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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Thirty-sixth session

SUMMARY RECORD OF THE 26th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 1 September 1983, at 4 p.m.

Chairman:

Mrs. WARZAZI

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

REVIEW OF THE WORK OF THE SUB-COMMISSION (agenda item 3) (continued)
(E/CN.4/Sub.2/1983/L.5)

Draft resolution E/CN.4/Sub.2/1983/L.5 (continued)

1. Mr. JOINET said that it was logical to have a secret ballot in the case of a confidential procedure but, for public meetings, the vote should also be public.
2. Mr. SOFINSKY said that, speaking as a lawyer, he entirely agreed with Mr. Joinet. The most substantial argument that had been put forward by the sponsor of the draft resolution had been his touching concern to free him (Mr. Sofinsky) from the embarrassment of an open vote. Grateful though he was for such concern, he did not find the argument a convincing one.
3. Rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council established the voting procedure for the Sub-Commission. No United Nations body took decisions by secret ballot as a matter of course, and it was in fact becoming increasingly common to have a roll-call vote. The draft resolution before the Sub-Commission appeared to be an attempt to convert it into a secret masonic lodge. There could be no possible justification for such a procedure, and he urged the Sub-Commission to reject the proposal.
4. Mr. FOLI said that the proposal before the meeting concerned the very essence of the Sub-Commission's *raison d'être*. Although it was supposed to be an independent expert body, its members were in fact subject to all kinds of pressures, which meant that it was difficult for them to act in accordance with their consciences. An independent expert should be able, in the light of the arguments put forward, to change his mind at any time before a question was actually put to the vote. Currently, however, people were attempting to influence members to announce their positions some days before a vote, to the obvious detriment of human rights.
5. He fully supported the proposal, not out of fear of his own Government, but out of fear of misunderstandings by other Governments. The proposal would protect members from pressure exerted by States and he strongly supported it.
6. Mr. EIDE said that, when debating items in the Sub-Commission, he sometimes felt like a gladiator in a Roman circus, exposed to the gaze of a vast public. When the Economic and Social Council had established the Sub-Commission in 1947, what it had wanted was an expert group, not yet another political body, and that was how things had been, at least in principle, to date. It was thus the duty of the Sub-Commission to carry out that role and, when it was dealing with matters as an expert body, it was quite inappropriate to have roll-call votes. He endorsed Mr. Foli's comments and believed that the proposal in the draft resolution could make an important contribution to the Sub-Commission's work, a proposal which should have been adopted a long time previously.
7. Mr. PIRZADA said that he had to oppose the draft resolution in question. There were several points that arose from Mr. Whitaker's introduction. In the first place, it appeared that the draft resolution was inspired by concern for the independence of the Sub-Commission and its members. Since the Sub-Commission consisted of

independent experts, he fully expected them to act independently. He was unaware of any cases, in spite of the pressures exerted by the presence of observers, in which experts had voted other than in accordance with their consciences.

8. Secondly, Mr. Whitaker had suggested that, while he himself was immune to pressure, others might not be so. For his own part, he (Mr. Pirzada) had never worried about pressure from his Government and, on one occasion when the Government had placed an embargo on his leaving the country to attend a Sub-Commission session, he had even gone to court to enforce his rights. If the proposed procedure was introduced it would, in his view, impair the independence of the Sub-Commission rather than promote it.

9. Mr. YIMER said that he was unable to support the draft resolution. He had complete faith in the ability of the experts to act independently and did not believe that a secret ballot would exonerate them from pressure. Indeed, it might lay them open to the possibility of being suborned. The existing procedure of an open vote was distinctly preferable and no serious problems had arisen which could warrant such a request to the Commission on Human Rights.

10. Mr. KHALIFA said he categorically rejected the proposal. Experts were supposed to have the courage and integrity to speak and vote as they thought best, without resorting to the device of a secret ballot.

11. Mr. TOSEVSKI said that, in principle, he agreed with Mr. Khalifa. The Sub-Commission's work was too complicated to be solved by the introduction of secret balloting. It appeared that the Sub-Commission was becoming a mini-Commission on Human Rights, rather than an expert body, and it must change its methods of work if it was to retain its expert character. More specifically, it should make greater efforts to achieve consensus, so that fewer matters would have to be put to the vote.

12. Mr. JOINET said, with reference to his earlier statement in which he had advocated a public vote in public meetings, that a vote was an important decision, an expression of conviction, and an explanation of vote was even more important. A secret ballot would make it possible to express one view in the meeting and to vote in the opposite way. He could accept secret ballots in connection with a confidential procedure, but not in public meetings.

13. Mr. FOLI said that the draft resolution did not mean that every decision would necessarily be taken by secret ballot. Everyone was aware that the Sub-Commission was becoming increasingly politicized, a regrettable development that must be resisted by its members. Draft resolutions which, when adopted, became resolutions of the Sub-Commission, and were thus an amalgam of the Sub-Commission's views, should not bear the names of their sponsors. In view of the way in which members of the Sub-Commission were elected, it could hardly be said that they were entirely free from government pressure, from which they could be protected by a secret ballot. If, with a secret ballot, a member did not vote according to his conscience, then he was beyond redemption.

14. Mr. SOFINSKY said that the comments he had heard had confirmed that his view was the correct one. Mr. Toševski had put forward some convincing arguments against the proposal and had drawn the conclusion that, since the Sub-Commission was

discussing extremely sensitive questions which concerned the human rights of many people, it should try to base its decisions on a consensus. A secret ballot would not help in that direction. A secret ballot could be of interest only to people ashamed of their positions; truly independent experts had nothing to conceal and would try to convince others of the justice of their views.

15. Mr. MASUD said that the draft resolution before the Sub-Commission was of great importance. The members of the Sub-Commission were appointed in their capacity of experts, and were rightly proud of the fact, but experience over the past two years had made it increasingly clear that, in the case of certain resolutions, members were ceasing to be independent. The pressures to which they were subjected were exerted not merely by Governments but by other members of the Sub-Commission.

16. Moreover, there might be some foundation for the doubts cast on the independence of individual members in view of the way in which they were nominated and the fact that their tenure of office was only three years. In a country dominated by a military Government, an expert would be re-elected if he always supported his Government's policy, while, in a democratic country when the Government changed, the administration also changed. Hence, if an expert's term of office were five years' long, it might be easier for him to support a draft resolution.

17. In the case of a secret ballot, there was always a possibility of misunderstanding and people might be accused or suspected of having voted in a way different from what they had actually done. Such misunderstandings and ambiguities might occur among diplomats, but there was no place for them in the Sub-Commission. Secret balloting would endanger the friendly relationship that existed among the experts and lay them open to attempts at subornation.

18. It was sometimes difficult for an expert to decide whether he should vote for or against a resolution dealing with a controversial subject like Iran or Afghanistan but, in the case of a public vote, there was at least no possibility of his being misrepresented. For all those reasons, he was opposed to the draft resolution.

19. Mr. WHITAKER, answering the comments which had been made, drew attention in the first place to the brevity of the draft resolution, which constituted a great saving of expense for the United Nations, and suggested that such conciseness might usefully be emulated in the future.

20. Mr. Sofinsky had argued against a change in procedure, saying that secret ballots were not normally used. He would remind him, by reference to conditions in Russia under the Tsars, that not all change was bad. He further pointed out that the system of secret ballot was the foundation of democracy, in Mr. Masud's country as in many others. Some members might be fortunate in their current Governments, but they might not be so lucky when the Government changed.

21. Several members, whom he would not embarrass by naming, had told him privately that, although they supported the draft resolution, they could not vote for it. Some of his colleagues were becoming very tired of the pressures to which they were subjected and he thought that the introduction of a secret ballot would be of assistance to them. The point raised by Mr. Joinet was in fact covered by the draft resolution; a secret ballot would not be automatic but would take place only when so decided by the Sub-Commission.

22. Draft resolution E/CN.4/Sub.2/1983/L.5 was rejected by 10 votes to 8 with 3 abstentions.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued) (E/CN.4/Sub.2/1983/L.14 and L.38)

Draft resolution E/CN.4/Sub.2/1983/L.14

23. Mrs. ODIO BENITO said that the sponsors of the draft resolution in question had tried to bring together the recommendations and comments made by members of the Sub-Commission regarding possible terms of reference for the mandate of a High Commissioner for Human Rights and to live up to the underlying spirit of Commission resolution 1983/49. The text of the draft resolution was confined entirely to what the Sub-Commission had been invited to do and was an effort to find a solution to serious problems.
24. Mr. EIDE said that, under operative subparagraph 1(a) of the draft resolution recommended to the Economic and Social Council, the High Commissioner would be subordinated to specific mandates and tasks assigned by the political bodies of the United Nations, where Governments were in control. The rest of the draft resolution consisted of specifications stemming from that provision. As it stood, the draft resolution was an effort to comply with the request by the Commission, and he hoped that the members of the Sub-Commission would concentrate on improving the terms of reference, so that a text could be submitted to the Commission which reflected extensive discussion.
25. Mr. MAHDI said he had a number of amendments to propose to the draft resolution.
26. A fourth preambular paragraph should be added to read: "Stressing once again the need to have consensus on all important decisions concerning the organization and operation of the United Nations system for the promotion and protection of human rights,". The following portion of the resolution, from "Recommends to the Commission on Human Rights" to "The Economic and Social Council" would be deleted.
27. Operative paragraph 1 would be amended to read: "Suggests that the United Nations High Commissioner for Human Rights, if this post is established, may have the following functions and responsibilities:".
28. In operative subparagraph 1(c), the word "disputes" in the eleventh line would be replaced by the word "situations".
29. In operative subparagraph 1(g), the words "consider also as areas of special concern and attention" would be replaced by the words "accord priority to".
30. After operative subparagraph 1(g), a new subparagraph 1(h) would be added to read: "To consider as situations of special concern those resulting from aggression and threats against national sovereignty and also from the denial of the fundamental and inalienable rights of peoples to self-determination and from the refusal to recognize the right of every nation to the exercise of full sovereignty over its wealth and resources."
31. In operative paragraph 5, the words "nominated by the Secretary-General and" would be deleted. In the same paragraph, the last sentence would end with the word "terms". The rest of that sentence should be deleted, and a new sentence would be added which would read: "The post of the High Commissioner will be based on the principle of regional rotation to ensure that every region gets the post of High Commissioner by rotation."

32. A new paragraph would be inserted after operative paragraph 3 to read:
"Also decides that the work now being assigned to special rapporteurs appointed to study human rights situations and to prepare studies connected with violations of human rights would be taken over by the Office of the High Commissioner for Human Rights, when established."

33. Since, in international documents, the words "him" and "his" were used rather than "him or her" and "his or her", the draft resolution should conform to that usage.

34. Mr. EIDE said that, although he would reserve his detailed comments on the amendments, he was concerned at the formulation in Mr. Mahdi's proposed new preambular paragraph, which said that the Sub-Commission had once again stressed the need to have a consensus. He had no recollection of the Sub-Commission stressing such a need.

35. Mr. SAKER said that Mr. Mahdi's amendments were well-founded and he was able to support them.

Draft decision E/CN.4/Sub.2/1983/L.38

36. Mr. FOLI said that the draft decision was designed to make it possible to give expression to some important views which had already been brought up in the Sub-Commission but which had not, unfortunately, found their way into the draft resolution. However, as it stood, it gave the impression that the Sub-Commission was asking the Commission to authorize it to resubmit some proposals that it had already been invited to resubmit, which was rather ludicrous.

37. It would be better if a composite position, including those views which had not found their way into the text of the draft resolution, could be submitted to the Commission on Human Rights. Failing that, it might be necessary to inform the Commission that, the question of the High Commissioner being such an important one and the Sub-Commission so pressed for time, it would like to submit its proposals to the Commission at its forty-first session rather than at its fortieth session. Either solution would be preferable to submitting to the Commission both the draft resolution and the draft decision.

38. Mr. EIDE said that the Sub-Commission was in an unusual position in dealing with the current draft resolution and the Commission had, in fact, recognized that the experts had different opinions. He proposed therefore that, in addition to whatever resolution was ultimately adopted by the majority of the Sub-Commission, all the comments and suggestions that had not been incorporated in that resolution should be submitted to the Commission, which would then be able to reformulate the terms of reference, basing itself on all the sources of inspiration which it had obtained.

39. Mr. JOINET said he was afraid that the draft decision might irritate the Commission since, by its resolution 1983/49, it had invited the Sub-Commission to make some new proposals on the subject and it would appear that the reply of the Sub-Commission was to ask the Commission to authorize it once again to do just that. The correct response was that proposed by Mr. Eide.

40. Mr. SOFINSKY said he supported Mr. ^VTosevski's draft decision, which was a sound and logical one. The Sub-Commission had been discussing the question for a long time. He himself had raised a number of questions at its thirty-fifth session and had pointed out that the function proposed in subparagraph (1) (a) of resolution 1982/22

of the Commission, namely, "to promote and protect the observance of human rights and fundamental freedoms for all", was in conflict with the provisions of Articles 55 and 56 of the Charter which referred to the Member States acting in co-operation with the Organization to achieve universal respect for, and observance of, human rights and fundamental freedoms for all. Nevertheless, the current draft resolution contained the same wording, which would give the proposed High Commissioner powers beyond those of all the countries of the world combined.

41. He had also asked the sponsors of the draft resolution to explain how the Bureau of the Commission on Human Rights was supposed to act as an advisory committee to the High Commissioner, but they had ignored his question and had shown no interest in amending the draft resolution accordingly.

42. Mr. Madhi's amendments would, if adopted, greatly improve the draft resolution, but he could not agree with Mr. Eide's proposal that, if the Sub-Commission was unable to reach agreement, minority views should be submitted to the Commission. The Sub-Commission had had many complicated issues to deal with in the past and it had always managed to reach a decision.

43. Mr. Tosevski's proposal meant, in fact, that the members of the Sub-Commission should give further thought to what was a very complicated issue and that it should endeavour to reach a more soundly based decision at its thirty-seventh session. The Commission had returned the Sub-Commission's proposals for further consideration, and would recognize the validity of postponing the issue for a year in order to produce better results.

44. Mr. BOSSUYT said, with reference to Mr. Mahdi's proposed amendment adding a fourth preambular paragraph, that he would prefer the word "desirability" to the word "need". As for the proposed addition of a new subparagraph, 1 (h), the aggression and other situations mentioned fell within the terms of reference of the Secretary-General rather than those of the future High Commissioner.

45. With respect to the first amendment to operative paragraph 3, it would certainly be desirable that the High Commissioner should have some autonomy but he should not be entirely independent of the Secretary-General. In any case, if the Secretary-General did not nominate the High Commissioner, it would be difficult to see who could do so. It would be better not to leave the matter open and the Secretary-General appeared to be the most suitable person, as in the case of the High Commissioner for Refugees. As for the second amendment to operative paragraph 3, he was not greatly in favour of an obligatory rule. The objective of ensuring that every region was accorded the honour of supplying a High Commissioner - if that were the purpose of the amendment - was of little importance. What was important was the concept of rotation, and that was covered by the existing text.

46. With respect to the proposed new operative paragraph 4, it might well be a good idea for the High Commissioner to take over some of the work currently being assigned to special rapporteurs, but the exercise should be carried out progressively rather than by a general decision. Moreover, it was for the body which had appointed a special rapporteur to decide whether or not his appointment should be cancelled.

47. If Mr. Madhi's amendments to the draft resolution were adopted, it was to be hoped that he himself, and some other members of the Sub-Commission, would join the sponsors of the draft resolution.

48. Mr. MUBANGA-CHIPOYA said that, while he agreed with most of Mr. Mahdi's amendments, he had doubts with respect to the proposal that the High Commissioner should take over the work currently assigned to special rapporteurs. It was doubtful whether the High Commissioner would be able to cope with the many reports and studies that were needed without detriment to the task for which he would be appointed, namely, to deal with emergencies.

49. In connection with the question of rotation, it was noteworthy that one of the reasons put forward in favour of the appointment of a High Commissioner had been that he would act in certain countries only. The importance of rotation was that it would ensure that the High Commissioner could operate wherever emergencies occurred.

50. The CHAIRMAN suggested that, since there were no more speakers, the sponsors should discuss Mr. Mahdi's amendments and submit a new draft resolution incorporating those that they were able to accept.

51. Draft decision E/CN.4/Sub.2/1982/L.38 was not, of course, a substitute for draft resolution E/CN.4/Sub.2/1983/L.14, and both texts could be transmitted to the Commission, if the Sub-Commission so desired.

52. Mr. CHOWDHURY asked in what order the two proposals would be dealt with if it came to a vote.

53. The CHAIRMAN said that they would be taken in numerical and chronological order as separate proposals. As for the amendments to the draft resolution, if Mr. Mahdi did not withdraw those that were unacceptable to the sponsors, they would be voted on before the draft resolution itself.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1983/L.19)

Draft resolution E/CN.4/Sub.2/1983/L.19

54. The CHAIRMAN said that Mr. Mubanga-Chipoya should be deleted from the list of sponsors of the draft resolution.

55. Mr. FERRERO informed the Sub-Commission that Mr. Ritter also wished to withdraw from his sponsorship of the draft resolution.

56. Mr. JOINET, introducing the draft resolution, said it was intended to be both constructive and preventive. It was constructive in that it did not pass judgement on the facts but made a proposal, namely, the appointment of a Special Rapporteur, whose task would be not to investigate and condemn, but to assist and advise the authorities in finding a possible solution in order to lessen tension and prevent a renewal of problems. The Government of Sri Lanka was, in fact, conducting its own investigation. It was preventive in that it was less concerned with apportioning blame for the recent events - the latest massacres was the fourth such incident since 1960 - than with preventing a recurrence. It was a good-offices resolution directed to the future rather than the past.

57. Mr. BOSSUYT said he endorsed everything that Mr. Joinet had said. While he had great understanding for a country beset with ethnic or community tensions, he was concerned about the Sri Lankan Government's reaction to recent events, since he was convinced that prohibiting the political expressions of an ethnic minority would not restore peace and respect for human rights to the country. He hoped that the draft resolution would assist the Government in finding a solution to the problem.

58. Mr. MAHDI said that, although the situation in Sri Lanka had not returned to normal, the Government of that country was making every effort at conciliation. In the circumstances, he felt that the appointment of a Special Rapporteur would not help to solve the problem and might even be counterproductive. He was unable to support the draft resolution.

59. Mr. SOFINSKY said that he liked to base his conclusions on personal experience. In 1982, he had spent three weeks in Sri Lanka attending an excellent ESCAP regional seminar on the promotion of and respect for human rights - a demonstration of the efforts of the Government and people in that direction. Many developing countries were bedevilled by problems left over from the colonial era, and experience had shown that it was the racial and national remnants that lived on longest.

60. The problems were not simple ones but, as confirmed in a letter he had received from the Permanent Mission of Sri Lanka and in a statement by the President of Sri Lanka, the Government was doing its best to resolve problems as they arose and felt that outside interference - including any action by the Sub-Commission - would increase the difficulties rather than help to solve them. If the Sub-Commission was really concerned about human rights in Sri Lanka it should respond to the Government's appeal. He was opposed to the draft resolution.

61. Mr. CHOWDHURY said he did not think that the time was ripe for the international community to intervene in the situation in Sri Lanka, since any such intervention would merely increase the tension. While the sponsors of the resolution were undoubtedly motivated by the best intentions, violations of human rights were being committed in many parts of the world, and the appointment of a special rapporteur was not called for in every case of such violations. There was no consistent pattern of gross violations of human rights in Sri Lanka, and the appointment of a special rapporteur for a country in such a situation would create an unacceptable precedent. He was unable, therefore, to support the draft resolution.

62. Mr. MASUD said that an important principle was involved and the Sub-Commission, a body of experts, should consider carefully whether or not to intervene in the internal affairs of Sri Lanka. There had certainly been violations of human rights there, but they had occurred some months previously and the situation had evolved since then. No consistent pattern of gross violations of human rights could be perceived in Sri Lanka, which was one of the few democracies in Asia. Furthermore, the Government had reached agreement on outstanding issues with the Opposition Party, the Tamil United Liberation Front.

63. It would serve no useful purpose to appoint a Special Rapporteur and might well produce undesirable results since the Sri Lankan Government might be led to believe that the appointment had been made at the instigation of the Opposition. In his opinion, therefore, the draft resolution would be counterproductive.

64. Mr. WHITAKER said that everybody would agree that the draft resolution dealt with a difficult and important human rights situation, although differences of opinion might exist as to the contribution which the Sub-Commission could make towards finding a solution.
65. The first step was to establish the facts, and there was conflicting evidence as to what had actually happened in Sri Lanka. Some reports from Sri Lankan sources actually gave the impression that the victims themselves - the Tamils - were largely to blame, but that was not borne out by other sources, including journalists. The matter was an urgent one, as more killings of Tamils had been reported a few days previously and the situation was no nearer a solution. While it was not the Sub-Commission's responsibility to tell Governments how to run their countries, Governments had a responsibility to enforce justice and law and order and that included a duty to protect minorities, which the Government of Sri Lanka had failed to do.
66. The draft resolution was a constructive one in that it simply sought to provide the Commission with as much impartial information as possible so as to enable it to take the requisite action. It might do some good, therefore, and could not do any harm.
67. Mr. HADI said that the situation in Sri Lanka was a serious one and that violations of human rights in that island were, quite rightly, a matter of concern to the Sub-Commission. It was, however, the duty of a Government to protect national unity, and separatist tendencies had been shown by some elements of the Opposition. In the circumstances, the Sub-Commission should give the parties concerned an opportunity to solve their problems. He had received a letter from the Government of Sri Lanka describing the efforts they were making to find a solution, while newspapers had reported that the Indian Prime Minister had sent a delegation to Sri Lanka to study the situation on the spot. Consequently, he saw no reason to adopt the draft resolution under consideration.
68. Mr. ISMAIL said that the situation in Sri Lanka should be viewed in a historical perspective, as many of the problems of the newly independent countries were inherited from their colonialist pasts. They included the problem of majority and minority communities, which also existed in some developed countries. It would not be wise to try to solve all those problems by appointing special rapporteurs.
69. Sri Lanka had an excellent record with respect to human rights, and the Sub-Commission could safely let the Government of that country find a solution to the problem. He did not think, therefore, that the Sub-Commission should appoint a Special Rapporteur to deal with the matter and he thus could not support the draft resolution.
70. Mr. EIDE said that Sri Lanka had been and would, he hoped, continue to be, a model pluralist democracy, one of its most notable features being the equal distribution of income. One of the causes of the recent events was that a small and unrepresentative minority of Tamils had resorted to terrorist tactics to gain their ends but the violence of the recent communal disturbances was a matter of some concern. There was also the fact that some public officials had acted without restraint, as illustrated in particular by the killing of some prisoners in a maximum security jail, but the Government could, of course, absolve itself from responsibility therefor by instituting criminal proceedings against the persons concerned.

71. As for the draft resolution, the proposed Special Rapporteur would be appointed by, or under the authority of, the Economic and Social Council in May 1984, by which time it would be clear to what extent the Government of Sri Lanka had redressed the situation and whether any further intervention by an international body was needed. It appeared from some of the statements that had been made that the appointment of a Special Rapporteur could be construed as tantamount to placing Sri Lanka in the dock, which was by no means the intention of the sponsors of the draft resolution, especially in view of the excellent record of that country with regard to human rights.

72. To avoid any such misunderstanding, he proposed that the fifth preambular paragraph be deleted and that operative paragraph 2 be amended to read "Calls on the Government of Sri Lanka to invite, through the Chairman of the Sub-Commission, a member of that Sub-Commission to visit Sri Lanka and to acquaint himself or herself with the human rights situation in the country, particularly with regard to the relations between the communities, and to report back to the Sub-Commission at its thirty-seventh session". A new operative paragraph 3 would read: "Recommends to the Commission on Human Rights that it request the Economic and Social Council to authorize the Sub-Commission to send one of its members to Sri Lanka, in conformity with the above proposal and on the proviso that an invitation is extended by the Government of Sri Lanka".

73. The draft resolution, as amended, would remove any doubts as to the aims of its sponsors and would give the Government of Sri Lanka an opportunity to show its genuine commitment to finding a solution to the problem in a fully democratic, humane and egalitarian way. He was making that proposal on his own initiative, and could not commit the other sponsors of the draft resolution.

74. Mr. CAREY said that if the Sub-Commission met every month, the subject could be held in abeyance for a while, but its current session was the only opportunity it had of doing anything, and his conscience would not be easy if he had done nothing about that particular problem. As a sponsor of the draft resolution, he was able to accept Mr. Eide's proposed amendments.

75. Mr. TOSEVSKI said that, while the subject was of legitimate interest to the Sub-Commission since it was its duty to protect minorities, the delicate situation in Sri Lanka was still fluid, and any action by the Sub-Commission at the current time would be unlikely to constitute a positive contribution to the solution of the problem. It was essential, therefore, for it to show the maximum restraint.

76. While the amendments proposed by Mr. Eide were interesting, he still felt that the best course of action for the Sub-Commission was no action at all. It was to be hoped that the Government of Sri Lanka would, of its own accord, keep the Sub-Commission informed of all future developments.

77. Mr. FERRERO said that, while Sri Lanka had had an excellent record with regard to human rights, that situation had deteriorated with the recent large-scale violations of human rights, mainly affecting the Tamil community. However, the Government of that country was sparing no effort to bring the situation under control. The views of the Asian members of the Sub-Commission, who were experts in the matter were that it would serve no useful purpose to appoint a Special Rapporteur and that the draft resolution might even be counter-productive. He was prepared to accept those views.

78. Mr. JOINET said that it was incumbent upon the Sub-Commission to take some action when members of a minority had been massacred for the fourth time in a few years. The very least that the Sub-Commission could do was to add the following operative paragraph 4 to the draft resolution as amended by Mr. Eide: "Requests the Commission on Human Rights to consider, at its next session, the situation in Sri Lanka in the light of the information collected by the Secretary-General".

79. An excessively rosy picture of the human rights situation in Sri Lanka had been presented to the Sub-Commission but, as he was not familiar with that country he would merely say that there seemed to be conflicting accounts. Whatever solution the Sub-Commission might adopt, however, it should not simply fold its arms and do nothing, nor should it abandon its insistence that the events of 1958, 1977, 1981 and 1983 must not happen again.

The meeting rose at 7.05 p.m.