1984/37, he endorsed subparagraph (c) which recommended that studies prepared under the auspices of the Sub-Commission should pass whenever possible through a three-year cycle, a procedure which made it possible to give rapporteurs specific guidelines and provided useful discipline. The legitimate concern had been expressed by some that the three-year cycle might not always be appropriate, but that appeared to have been taken into account by the words "whenever possible"; accordingly, the three-year cycle was not intended to be rigidly adhered to in all cases.

39. With regard to the recommendation in subparagraph (e), his delegation believed that the Sub-Commission would need enhanced support from the Centre for Human Rights if it was to deal adequately with its work programme, and it was ready to examine means to implement that proposal.

40. His delegation again expressed its satisfaction at the spirit of co-operation between the Commission and the Sub-Commission, and in particular the measures the latter had taken and the suggestions it had put forward to rationalize its work programme. The presence of the Chairman of the Sub-Commission at the current session of the Commission augured well for the future. His delegation hoped that the measures arising from such co-operation would make it possible in the not too distant future to improve the results of the work.

41. Mrs. KRAMARCZYK (German Democratic Republic) commended the Chairman of the Sub-Commission, Mr. Toševski, for his excellent work. Her delegation noted that the Sub-Commission's report on its thirty-seventh session (E/CN.4/1985/3) raised several important issues on which her delegation would explain its position in greater detail when the Commission voted on the draft resolutions submitted to it by the Sub-Commission.

42. Every year, the Commission was called on to assess the results of the Sub-Commission's work, which the German Democratic Republic followed closely as an expression of its concern for human rights and its high esteem for the many positive results the Sub-Commission had achieved. The task of the Sub-Commission was to prepare studies and make recommendations to the Commission. Those studies enabled specific problems to be assessed and solutions to be found for them. A case in point was the updated report by Mr. Khalifa 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.2/1984/8 and Add.1 and 2), which included a list of some 4,000 companies, banks and transnational corporations of imperialist States which were collaborating with South Africa. Her delegation accordingly supported Sub-Commission resolution 1984/4, in particular operative paragraph 2.

43. That was also true of the study on the problem of discrimination against indigenous populations prepared by Mr. Martinez Cobo (E/CN.4/Sub.2/1983/21/Add.8), which dealt with problems affecting a large part of mankind which had only recently been able to make its voice heard in the international arena. It would be valuable if, on the basis of that study, effective measures could be agreed upon to protect indigenous populations from all forms of discrimination and to safeguard their identity.

44. However, not all of the 17 studies under preparation or proposed were equally significant. Reducing their number would certainly enable the Sub-Commission to act more effectively, since it obviously did not have sufficient time to analyse them in detail. Furthermore, the studies represented the views of only a few experts; they were not the outcome of joint efforts or common inspiration and it appeared that many useful suggestions were lost in the mass of detail. That comment applied for example to the study on the impact on human rights of the policies and practices of the major international financial institutions, especially the International Monetary Fund and the World Bank, preparation of which the Sub-Commission had proposed (see Sub-Commission resolution 1983/35). Her delegation noted with regret that in its resolution 1984/37, the Sub-Commission had failed to take account of that crucial aspect of the effectiveness of its work.

45. It was to be noted that the Sub-Commission had not always fulfilled the assignments entrusted to it by the Commission, including those which were of paramount importance for the realization of human rights in all countries. For example, the Sub-Commission had not yet responded to resolution 1982/7, in which the Commission had requested it to prepare a study on the adverse consequences of the arms race, in particular the nuclear arms race in all its forms, for the realization of economic, social, cultural as well as civil and political rights, for the establishment of the new international economic order and above all for the right to life, and to submit that study to the fortieth session of the Commission. Another example might be quoted: at its 1982 session, the Commission had requested the Sub-Commission to prepare a study on the use of the achievements of scientific and technological progress to ensure the right to work and development, and had reconfirmed that request in its resolutions 1983/42 and 1984/29. Since the resolutions adopted by the Commission were binding on the Sub-Commission, its subsidiary organ, her delegation would like to know on what criteria the Sub-Commission accepted or refused particular mandates. There was a marked discrepancy in content between the subject of the study proposed in Commission resolutions 1983/42 and 1984/29, which affected many millions of people suffering from unemployment or underdevelopment, and the study on the implication for human rights of recent advances in computer and microcomputer technology, proposed by the Sub-Commission in its resolution 1984/18. What mattered most for her delegation was not whether the latter study was necessary - although that was debatable - but the question of priorities.

46. Her delegation was surprised to note that, in spite of positive results, the Sub-Commission was deviating from its mandate, severing its ties with the Commission, resorting to selective working methods and endeavouring to set itself up as an independent body virtually equal to the intergovernmental bodies concerned with human rights. No discussion could be fruitful if the experts endeavoured to misuse their membership of the Sub-Commission to maintain a cold war atmosphere thus precluding the Sub-Commission from giving the Commission well-founded advice. On the other hand, her delegation noted with satisfaction that most of the members of the Sub-Commission were fully aware of their responsibilities and rejected such misuse of the body. It was usual for United Nations organs to adopt their own rules of procedure, but it was doubtful, to say the least, whether the practice of addressing supplementary questions to observers of States who spoke in exercise of their right of reply was within the competence of the Sub-Commission. That was a method which came very close to the practice of cross-examination and bore no relation to the Sub-Commission's mandate, which was to give technical advice to the Commission.

47. The willingness of States to co-operate constructively with the Sub-Commission depended on its willingness to adhere to the principles laid down in its mandate: co-operation could not be a one-way matter.

48. Mr. KONATE (Senegal) commended the remarkable work done by the members of the Sub-Commission. He welcomed the presence in the Commission of the Sub-Commission's Chairman, whose experience was facilitating greater collaboration and more effective co-operation between the Commission and its subsidiary body. For that reason, his delegation had endorsed decision 1984/115 by which the Commission had decided to invite the Sub-Commission to be represented by its Chairman or another member it might designate when its report was considered by the Commission. The same procedure should be extended to all the Sub-Commission's working groups.

49. The Sub-Commission's report (E/CN.4/1985/3) was a considerable work, both qualitatively and quantitatively. A great deal of time was required to give it the necessary close consideration, and if the Commission itself could not devote more meetings to it the possibility should be considered of setting up a sessional working group to examine the report in detail and submit recommendations to the plenary meetings of the Commission.

50. The Sub-Commission was reviewing its mandate, its role and its relations with the Commission, as well as ways of rationalizing its procedures and working methods. The Commission should assist its subsidiary body to discharge the tasks entrusted to it as effectively as possible. In that spirit, the Sub-Commission had submitted its report and the recommendations of its working group contained in resolution 1984/37, together with its work programme for 1985-1989 (see E/CN.4/1985/3, page 18 and annex IV), to the Commission. If the Commission approved the draft programme, it must assist the Sub-Commission to follow it more closely and accordingly to make a judicious selection of topics for study.

51. With regard to the terms of office of the experts, he said the proposal to elect them for a period of four years could be justified if it would enable them to complete the studies entrusted to them within the period set in the work programme and allow the Commission to take a decision on the conclusions and recommendations of the Special Rapporteurs. However, the proposal seemed anomalous and even in conflict with the proposal appearing in paragraph 6 (c) of Sub-Commission resolution 1984/37 on the duration of studies. If half the experts were elected every two years, it was difficult to see how the expert whose term expired at the end of that period could complete the study entrusted to him. The effect of the proposal would actually be to establish "de facto consultants", a practice that the Commission should avoid by using existing expertise as a way of effecting economies. Experience showed that experts who had ceased to be members of the Sub-Commission continued over long periods to act as special rapporteurs for a study and were often slow in submitting their final report.

52. His delegation saw no real reason why the Sub-Commission should not, as it proposed, be called the "Sub-Commission of Experts of the Commission on Human Rights". That designation was not imperative, but it would have the advantage of showing that the Sub-Commission was no longer confined to its original task, the prevention of discrimination and protection of minorities, but that it concerned itself with other aspects, if not all aspects, of human rights, in accordance with the instructions and wishes of the Commission. The new title, if the Commission agreed to it, would stress the expert character and the importance of the work entrusted to its subsidiary body.

53. His delegation expressed the hope that in future greater account would be taken in the Sub-Commission's work programme of the priority and urgency of certain issues which called not only for action by the Commission but also for immediate and specific action in order to assist the victims of human rights violations who could neither wait for nor understand the long procedure of studies.
54. The Sub-Commission justifiably proposed that the Centre for Human Rights should be strengthened, but did not specify the means of achieving that end. His delegation considered that the best method would be to make maximum and more effective use of the existing expertise within the secretariat.
55. The most important point was that the Sub-Commission, as his delegation had constantly reiterated, should avoid becoming drawn into political discussions. That would enable it to make progress in its consideration of certain issues. In that connection, his delegation could only note with regret the similarity of positions and the results of votes on resolutions in the Commission and in the Sub-Commission, which clearly revealed a certain alignment.
56. In any case, the Commission should in future establish clear guidelines for the Sub-Commission to follow in order to complete its studies successfully, taking due account of the mandate set out in Commission resolutions 8 (XXIII) and 17 (XXXVII) and Economic and Social Council resolution 1235 (XLII) and 1503 (XLVIII). In giving its instructions, the Commission must of course always take pains to indicate clearly the objective it proposed to achieve and to avoid raising questions with political implications, thus sparing experts the need to undertake difficult exercises of interpretation which were not always in keeping with their mandate and their independent, impartial and objective status.
57. The Sub-Commission had undertaken the preparation of various studies (E/CN.4/1985/3, annex IV) of which he would mention only two. The first was the study on the right to adequate food as a human right, to which Senegal attached great importance in view not only of the difficult economic situation which developing countries in general were experiencing but also of the tragedy through which Africa was currently passing, which called for an urgent solution and a sympathetic reaction on the part of the international community. His delegation wished to give every encouragement to the Special Rapporteur; it hoped that he would take account of the food situation in Africa and indicate the best ways open to that continent of guaranteeing adequate food for its peoples and giving them a better guarantee of the right to life, which remained the basic human right.
58. The other study concerned the set of draft principles on the rights and responsibilities of individuals, groups and organs of society to promote and protect human rights and fundamental freedoms. His delegation had carefully analysed the preliminary conclusions on that draft. It hoped that in her final conclusions, the Special Rapporteur would take account of the experience gained in various countries and the initiatives taken at the regional level to define more accurately the duties of individuals, in particular the African Charter on Human and Peoples' Rights, which contained a specific approach to the rights and duties of Africans with regard to the community, the State and the family.

59. His delegation considered that the studies should not be conducted in a vacuum, but should take account of the experience and real situation of all countries, their socio-economic systems and their legal traditions. For that reason, he proposed that Governments should be closely associated with the stage of preparing studies and that they should make comments on all the preliminary reports. That would help special rapporteurs to submit to the Commission recommendations likely to attract the widest possible consensus.

60. Mrs. OGATA (Japan) said that her delegation had studied with care the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the work of its thirty-seventh session (E/CN.4/1985/3). It had noted that several new studies were proposed and looked forward with interest to the results.

61. Her delegation nevertheless noted with regret that the discussions in the Sub-Commission at its most recent session had been rather general and that they had not always been very fruitful. That situation might perhaps be explained by delays in the distribution of documents, too little time being allocated for each item, the inexperience of some new members, etc. Accordingly, her delegation wished to put forward a few proposals aimed at helping the Sub-Commission to overcome the difficulties it was experiencing.

62. Firstly, with regard to documentation, every effort should be made to ensure that the reports of the Special Rapporteurs were issued at least one month before the opening of the Sub-Commission's session. Secondly, with regard to making full use of the available time, she pointed out that the meetings of the Sub-Commission always started 30 minutes and sometimes even an hour late. Such delays not only meant a loss of time but also a loss of money. That comment applied also to the Commission.

63. The third and most important point concerned the rationalization of the Sub-Commission's work. It was true that the Sub-Commission was required to consider a wide range of human rights issues: 17 items - 30 if subitems were included - had to be discussed in 20 days, without taking account of the fact that some of the time was devoted to meetings of the sessional working groups. The Sub-Commission should endeavour to establish an order of priority, to reduce the number of agenda items and to explore the possibility of considering certain items every two years in order to make a more thorough examination possible. Furthermore, the Commission itself should be circumspect in giving new mandates to the Sub-Commission or approving new studies. In that connection, her delegation referred to the report of the Working Group on the Review of the Work of the Sub-Commission (E/CN.4/Sub.2/1984/3).

64. Nevertheless, her delegation noted with satisfaction Sub-Commission resolution 1984/37 (E/CN.4/1985/3, page 18) which contained a number of important proposals to rationalize the work of that body. It was ready to support some of the recommendations in operative paragraph 6 of the resolution, for example the recommendation that the expert members of the Sub-Commission should be elected for a term of four years, with half the members elected every two years. On the other hand, it was not prepared to endorse some other recommendations, for example the request for 10 additional meetings per session in order to enable sessional working groups to meet concurrently; her delegation considered that an effort should first be made to rationalize the Sub-Commission's work.

65. Her delegation appealed to the Sub-Commission to establish an order of priorities for its publications programme. The Sub-Commission frequently asked the Commission to recommend the Economic and Social Council to authorize the Secretary-General to arrange for the printing of reports written by Special Rapporteurs. At its most recent session, the Sub-Commission had made such a request in respect of a study on the problem of discrimination against indigenous populations (Sub-Commission resolution 1984/35) and the previous year requests had been made in respect of four reports. Her delegation realized that many such reports had to be circulated widely in order to ensure the protection and promotion of human rights throughout the world, but it was also aware that their publication in six languages had considerable financial implications. It therefore invited the Sub-Commission to establish an annual publications programme. The distribution of reports was also a very important question. At the previous session of the Commission, her delegation, while voting in favour of the Sub-Commission's request for publication, had nevertheless asked to which organizations and institutes the published reports were sent and if there was any way of finding out if they were read. That question was still valid and her delegation earnestly requested the Centre for Human Rights to make a survey of the distribution and use of the Sub-Commission's reports.

66. Turning to the question of the relationship between the Commission and the Sub-Commission she again stressed that the latter, which was composed of independent experts, and the Commission, which was an intergovernmental organ, each had their role to play and that those roles were complementary. The two bodies should support each other in carrying out their task which was in both cases to promote and protect human rights. In that connection, her delegation wondered whether the existing procedures were adequate to enable them to keep each other informed of their respective work. Although the Commission examined the Sub-Commission's report, which recorded its work and its requests, and could take decisions accordingly, the converse did not hold for the Sub-Commission, since the Commission's report was addressed to the Economic and Social Council. It was true that the Sub-Commission, like the Commission, had an annotated agenda from which it could acquaint itself with the existing documentation, but in her delegation's view that procedure was not necessarily conducive to good working relations. Accordingly, her delegation proposed that the Centre for Human Rights should provide the Sub-Commission with an information paper containing the text of Commission resolutions and a summary of the discussions of the Commission which were relevant to its work.

67. Lastly, with regard to the role of alternates, her delegation recalled that the previous year the Commission had elected not only the members of the Sub-Commission but also their alternates. It welcomed the participation of the alternates as proof of their interest in the work of the Sub-Commission, but it should be noted that the election of alternates was designed to compensate for the prolonged absence of a sitting member. Alternates should therefore take that principle fully into account when participating in the work of the Sub-Commission.

68. Her delegation remained convinced that the Sub-Commission had a unique and vital role to play in the protection and promotion of human rights. It looked forward to continued close and fruitful co-operation with the Sub-Commission. It reserved the right to comment later on the draft resolutions submitted by the Sub-Commission.

69. Mr. SLESZYNSKI (Christian Democratic International) said that his organization wished to draw the Commission's attention to the situation of the indigenous populations - Miskitos, Sumos and Ramas - who lived on the Atlantic coast of Nicaragua.

70. In the early months of 1982, on the pretext of protecting the northern frontier and hindering the activities of armed groups, the Sandinista Government had suddenly forced some 30,000 Miskitos, Sumos and Ramas living on the banks of the river Coco, which marked the frontier between Nicaragua and Honduras, to leave their homes. During that operation, unprecedented in the history of Nicaragua, 46 towns and villages had been razed and 56 chapels and places of worship burnt down. About 15,000 Indians had been resettled, against their will, in camps under military supervision, which the Sandinistas had ironically called Tasba-Pri, meaning "free land" in the Indian language.

71. Violations of the rights of the Miskitos, Sumos and Ramas were continuing. The Nicaraguan Permanent Commission on Human Rights knew of 69 cases of disappearances of Miskitos, who had been arrested by identified authorities and whose families were asking the authorities to state their whereabouts. Entire communities had been transferred from the Atlantic coast to settlements subject to military supervision or supervised by organizations supporting the Sandinista Front. The Indians of Nicaragua were being repressed and persecuted by a Government which did not even respect the right to life and which allowed torture and other inhuman treatment to be inflicted on prisoners and other defenceless persons.

72. According to conservative estimates from reliable sources, about 2,000 prisoners had died in the jails of the Sandinista régime between the end of July 1979 and March 1980. That situation persisted, although perhaps its forms might have changed: prisoners were executed while allegedly attempting to escape; on numerous occasions it had been proved that the official list of persons killed in armed confrontations - real or imaginary - included the names of individuals who, according to the Nicaraguan Permanent Commission on Human Rights had been arrested in front of witnesses in urban areas far from the theatre of military operations.

73. The Nicaraguan Permanent Commission on Human Rights had submitted to the Working Group on Enforced or Involuntary Disappearances over a hundred cases of prisoners reported missing. But that figure represented only part of the real total. Of the various cases reported to the Permanent Commission in 1979, 170 were still unsolved; in 1980, 355 cases had been reported of which 30 remained unsolved; between 1981 and 1983, 43 persons had been reported missing. In all, 342 cases of prisoners who had disappeared had been reported.

74. Prisoners, and their families, were frequently the victims of ill-treatment which affected their physical and mental integrity, but there was also evidence of other kinds of torture. For example, the peasants and Indians who had sought refuge in Honduras included persons whose wrist and heel tendons had been severed or who had had salt and pepper rubbed in their eyes during interrogations. In March 1984, international public opinion had been moved by the case of Prudencio Baltodano, a farmer and preacher of the Asambleas de Dios, whose ears had been cut off by Sandinista soldiers and who had been left bleeding in the mountains.

75. Physical torture was more frequent in the interior. The Nicaraguan Permanent Commission on Human Rights knew of cases of prisoners who had been severely beaten and of peasants forced to walk long distances with their hands tied behind their backs and obliged to take part in fake executions. There were also credible testimonies about women being raped in prisons and the collective raping of Indian women and girls every time an Indian village was taken by the army.

76. The elections organized on 4 November 1984 by the Nicaraguan Government to give itself democratic legitimacy had not been conducted in accordance with the provisions of the International Covenant on Civil and Political Rights. The democratic parties had been subjected to constant attacks, encouraged by the Government, and Arturo Cruz, the presidential candidate selected by Coordinadora Democrática, the main opposition party, had been forced to withdraw. There had been no freedom of information and the only independent newspaper had not been authorized to publish information and commentaries. The Independent Liberal Party had been forced to participate in the election, which its leaders had nevertheless considered to be undemocratic, and Sandinista agents had interrupted the General Assembly of the Democratic Conservative Party. The results had been completely distorted by lowering the legal voting age. Lastly, the contradictory results of the elections showed that there had been manipulation in favour of the Sandinistas.

77. The CHAIRMAN, speaking as the representative of Bangladesh, said he did not understand why the observer for the Christian Democratic International was talking about the situation in Nicaragua, which was not mentioned in the report of the Sub-Commission, the agenda item currently under consideration.

78. Mrs. CASCO (Observer for Nicaragua) asked that the observer for the Christian Democratic International should not be allowed to continue his statement, since he was speaking in an offensive manner about all Nicaraguans and not only about Indians.

79. The CHAIRMAN asked the observer for the Christian Democratic International to take account of those comments.

80. Mr. SLESZYNSKI (Christian Democratic International) said that only a democratic Government which respected international human rights instruments could ensure respect for the rights and fundamental liberties of the indigenous populations of Nicaragua and the many peasants who had had to take refuge in Honduras and Costa Rica to escape State repression. The Christian Democratic International therefore proposed that the Commission should appoint a special rapporteur to investigate the inhuman persecution of Indians in Nicaragua.

81. Mr. BARSH (For Directions Council) said that his organization endorsed draft resolution VIII recommended by the Sub-Commission for adoption by the Commission (see E/CN.4/1985/3, pages 7 and 107). The resolution opened the way for the development of a declaration on the rights of indigenous peoples, which had been the goal of all indigenous organizations since 1977. Apart from ILO Convention No. 107, which was generally admitted to be inadequate, there were no instruments relating specifically to indigenous populations, which were not minorities but rather distinct communities endowed with special collective rights. Those rights had never been defined. Furthermore, many indigenous populations were subjected to gross violations of human rights, including genocide, ethnocide and forced displacement. Poverty, frequent illness and unemployment and a short life expectancy, even in countries that had already taken steps to combat racism and regional under-development, affected indigenous populations more harshly than many others. Although, according to World Bank estimates, they constituted nearly one-tenth of the world population, they were generally a numerical minority in the States in which they lived and were often to be found in strategically sensitive or under-developed areas. The experience of two world wars, had however shown how dangerous it was to ignore the legitimate aspirations of organized communities, whether they were colonized peoples or national minorities. It was to be hoped that a more far-sighted approach would be taken in the case of indigenous populations.



82. The States that had recently taken measures to protect the land of indigenous populations, to give them a measure of self-government and to encourage the survival of their language and culture had often been criticized by other countries, by their own non-indigenous citizens and by the indigenous populations themselves. It was important for all States to take joint steps to protect indigenous communities, taking due account of their contemporary practices and in consultation with their leaders, in order to translate into legal standards the aspirations which had been clearly identified in the study by Mr. Martinez Cobo and the first three reports of the Sub-Commission's Working Group on Indigenous Populations. Sub-Commission resolution VIII, which he had already mentioned, bore witness to constructive co-operation within the Working Group between States and indigenous organizations and showed that both parties wished to have the authority and necessary resources to begin the work of drafting a declaration on indigenous rights. That work, which would certainly take several years, would be made possible by widespread distribution of Mr. Martinez Cobo's study and the establishment of a United Nations Voluntary Fund for Indigenous Populations.

83. Such a declaration, which might usefully be based on the draft adopted by the World Council of Indigenous Peoples in September 1984, should embody four basic principles drawn from the Convention on the Prevention and Punishment of the Crime of Genocide, the International Covenant on Civil and Political Rights, ILO Convention No. 107, the UNESCO Declaration of Principles of International Cultural Co-operation, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief: the elimination of genocide, in other words the right to life; the elimination of ethnocide, in other words the right to have, teach and develop indigenous languages and cultures; protection of indigenous lands and recognition of indigenous land-tenure systems; and recognition of indigenous autonomy and the right of indigenous communities to associate themselves with States by democratic means of their own choosing. On the basis of those four principles, it should be possible to satisfy the legitimate aspirations of indigenous peoples within the existing framework of international law. All States must endeavour to translate those principles into a universal declaration.

84. Mrs. SCHREIBER (International Abolitionist Federation) recalled that the Working Group on Slavery had submitted to the Sub-Commission at its most recent session recommendations which the latter had approved in their entirety in its resolution 1983/33.

85. Non-governmental organizations, including the Federation, had emphasized that despite many international instruments condemning slavery, it continued to exist in more subtle but no less inhuman forms; there had even been a recrudescence in industrialized countries owing to poverty, relaxation of moral values and the desire of certain groups to profit from human misery. While slavery proper continued to exist, and while its consequences were difficult to eliminate in countries which had abolished slavery, like Mauritania, a particularly shameful form of slavery was currently developing. It affected children who were exploited in the labour market for the purposes of prostitution or pornography, treated like merchandise and handed over to the exploiter or the procurer, sometimes even by their own parents. The problem had been deemed sufficiently serious for the suggestion to have been made that it should be included in the Sub-Commission's agenda as a separate item.

86. In his report on the exploitation of child labour, Mr. Boudhiba had described in detail the case of millions of children throughout the world and the consequences of such exploitation on their health. There was an average difference in height of 4 cm between girls who had worked before the age of 14 and those who had started work after the age of 18. To the often irreversible effects of anaemia, malnutrition and over-exertion could be added those of deplorable hygienic conditions. The child's psychological balance was also upset by premature work endured as an affliction.

87. The prostitution of children and their use for pornographic purposes was also assuming disturbing proportions. The child was often sold or kidnapped and forced to participate in photographic sessions or in pornographic films. There were cases in which the child was murdered or committed suicide. Such cases did not occur only in Asia and South America and an article on child prostitution in Europe, published in a French magazine, started thus: "She was a little girl with blonde hair and green eyes. She could not yet tie up her own shoes. She liked dancing, puzzles and milk chocolate ... She died from an overdose of cocaine the day the new term began. She was six years old ...". Violence against women and children was doubly monstrous in countries where racial discrimination prevailed since it added to the suffering caused by being uprooted and by intolerable living conditions.

88. It was worth emphasizing the facts since they concerned the mainsprings of contemporary society. For that reason, the International Abolitionist Federation had made a suggestion at the last session of the Working Group on Slavery, which the Group had accepted, that 2 December (in 1984 that date had been the thirty-fifth anniversary of the Convention on the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others) should be proclaimed "World Day for the Abolition of Slavery in all its Forms". As the Assistant Secretary-General for Human Rights had stressed, 1985 offered various occasions to commemorate the fortieth anniversary of the United Nations. It seemed timely to add tangible proof of the fight against slavery and thus illustrate the theme of the year, "the United Nations for a better world", in a more striking fashion.

89. Mr. CARRIER (Observer for Canada) said that the study by Mr. Martinez Cobo on the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1983/21 and Add.1-8) was an important document which, together with the comments of Governments and intergovernmental and non-governmental international organizations, would help to guide the activities of the Sub-Commission's Working Group on Indigenous Populations, particularly with regard to standards applicable to the rights of such populations. The Special Rapporteur himself had stressed the scope of the question when he had stated that although his study covered 37 countries, a large number of countries in which autonomous populations were currently living had not been included owing to lack of information. The Working Group had already tackled the complex question of definition. In order to promote rights, it was important to define the beneficiaries carefully. The report listed the specific fields in which particular protection was necessary (health, housing, education, language, culture, religion, etc.) and described in outline the fundamental relationship between autonomous populations and the land, as well as ways of ensuring the protection and promotion of their rights.

90. In the section on basic policy, the Special Rapporteur noted that certain national constitutions included specific provisions relating to autonomous populations. Since Canada regarded that issue as a basic problem, it had started a process of constitutional revision in 1982 with the representatives of the indigenous populations;

that process was being actively pursued in order to ensure the identification and definition of indigenous rights, to be incorporated in the Canadian Constitution. The Constitution already provided that ancestral or treaty rights were recognized or confirmed and that they applied equally to indigenous men and women. Furthermore, rights arising under agreements concerning territorial claims or those which might be acquired in that way enjoyed the same constitutional protection. Lastly, the Canadian Constitution stated that Canadian Governments were committed to convening a constitutional conference in which indigenous populations would participate before undertaking any constitutional changes affecting indigenous rights. The Canadian Government would continue to share the fruits of its experience on the subject with the Working Group and would study with interest the conclusions and recommendations of the Special Rapporteur.

91. With the aid of the study by Mr. Martinez Cobo and the suggestions of governmental and non-governmental observers, the Working Group should be able, at its next session, to analyse the problem systematically and focus discussion on a thorough study of the subjects singled out by the Special Rapporteur so that it could submit specific recommendations to the Sub-Commission. His delegation noted with interest that the Sub-Commission had invited the Working Group to consider preparing analytical papers with a view to their subsequent distribution to interested observers.

92. Canada was aware from experience of the diversity of indigenous populations, on which the Special Rapporteur had laid emphasis. For that reason, it was important that the standards proposed by the Working Group should be sufficiently comprehensive to meet that diversity of situations and requirements. It now remained for the Working Group to clarify certain concepts and basic principles and subsequently to consider the timeliness of recommending standards to supplement the existing international instruments.

93. Mr. CHARTIER (World Council of Indigenous Peoples) noted with satisfaction that the United Nations had at last taken an interest in the aspirations of autonomous populations, whose rights had not received the necessary attention except in certain specialized agencies such as the International Labour Organisation. Although the final version of the study by Mr. Martinez Cobo surpassed anything which had been done hitherto in the field, that could be largely attributed to the contribution made by the indigenous peoples themselves through non-governmental organizations. Mention must also be made of the important part played by the Secretariat staff who had worked with dedication in preparing the study.

94. The World Council of Indigenous Peoples endorsed the work undertaken by the Sub-Commission, particularly through its Working Group on Indigenous Populations, which should be supported by the Commission, the Economic and Social Council and the General Assembly. In that connection, it was disturbing that some members of the Commission were lobbying for the demise of the Sub-Commission. Indigenous peoples were placing their hopes on the Working Group on Indigenous Populations and they hoped that their past sacrifices would finally result in the recognition of their rights. On the basis of the study by Mr. Martinez Cobo, the Working Group could immediately set about the task of drafting a declaration on the rights of indigenous populations, making use also of documents circulated by the indigenous populations themselves, including the Declaration of Principles of Indigenous Rights, adopted at the Fourth General Assembly of the World Council of Indigenous Peoples in 1984.

95. It was also important that the Commission should disseminate Mr. Martinez Cobo's study, particularly the conclusions and recommendations, as widely as possible. It was a good idea to set up a United Nations voluntary fund for indigenous populations, with at least one representative of a widely recognized organization of indigenous peoples on the Board of Trustees. The World Council of Indigenous Peoples had also recommended in 1982 that the Working Group should meet in regions with a high density of indigenous people so that it could hear a greater variety of views. Although that proposal had not been accepted, it was encouraging that the Sub-Commission had authorized the Chairman of the Working Group to participate in the fourth General Assembly of the World Council of Indigenous Peoples, in Panama in September 1984. His organization hoped that the delegations of indigenous populations would be provided with the necessary services to meet not only during the sessions of the Working Group, as it had already requested in 1982, but also before the sessions.

96. The World Council of Indigenous Peoples noted with satisfaction that the United Nations was taking an increasing interest in the problem of the rights of indigenous populations, which was a possible source of friction. At its fourth General Assembly, the World Council had adopted a Declaration of Principles of Indigenous Rights which would form the basis for an International Covenant on the Rights of Indigenous Peoples, to be submitted to its fifth General Assembly, in 1987, for ratification. Meanwhile, the commission of the World Council of Indigenous Peoples which was working on the draft covenant would endeavour to learn the views of other non-governmental organizations concerned with indigenous populations and those of young people within the framework of the International Indigenous Youth Conference to be held in Canada in July during International Youth Year.

97. The United Nations, and in particular the Commission, must do everything within its power to assist indigenous populations in the struggle for their rights, primarily by giving full support to the Sub-Commission and its Working Group on Indigenous Populations.

The meeting rose at 6.05 p.m.