



PERMANENT MISSION OF  
INDIA  
TO THE UNITED NATIONS OFFICE  
GENEVA

STATEMENT BY MR. S.S. AHLUWALIA, MEMBER OF PARLIAMENT  
AND ALTERNATE LEADER OF THE INDIAN DELEGATION TO THE  
45TH SESSION OF THE HUMAN RIGHTS COMMISSION  
UNDER AGENDA ITEM 19.

GENEVA, FEBRUARY 24, 1989.

Mr. Chairman,

While speaking on Agenda Item 19, I would like to begin by saying that the report of the Sub-Commission on its 40th session provides a most valuable and important document for the work of the Commission. My delegation shares the view which has been expressed by several earlier delegations that the 40th session was characterised by constructive and cooperative atmosphere, and that we can look back favourably on the 40th session of the Sub-Commission, especially in comparison with previous sessions. My delegation feels that the 40th session of the Sub-Commission was fruitful and encouraging, and the credit for this to a great extent should go to the Chairman of the Sub-Commission, Mr. M.C. Bhandare, who guided its work with skilfulness, permitting the free exchange of views while at the same time reminding all concerned that the time-span available for the Sub-Commission session was limited. My delegation would like to place on record the fact that Mr. Bhandare gave to the 40th session a great sense of purpose, and to a large extent it was this factor which kept the session on its track. While paying this tribute to Mr. Bhandare, I would like to make it clear that I am not doing so because he is a dear friend of mine and colleague from the Upper House of the Indian Parliament but because his stewardship gave the Sub-Commission the opportunity to live up to its potential at the 40th session. Mr. Bhandare's dedication and zeal for the promotion of

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the cause of human rights are well-known both in India and abroad, and we are happy that he was able to make his Chairmanship of the Sub-Commission a resounding success.

The Sub-Commission's report is comprehensive and covers a wide panorama of human rights. However, we shall refrain from offering our specific comments on the various draft resolutions recommended for adoption by the Sub-Commission. Rather we shall confine ourselves to the question of the relationship between the Commission and the Sub-Commission. This question has been engaging the attention of both the bodies for quite some time, and a number of delegations have spoken on this aspect during our current session.

Mr. Chairman, at the very outset we would like to outline our position on the Sub-Commission. We consider that it has a unique nature and role within the human rights infrastructure of the United Nations. We feel that as an independent body of experts it should provide specialised inputs into the activities of the Commission and thereby into the UN system as a whole. Our view is that the Sub-Commission has by and large fulfilled our expectations and supplemented and complemented the standard setting and deliberative work of the Commission itself. Due to its independent nature and its broad mandate, the Sub-Commission has to fulfil a very special role, and it should serve as a think tank and expert body for the Commission. My delegation has noted over the years that interesting new ideas on a wide variety of human rights related issues

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germinate in the Sub-Commission. We are happy that the Sub-Commission transmits definite recommendations to the Commission both on thematic issues as well as specific human rights violations. By gathering information and by undertaking studies related to questions under consideration by the Commission, the Sub-Commission makes a contribution of great importance.

As we have said earlier, Mr. Chairman, the Sub-Commission's mandate is a broad one and we find that over the years it has been gradually enlarged by the Commission. My delegation would share the view expressed by some earlier delegations that care should be taken in order to ensure that the Sub-Commission does not stray into areas which are dealt with more properly elsewhere in the United Nations system. We feel that the Sub-Commission has a very specialised rather than generalised role in the sphere of human rights. Therefore, by spreading its attention thinly over a large number of issues, the Sub-Commission can expose itself to the danger of diluting its vital inputs. Having the unique combination of expertise and independence, the Sub-Commission is well poised to provide the special contribution that the Commission greatly values. Therefore, it may be necessary for the Sub-Commission to rationalise and even streamline its agenda. For this reason we share the view expressed earlier during this debate that the agenda of the Sub-Commission is rather overburdened. Such an over-burdened agenda can sometimes lead to a situation where some items are not discussed properly because of lack of time.

Another issue which my delegation would like to stress is the fact that the Sub-Commission should have an independent role. For this reason the fundamental structure of the Sub-Commission should be such that it is composed of independent experts. This aspect needs to be emphasised and taken into account in all areas of the Sub-Commission's work. The Sub-Commission could avoid being overly politicized and instead play its role as a body of experts and serve as a think tank for the Commission. We have noticed an increasing tendency for alternates, who are often government officials, to participate in the place of experts on a regular basis. This arrangement can be acceptable for short periods and in exceptional circumstances but it is not in keeping with the spirit of the Sub-Commission to have government officials nominated at random sitting in for experts for longer stretches. This naturally disturbs the fundamental structure of the Sub-Commission.

We would also like to say a few words on the Working Groups of the Sub-Commission. The Working Group on Communications has indeed done very useful work in focussing attention on certain situations which call for deeper review and consideration. My delegation attaches importance to the confidential procedure established under the ECOSOC Resolution 1503. This procedure should be continued. We also find that the work done by the Working Groups on Indigenous Populations and Slavery respectively are of considerable value. My delegation would like to

call upon those countries which have not signed the various Conventions relating to Slavery to do so. However, while we appreciate the immense contribution to the evolution of new standards which is being made by these Working Groups we would like them to devote attention towards checking the tendency which has been noticed in recent years, i.e. to bring in questions, problems and issues which do not strictly come within the respective areas of functioning of the concerned Working Groups.

In conclusion, Mr. Chairman, we would like to point out that the 40th session of the Sub-Commission demonstrated clearly that a lot of success can be achieved through dialogue, cooperation and a sense of purpose. That session made a remarkable contribution towards the promotion of human rights and fundamental freedoms under the auspices of the United Nations. We are confident that the Sub-Commission will review and adjust its functioning to emerging requirements, several of which have been amply highlighted during the current debate in the Commission.

I thank you, Mr. Chairman.