



---

SUMMARY RECORD OF THE 70th MEETING

Chairman: Mrs. SHAHANI (Philippines)

CONTENTS

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued)

OTHER MATTERS

---

\* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room A-3550.

Corrections will be issued shortly after the end of the session, in a separate fascicle for each Committee.

**Distr. GENERAL**  
A/C.3/33/SR.70  
8 March 1979  
ENGLISH  
ORIGINAL: FRENCH

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 12: REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (continued) (A/33/3 and Add.1 (Parts I and II), A/33/163 and Corr.1, A/33/219, A/33/281, A/33/293, A/33/331; E/CN.4/Sub.2/412 (vols. I to IV), E/CN.4/Sub.2/SR.816-818; A/C.3/33/7, A/C.3/33/L.4, L.20, L.26, L.30, L.40, L.42/Rev.1, L.44, L.49, L.51/Rev.1, L.57/Rev.1, L.59, L.62, L.71, L.73-L.78)

1. Mr. MEZVINSKY (United States of America) recalled that past United Nations work in the field of human rights had been largely devoted to the codification of international standards. His delegation wished to make some observations concerning the implementation of those standards.

2. The ratification by States of the international agreements on human rights was an important step in the process of implementing standards, and his Government for its part had signed the Covenants on Civil and Political and on Economic, Social and Cultural Rights in 1977 and had submitted them to Congress for ratification. What was more important, however, than drawing up a list of States that had ratified those instruments was to attempt to determine whether States were striving to live according to the principles laid down in the Covenants, regardless of whether they had ratified them. His Government had never claimed that its own society was unblemished, nor did it believe that such a society existed or ever would exist. It felt that the first step each Government should take towards the implementation of basic human rights was to acknowledge more of its imperfections and pledge to ameliorate them.

3. Turning to the recent actions of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, he noted that the United Nations sometimes seemed to ignore shocking violations of human rights. Although the international community had made a great deal of progress in the elaboration of standards and principles, situations continued to exist in a few areas which called for much greater attention from the international community than they were currently receiving and redoubled efforts should be made in the most serious current cases. At its last session, the Commission on Human Rights had examined the situation in many countries and had taken concrete measures to investigate the situation in Uganda and in Democratic Kampuchea. It should be noted with regard to those two countries that they were both involved in military conflicts among neighbouring countries and that they were using arms provided by foreign Powers. His delegation condemned the role that those Powers were thus playing in Uganda and Indo-China, for it demonstrated their lack of concern for the improvement of human rights in those countries. His delegation had taken note of the fact that, at the current session of the General Assembly, the Ugandan delegation had indicated that it would co-operate with the United Nations with regard to the human rights situation in that country. It was to be hoped that that co-operation would produce tangible results of which the Commission on Human Rights could take note at its next session.

(Mr. Mezvinsky, United States)

4. Turning to the question of human rights in Viet Nam, Democratic Kampuchea and Laos, he said that the increasing flow of refugees from those three countries indicated that serious abuses of human rights were taking place there, causing international tension and conflict. In spite of great difficulties and dangers, thousands of refugees were fleeing to other South-East Asian countries, telling of the oppression in their homelands. The numerous reports were too consistent to be dismissed out of hand; the international community must pay attention to them. The world's extraordinary concern about Kampuchea had been prompted by repeated reports indicating that whole categories of persons and economic and ethnic groupings had been systematically eliminated by the Kampuchean Government. The practice of religion was banned, and legal and political rights were non-existent. The Government officially discriminated between those who had joined the revolution early and those who had come under the Government's control after the fall of the previous régime. Representatives who had attended the recent meetings of the Sub-Commission in Geneva had had an opportunity to examine abundant evidence from numerous sources. The Sub-Commission had been convinced by the evidence and had recommended that the matter should be given priority consideration at the next session of the Commission on Human Rights. When the Canadian Secretary of State for External Affairs had taken the floor in the General Assembly during the general debate, he had called for an investigation of the human rights situation in Kampuchea. The United States Government had supported that proposal, and the delegation of the United Kingdom had recently called for action. One positive factor that should be noted was that the Kampuchean authorities had decided to authorize foreign observers to visit Kampuchea, and his delegation hoped that Viet Nam and Kampuchea would authorize the Secretary-General to visit the region. In Viet Nam, the human rights situation was forcing tens of thousands of persons to flee the country. The harsh measures taken by the Government against certain persons and the forced resettlement of thousands of Vietnamese in "new economic zones" appeared to be the main reasons for that exodus. His delegation was also concerned at the fact that tens of thousands of Vietnamese who had not immediately embraced the régime had found themselves incarcerated in "re-education camps". In Laos, members of minority tribes were leaving the country as a result of military measures, authoritarian rule and food shortages. The abuses in Indo-China represented a problem which the United Nations must take up. His delegation wished to stress that it was to the advantage of all countries not to hide their human rights problems and to attempt to solve them in accordance with the Universal Declaration of Human Rights. It hoped that those countries which were alleged to have committed serious human rights violations would agree to co-operate with the United Nations for the purpose - if the allegations were true - of taking action to ensure respect for human dignity, human life and the economic, social and cultural rights that were at the basis of the life of many developing countries.

5. The United States had a special interest in the human rights situation in Chile because of its close links with the Chilean people and felt deep sympathy for that people in the trials it had undergone in recent years. Two resolutions submitted to the Committee clearly expressed the international community's concern at the situation, and his delegation hoped that the General Assembly would take measures appropriate to the gravity of the situation. His Government was pleased to note that the Ad Hoc Working Group of the Commission on Human Rights had at last

/...

(Mr. Mezvinsky, United States)

been able to visit Chile. The five members of the Group had produced a report which represented many hours of effort and investigation. His Government wished to state how much it appreciated the work of Chairman Allana and the other members of the Group as well as the dedicated efforts of the Director of the Division of Human Rights. It should be noted that the information gathered by the Group during its visit to Chile did not contradict the substance of the reports and conclusions which it had previously submitted to the General Assembly. Measures must obviously be taken by the Third Committee and the Assembly. Account should be taken of recent developments in Chile, of the improvements in the situation, but it should be recognized at the same time, as the Working Group's report emphasized, that there continued to be serious violations which gave the international community great cause for concern. Both the Commission on Human Rights and the General Assembly should continue to follow the situation closely.

6. His delegation acknowledged, however, that it would be unfair to lay stress on the problems of certain countries and to make no mention of the situation prevailing in others. His delegation was anxious for an explanation of the problem of missing persons in Chile, since the matter had occasioned too much anguish and torment to those persons' relatives for it to be ignored. However, the problem of missing persons was not limited to Chile; it also existed in Cyprus and in Argentina, and, in view of its magnitude, he felt that a mechanism should be set up to examine the problem. Some Governments were known to resort systematically to political kidnappings in order to remove their opponents discreetly. Thousands of people had been arrested in various countries by government security forces and had been tortured and sometimes killed, but their fate remained shrouded in governmental silence. The victims of such political kidnappings came from all strata of society; among them could be found students, workers, doctors, trade-union leaders, clergymen and scientists. They were persecuted by authoritarian right- or left-wing régimes which saw them as a threat. They were imprisoned without trial, and their fate rested with the security forces, which had absolute power to arrest, search, interrogate, torture, imprison and even execute those in detention. Today, 30 years after the adoption of the Universal Declaration of Human Rights, the international community had a duty to try to put an end to nocturnal arrests, summary executions, torture and mysterious disappearances. Referring to the confidential procedures envisaged in Economic and Social Council resolution 1503 (XLVIII) for dealing with communications relating to violations of human rights, he stated that his delegation was pleased at the progress which had been made in that regard. The year before, 10 cases, including Chile, had been considered and submitted to the Economic and Social Council. It was only by seriously studying allegations concerning violations of human rights, in all countries and of all human rights, that the United Nations could escape the accusation that it restricted its criticisms to a few scapegoats.

7. With regard to the problem of torture, his delegation was pleased to note that, thanks to the appeals of religious organizations and the increased interest taken by Governments in the question, the number of cases of torture appeared to have fallen. However, his delegation was alarmed at the use of modern science to devise

/...

(Mr. Mezvinsky, United States)

more refined forms of torture, and it was particularly opposed to the misuse of psychiatric hospitals for silencing those who were merely exercising their legitimate right to express their political convictions. His delegation therefore welcomed the draft resolution submitted by the Netherlands, India and Sweden.

8. With regard to religious freedom, his delegation had already had occasion to mention the lack of progress by the Commission on Human Rights in drawing up a declaration on the elimination of all forms of religious intolerance; it particularly stressed that question because of its awareness that freedom of religion was currently denied to thousands of people in many parts of the world. It urged all Member States to give greater attention to the matter and hoped that the discussion which had just taken place concerning a declaration on the elimination of all forms of religious intolerance would finally bear fruit at the next session of the Commission on Human Rights.

9. With regard to safeguarding the human rights of trade-unionists who had been arrested or detained, he recalled General Assembly resolution 32/121. History showed that the trade-union movement was always the first to resist tyranny and violations of human rights and the first to be persecuted. In South Africa, there were the beginnings of an attempt to organize a black trade-union movement. By adopting draft resolution A/C.3/33/L.44, the United Nations and its Members would demonstrate their interest in seeing the South African Government grant the right of association to its black citizens. In that regard, too, however, double standards should not be applied, and the resolution should also be taken into consideration by the Governments of Tunisia, Bangladesh, Argentina, Chile and Uruguay, to which the International Labour Organisation had appealed within the last year for the release of trade-unionists held in detention. His delegation also hoped that the communist countries where workers were beginning to insist on the exercise of their trade-union rights - China, Poland, Romania and the Soviet Union - would take note of the resolution.

10. Emphasizing the vital importance which his delegation attached to those problems, he recalled in conclusion the statement made by President Carter during the celebration of the thirtieth anniversary of the Universal Declaration of Human Rights, in which he had declared that the protection of human rights was the corner-stone of United States foreign policy. His country was convinced that it was possible to take a positive approach in the field of human rights, not merely offering criticism but encouraging Member States in their efforts. For its part, his Government was ready to do everything it could to foster a climate of understanding and to act as a kind of catalyst. It was essential that all countries should try to offer a little hope to those who needed comfort and to keep alive the flame which had been lit in the field of human rights.

11. Mr. KLESTIL (Austria), referring to agenda item 12, said that his Government had always strongly supported the efforts made by the international community to investigate the human rights situation in Chile and was glad that the Chilean authorities had permitted the Ad Hoc Working Group to visit the country and study the situation on the spot. The Working Group had thus been able to make a thorough and objective investigation, as could be seen from the report before the Committee.

/...

(Mr. Klestil, Austria)

12. Two conclusions could be drawn from that report. The first was that the human rights situation in Chile had improved: violations of those rights had declined in number and in seriousness, political prisoners had been released, no new cases of missing persons had been reported, and the press seemed to have greater freedom of expression.

13. The second conclusion, however, was that the basic rights of Chileans had by no means been fully restored. In Chile, political and trade-union activities were either prohibited or severely curtailed. The rights to elect trade-union representatives freely, to strike and to negotiate wage increases were still denied to the population. The attitude shown very recently by the Chilean Government towards trade-union activities was particularly alarming. The international community must appeal to the Chilean Government to restore fully all trade-union rights.

14. His delegation was also concerned about the fate of the missing persons, and it fully supported the proposal to establish an investigating committee to pursue the question in accordance with the recommendations made by the Working Group in its report. It believed that ad hoc fact-finding missions should continue to be sent to investigate the situation on the spot. Such missions could do a great deal to secure information on the missing persons, not only in Chile but in other parts of the world where similar situations existed. In that connexion, the Working Group's visit to Chile constituted a unique event in the history of the implementation of human rights by the United Nations, and that initiative should be initiated in other areas where States Members of the Organization were systematically violating fundamental human rights. In general, his delegation supported all the measures to improve the human rights situation in Chile which were suggested by the Working Group in its report.

15. Turning to the question of narcotic drugs, he drew attention to the co-operation which existed in that sphere between his Government and the United Nations Fund for Drug Abuse Control, a body which, together with the International Narcotics Control Board and the Division of Narcotic Drugs, was to be relocated at the Donaupark Centre in Vienna in accordance with General Assembly resolution 31/194. The varied activities of the Fund, such as its fight against illicit opium production and traffic, the treatment and rehabilitation of drug addicts, scientific research, law enforcement and preventive education, had produced remarkable results. Nevertheless, the financial situation of the Fund was a source of great concern, and Austria, in recognition of its responsibility, had therefore contributed half a million Austrian schillings in 1978 in addition to its regular contribution. It had also increased its regular contribution for 1979 by 150 per cent, and it hoped that other countries would do likewise. On 1 February 1978, Austria had deposited the instruments of ratification of the Single Convention on Narcotic Drugs, 1961, and the Convention had entered into force for Austria on 3 March 1978.

16. Unfortunately, Austria was increasingly being used as a transit country for drug traffickers, and his Government had therefore stepped up its efforts to combat illicit traffic. Those efforts had been highly successful, particularly during the first six months of the year: some 3,800 kilograms of hashish and marijuana had been seized in Austria during that period alone, compared with 850 kilograms in the

(Mr. Klestil, Austria)

whole of 1977. The Austrian authorities were constantly striving to improve the methods for the detection and seizure of narcotic drugs, but without neglecting another very important field, that of the rehabilitation of drug addicts. Austria had a number of rehabilitation centres, some of which had acquired an international reputation.

17. The increase in the transit of drugs through Austria had caused a marked rise in criminality caused by drug abuse. The increase among young people under 18 years of age and in the number of first offenders in that age-group was particularly alarming. His Government therefore placed great hope in co-operation with and support from the United Nations Fund for Drug Abuse Control, the Division of Narcotic Drugs and the International Narcotics Control Board after they moved to Vienna in 1979. His Government had devoted considerable efforts and money to providing those bodies with the best possible conditions for their work. The Executive Director of the Fund and the senior staff of the Division of Narcotic Drugs and the Control Board had been able to see that for themselves during their visit to Vienna a few months previously.

18. In conclusion, he stressed the need for a concerted approach in dealing with the problem of drug abuse, which, unfortunately, had acquired almost world-wide dimensions. The achievements of the United Nations were already encouraging.

19. Mr. ROA-KOURI (Cuba), speaking on agenda item 12, recalled that 11 September had marked the fifth anniversary of the assassination of the President of Chile, Salvador Allende, by a group of military officers at the instigation of Chilean reactionary circles, the CIA, the United States Government and United States transnational corporations whose interests had been threatened by the democratic course freely chosen by Chile. It had only been possible for such a coalition to be formed because the Government of Popular Unity had been deeply patriotic, anti-imperialist and social in character, had undertaken a series of social, economic and political changes designed to ensure truly independent development for the country, and had resolved to put an end to the systematic exploitation of Chilean workers by the internal oligarchy and foreign monopolies.

20. The intervention of the CIA in Chile's internal affairs had been nothing new. The CIA had begun to finance the opposition against Salvador Allende as early as 1958. In 1962, President John F. Kennedy had secretly authorized the payment of nearly \$250,000 to support the conservative forces within the Christian Democratic Party. In 1964, Lyndon Johnson had approved the allocation of more than \$3 million to finance the CIA's intervention in Eduardo Frei's Presidential campaign. On 20 March 1970, the United States Committee of 40, the body responsible for authorizing clandestine operations, had established a fund of \$125,000 to combat the Popular Unity movement. In June of the same year, the CIA had received a further \$300,000 for its campaign against Allende and the ITT had begun to assemble funds to sabotage his election to the Presidency of the Republic. All in all, more than \$2 million had been invested for that purpose by the CIA and the United States monopolies. Everyone was aware of the attempts made by the Nixon Administration to prevent Salvador Allende from taking power, which had gone as far as the murder of

/...



(Mr. Roa-Kouri, Cuba)

the Army Chief of Staff, General René Schneider. According to the report of the Church Committee of the United States Congress, the CIA, immediately after the elections of 4 September, had established the neo-Nazi group Patria y Libertad in order to create tension and provide a pretext for any intervention by the Chilean military. It was at that time that Michael Vernon Townley, one of the murderers of Orlando Letelier and Ronni Moffitt, had been recruited by the CIA. Thus, throughout the period of the Popular Unity Government, the CIA, the Patria y Libertad fascists, the representatives of the bourgeoisie and the owners of the transnational corporations had engaged in terrorism, sabotage and the destabilization of the Chilean economy. The United States Department of Commerce had thus been able to declare publicly and cynically, after the coup d'état of 11 September 1973, that the fascist junta had inherited an economy in ruins. What it had not said was that the situation had been created entirely by the agents of the CIA and by the United States transnational corporations.

21. That policy of destabilization, which the United States so often used against countries that followed an independent line, had been entirely thwarted by the Cuban revolution, which had had the foresight to destroy the oligarchy's military apparatus and annihilate imperialism's means of action. In Chile, on the other hand, that policy had received enthusiastic co-operation from the bourgeoisie and the military. The fact that such events could have taken place with impunity justified the international community's deep concern, particularly when one considered the current human rights situation in Pinochet's Chile.

22. The report of the Working Group reaffirmed what the United Nations had ceaselessly denounced year after year, namely, the fact that arbitrary acts, persecution, imprisonment, murder, torture and deportation were still the rule in Chile, that the state of siege had been abolished only to be replaced by a state of emergency which reflected the same situation under a different name, that the Ministry of the Interior and CNI had taken over from the sinister DINA, that the judiciary was a farce and that the right of habeas corpus served only to protect Pinochet's hired killers. International pressure had forced the junta to make certain purely formal improvements, but those improvements did not in any way change the extremely oppressive and criminal nature of the régime. If there were fewer cases of murder and torture and the number of concentration camps had decreased, it was because the junta had liquidated so many of its opponents that it had difficulty in maintaining the same level of terror. The junta Government had turned crime into a political instrument with full impunity and in flagrant violation of the United Nations Charter and the Universal Declaration of Human Rights.

23. Nothing better illustrated the manner in which the junta mocked world opinion than the so-called "amnesty" decreed on 13 April 1978. One of the key articles of the Decree listed the offences not covered by the amnesty. Homicide, mistreatment, torture, theft and the kidnapping of adults all failed to appear on the list. In other words, the main beneficiaries of the curious "amnesty" were precisely those



(Mr. Roa-Kouri, Cuba)

who had committed crimes of that type since 11 September 1973, i.e. the agents of DINA and CNI. Of course, those agents had not been brought to justice because they enjoyed the junta's protection. Another trick was the clause stating that the amnesty did not apply to the Letelier affair. According to Father Eugene Velasco, who had been kidnapped and deported by the junta in 1976 and was currently teaching at the University of California in Los Angeles, that clause was a deception. First of all no proceedings had been initiated in Chile to bring to trial those responsible for the murder of Letelier and Moffitt. In addition, although a United States grand jury had indicted General Contreras, the former head of DINA, Colonel Espinosa and Captain Fernandez and the United States Government would now request the extradition of those three associates of Pinochet, the Chilean Supreme Court was free to accede to the request or not. Under the treaty in force between the United States and Chile, extradition was not mandatory in the case in question. What was involved was a moral obligation, with which Pinochet was all the less inclined to comply since he himself was implicated in the double murder committed in Washington.

24. In reality, the fascist junta had never ceased to violate human rights in Chile. The case of Marcela Otero proved that. A Chilean journalist, she had recently arrived in Santiago from Lima carrying a valid visa and passport. Arrested at Pudahuel airport, she had been deported to Argentina and nothing had been heard of her since. He also drew attention to the approximately 600 missing persons of whom the junta said merely - and unofficially - that they were "legally dead". As for the workers' movement, it had been deprived of its leadership and replaced by scab unions which represented only the fascist junta. Finally, the Mapuche population had been systematically stripped of their land for the benefit of the big landowners and the United Fruit Company.

25. A majority of Chileans currently lived in disastrous economic conditions and in a state of terror. Unemployment was increasing, education had become the privilege of the oligarchy, and so-called "public" health was a right enjoyed only by the privileged classes.

26. The United Nations could not remain indifferent in the face of the tyranny which was weighing upon the homeland of Bernardo O'Higgins, Gabriele Mistral, Pablo Neruda and Salvador Allende. It should approve the establishment of a commission of inquiry to clear up the fate of the persons who had disappeared in Chile over the past five years. It should also create a trust fund to assist the thousands of Chileans who, at home or abroad, were doomed to endure conditions of decay and poverty. It should extend the Working Group's mandate so as to enable it to complete its task. It should take steps to ensure that the five eminent individuals to whom the General Assembly had entrusted the task of investigating the fate of the 600 missing persons and who had been unable to obtain satisfactory information were able to continue their investigations. Finally, the international community should categorically condemn Pinochet's fascist junta, support the Chilean people in the present terrible moment of their history and continue to exert pressure until Chile once again became the complete master of its democratic fate.

/...

27. Mrs. GELBER (Canada) recalled that the United Nations Charter provided that one of the main purposes of the Organization was to promote and encourage respect for human rights. In adhering to the Charter, Canada and all other Member States had solemnly undertaken to support those purposes. The Covenants on Human Rights, the Optional Protocol and the other major human rights conventions had defined more specifically the provisions of the Charter. Accordingly, Canada continued to reject the contention that human rights were matters of domestic jurisdiction beyond the competence of the international community. The support given by Canada to the principle of respect for human rights acted in two mutually reinforcing directions: while urging greater respect for human rights at the international level, Canada freely assumed legally binding obligations to pursue domestic efforts as diligently as possible.

28. Over the past three decades, the performance of the United Nations in the field of human rights had not lived up to the expectations of the drafters of the Universal Declaration of Human Rights. Nevertheless, it was encouraging to note that the confidential procedures for investigating complaints established under Economic and Social Council resolution 1503 (XLVIII) were beginning to show results, even though they had not been fully utilized until the 1978 session of the Commission on Human Rights. The success of those procedures was due in no small part to a renewed political will among the members of the Commission, who had expressed themselves in favour of taking action in situations which clearly deserved the attention of the world community.

29. Her Government believed that all serious violations of human rights, whether economic, social and cultural, or civil and political, deserved the attention of the United Nations but that special efforts should be focused on those situations concerning which there had been reliably attested allegations of gross and persistent violations. For the past several years, for example, the United Nations had annually reviewed the human rights situation in Chile and a number of resolutions in the Commission on Human Rights, the Economic and Social Council and the General Assembly had pinpointed areas of special concern.

30. Her delegation wished to thank the Working Group for its report, which was perhaps the most comprehensive to date. It noted the improvements that had taken place in Chile over the past year but thought it regrettable that the rate of change seemed to be excessively slow. It also regretted the fact that trade-union rights seemed to be in increased jeopardy as a result of new measures to curb the right of free association. It particularly regretted the fact that little progress seemed to have been made in resolving the question of missing persons; that was a matter of concern to all States for humanitarian reasons and took on particular importance for Canada, where there were approximately 7,000 Chilean refugees, many with relatives who were still unaccounted for.

31. While it must be concluded that the picture regarding human rights in Chile was mixed, the Government of Chile should be commended for permitting the entry of the Working Group and facilitating its work. That constituted an important precedent and was another step towards establishing more uniform, non-partisan reporting, investigating and fact-finding procedures.

(Mrs. Gelber, Canada)

32. Her delegation hoped that similar steps of a humanitarian nature could be taken to remedy the current human rights situation in Democratic Kampuchea. According to the documentation compiled by a number of States and organizations, including Canada, the situation in Chile was grave and certainly warranted an impartial investigation by objective authorities. Her delegation welcomed the announcement that the Government of Democratic Kampuchea had invited the Secretary-General to make an official visit and that he had accepted in principle. Since that would give the Secretary-General an opportunity to use his good offices, her delegation urged him to make appropriate arrangements at his earliest convenience.

33. When the Canadian Secretary of State for External Affairs had raised the question of human rights in Democratic Kampuchea in the course of the general debate in plenary early in the session, the Kampuchean delegation, speaking in exercise of its right of reply, had suggested that Canada's motives were political and partisan. To dispel any misunderstanding, she stated for the record that humanitarian concerns, widely shared by Canadians of all political affiliations, had led her Government to submit a report to the Commission on Human Rights and to raise the issue in public forums. In voicing its concern over those violations of human rights, it was taking no stand on any other aspect of Democratic Kampuchea's internal or external relations, nor did it deny the existence of serious human rights violations in other parts of the world.

34. Her delegation also felt obliged to refer to the general situation in the region of South-East Asia formerly referred to as Indo-China. In the last few months, the refugee outflow from Viet Nam, Cambodia and Laos had reached over 10,000 persons per month. Those movements, which had international implications of the gravest nature, could not be divorced from domestic conditions in the countries of exodus. The refugee situation confronted the international community with a moral problem of great urgency and magnitude. If the international community was obliged to respond to it, it must surely also have the right to seek solutions to its root causes. Many countries in the area were being presented with virtually insoluble situations that were not of their own making but were rather the result of the internal actions or policies of some neighbouring countries of exodus. Receiving countries of the area and other States, such as Canada, which had responded to the refugees' plight had a right to urge, and indeed demand, full respect for the fundamental rights of citizens in States which were the source of exodus.

35. Some States would, of course, argue against concerted United Nations action to get at the roots of the problem, but the arguments used to sustain their contentions were, to say the least, suspect. In an address to the Committee, the Vietnamese delegation had outlined a theoretical conception of human rights that was basically hierarchical. At the summit were those human rights which were considered "international" in character, including the right to self-determination, freedom from racial discrimination, and freedom from fear of war. Much lower in the hierarchy were such considerations as the basic relationship of the individual to the State and the relationship among citizens within the State, which were allegedly not open to international scrutiny. Such a hierarchical order was in

/...

(Mrs. Gelber, Canada)

profound contradiction to internationally accepted standards; it also contradicted General Assembly resolution 32/130, which included the concept of the indivisibility and interdependence of human rights and fundamental freedoms. Her Government, for its part, could not accept a fragmentation of human rights following an artificial dichotomy or an insistence on one set of rights while excluding or minimizing others.

36. Her Government was deeply concerned at the serious food shortages now faced by the countries of South-East Asia, devastated by decades of war, and at the widespread flooding in recent months. It had made humanitarian responses to the pressing basic needs of the inhabitants of the region by providing, since 1975, more than \$20 million in humanitarian relief. On 28 November, it had announced a contribution of \$250,000 for flood relief in Viet Nam. It had thus tried to show its broad and humanitarian perception of the area's problems. It would find it difficult, however, to continue to make a major humanitarian response while at the same time remaining silent on the roots of the crisis. The countries in question must accept full responsibility for the welfare of all their citizens and make whatever adjustments were necessary to ease the current situation. The refugee situation was all the more tragic because of its increasing proportions. The causes of an exodus of that scope could not be ignored.

37. Far too many States ignored their Charter obligation concerning human rights. Regardless of the economic and social policies which Governments were free to pursue, they could not flout human rights standards which they were obligated as United Nations Member States to uphold.

38. For some five years, the Ugandan Government had used various perceived external or internal threats to its stability, cohesiveness or territorial integrity to justify flagrant and massive violations of human rights in Uganda. More recently, it had found a pretext for launching an illegal attack on the United Republic of Tanzania. Neither perceived threats to a particular régime nor even states of war justified the mass repression and persistent violations of the most basic human rights that had been documented in Uganda in recent years. A body of humanitarian law existed to protect the rights of persons in war situations or situations of a similar nature and the Covenants on Human Rights defined the extent to which States could derogate from peacetime provisions to deal with difficulties arising in extraordinary circumstances. If some States Members of the United Nations continued thus to disregard their Charter obligations, it would be incumbent upon other Members to insist upon appropriate action.

39. In that connexion, it would seem that the voices raised by the international community were beginning to have some positive effect. Increased publicity had highlighted the problems of dissidents and dissident groups and had discouraged Governments long accustomed to retaliation against those who spoke out according to their consciences. The problem of political prisoners and particularly of political trade-union prisoners was of concern to the international community. Efforts were also being made to eliminate torture and to promote freedom of religion and belief. The non-governmental organizations should be commended for

/...

(Mrs. Gelber, Canada)

their efforts in the field of human rights, the value of which would soon be recognized by the award of a United Nations Human Rights Prize to Amnesty International, the International Committee of the Red Cross, the Union Nationale des Femmes de Tunisie and the Vicariate of Solidarity.

40. Her delegation was also particularly pleased to note the efforts of the Inter-American Commission on Human Rights of the Organization of American States, whose reports on Chile and, more recently, on Nicaragua had served to focus international attention on violations of human rights in those countries and to bring pressure to bear upon the Governments concerned to live up to their international obligations. Her delegation particularly supported initiatives to enhance the effectiveness of regional arrangements for the promotion and protection of human rights through existing social and economic organizations. As a sponsor of draft resolution A/C.3/33/L.40, it urged the Secretary-General to begin work on regional arrangements by organizing or facilitating the organization of a seminar to be held in Africa in 1979.

41. Her delegation was convinced that enhanced United Nations machinery would go far towards achieving compliance with international standards on human rights. It pledged its full and continuing support for United Nations action to ensure respect for human rights and fundamental human dignity for all persons.

42. Mr. MATELJAK (Yugoslavia) said that the report of the Ad Hoc Working Group (A/33/331) and the study of the impact of foreign economic aid and assistance on respect for human rights in Chile (A/CN.4/Sub.2/412 (vol. I-IV)) complemented each other and contained irrefutable proof of the present grave situation of human rights in Chile. His delegation was pleased to note that some members of the Working Group had finally been able to acquaint themselves with the situation on the spot. It nevertheless regretted the fact that the entire Group had not had that opportunity and had therefore not been able to fulfil its mandate completely. It was also regrettable that the members of the Group who had visited Chile had not been able to contact certain persons, such as the former head of DINA, General Manuel Contreras Sepúlveda, or to visit certain places that were of particular importance for their mission, particularly the "Colonia Dignidad" camp. It was especially regrettable that, according to the report, they had not been able to obtain adequate information on the activities of DINA, which bore the main responsibility for the massive and flagrant violations of human rights in Chile over the past few years.

43. His delegation noted two essential points in document A/33/331: first, the report confirmed the facts and conclusions embodied in the Group's previous reports; and, secondly, there had been no significant improvement in the human rights situation in Chile. The denial of political, civil, economic, social and other fundamental rights continued, and political arrests, torture, exile, dismissals from work and economic blackmail had not ended. CNI and other security agencies were continuing the work of DINA, and the judicial authorities were powerless.

/...

(Mr. Mateljak, Yugoslavia)

44. It was therefore clear why, in spite of the pressure brought to bear upon the military junta, no steps had been taken to punish those responsible for violations of human rights. On the contrary, Decree-Law No. 2.191 of 18 April 1978 was aimed precisely at protecting and pardoning those violators.

45. The situation was particularly disturbing with regard to the missing persons, who, according to the present report, numbered more than 600. The measures introduced by the junta particularly affected the working class and the poorest sections of the population. Trade-union rights were extremely restricted; the most recent decree-law, No. 2.200 of 15 June 1978, authorized employers to dismiss workers arbitrarily and to modify labour contracts unilaterally.

46. His delegation endorsed the view of the Working Group that the United Nations should continue to keep the situation in Chile under consideration until respect for human rights in that country was fully restored. The United Nations and the entire international community should maintain pressure on the junta and provide increased assistance to the Chilean people.

47. His delegation had participated actively in the consultations on drafting a resolution on Chile. It still had reservations, however, concerning draft resolution A/C.3/33/L.73. With regard to the tenth preambular paragraph, it believed that the violations of human rights in Chile were a special case and that an investigation of that case could not be used as a precedent for future United Nations activities in the field of human rights.

48. With regard to paragraph 7 (a), his delegation believed that there was no justification for terminating the mandate of the Working Group, which should instead be extended for a year. The draft resolution, however, confirmed the gravity of the human rights situation in Chile and provided a set of minimum measures for further monitoring that situation and maintaining pressure on the junta. In spite of the reservations that he had just expressed, his delegation would therefore not oppose adoption of the draft.

49. Mr. SREBREV (Bulgaria) said that his delegation had listened with keen attention to the introduction of the report of the Working Group (A/33/331) by its Chairman, Mr. Allana. Although the delayed distribution of the report had made it very difficult to give thorough study to that voluminous and complex document, it must be concluded, as previous speakers had stressed, that no substantial progress in the direction of full restoration of human rights had yet been achieved in Chile.

50. As the report showed, democratic rights and fundamental freedoms continued to be suppressed in Chile. The people were deprived of the basic rights to life, liberty and security of the person. In paragraph 779 (18), the report stated that the basic human right of freedom of association as guaranteed in various international human rights instruments was seriously limited in Chile today. Political parties continued to be prohibited, and all political activities were outlawed. Since the thirty-second session of the General Assembly, a number of new facts concerning the political situation in Chile had aroused the indignation

/...

(r. Srebrev, Bulgaria)

of world opinion. Eye-witnesses of the "referendum" of 4 January 1978 had described the climate of depression and fear in which that so-called electoral consultation had taken place. General Gustavo Leigh, a member of the military junta and former Commander-in-Chief of the Air Force, had called the referendum a Pyrrhic victory and had declared that it had not taken place in normal circumstances, since all political parties had not been able to express their views, political activities had been banned, and freedom of the press and the freedom to hold meetings had been severely curtailed. Eduardo Frei, former president of the Christian Democratic Party, had stated in an article published in Le Monde on 13 January 1978 that the referendum had yielded no guarantees and that, on the contrary, it had generated conditions for electoral tampering. Those statements exposed the nature of the so-called "national consultation" organized by Pinochet with the aim of repelling what his clique termed international aggression whose victim was the Chilean Government.

51. The fascist junta had seized power with outside help against the will of the Chilean people and had imposed a policy which served the interests of the imperialist monopolies. It was quite obvious that the principal aim of the fascist coup d'état had been both to overthrow the progressive Government and to place Chile under the economic domination of imperialist forces. By maintaining a reign of terror, practising torture and carrying out arbitrary executions, the fascist junta was trying to stifle the aspirations of the Chilean people to freedom and democracy. It was currently making a pretence of restoring the rule of law and respect for human rights. That, however, was a mere facade, since other laws subsequently adopted nullified the supposed improvements in the situation of the Chilean people. For example, the substitution of a state of emergency for the state of siege made no difference in terms of legality and practice, as had been rightly pointed out by the Ad Hoc Working Group in its report. The same could be said with respect to the preparation of a new constitution whose only aim was to establish a legal basis for the continuation of the régime imposed by the junta.

52. Despite appeals by the international community, the junta was continuing the practice of arbitrary arrests and detention without trial. The report showed that torture and other forms of inhuman treatment continued to form an integral part of the system of intimidation and had become institutionalized. The refusal of the Chilean authorities to punish those responsible for torture clearly indicated that such practices enjoyed official support at the highest level.

53. As to the missing persons, world opinion had repeatedly voiced its concern and had insisted on the investigation of hundreds of such cases. Press reports had recently mentioned that the Roman Catholic Church had asked the Supreme Court of Chile for a judicial investigation of 651 cases of persons reported missing after having been arrested. Economic, social and cultural rights were also being violated in a gross and continuing manner, as the report showed. The junta had abolished the State system of social security, had substantially reduced expenditure on public health and had suppressed the activities of social and labour organizations. The Ad Hoc Working Group had found that the junta had deprived large sections of the population of the possibility of enjoying their social, economic and cultural rights. The junta had recently outlawed several trade-union federations and had imposed new restrictions on organized labour activities.

/...



(Mr. Srebrev, Bulgaria)

54. Furthermore, there was concern and indignation that the Chilean junta was increasingly interfering in southern Africa against SWAPO freedom fighters. There was no doubt that the junta had placed itself at the service of the proponents of colonialism, racism and apartheid in contravention of the relevant resolutions of the United Nations and the purposes of the Charter. The world-wide movement for solidarity with the people of Chile continued to be of the utmost importance in that people's struggle to overcome fascism and restore democracy. At the eleventh Festival of Youth and Students held in Havana in August 1978, 18,000 representatives of 145 countries had resolutely condemned the actions of the Chilean junta, and, in the final documents of the Festival, representatives of 2,000 organizations with various orientations had expressed their solidarity with the struggle of the people and youth of Chile against fascism and for democracy and social progress. The World Conference for Solidarity with the Chilean People held recently in Madrid had also condemned fascism and had appealed to the United Nations to continue its activities for the restoration of human rights in Chile.

55. The People's Republic of Bulgaria, in solidarity with the Chilean people, resolutely condemned the massive and flagrant violations of human rights by the fascist junta and supported international action aimed at restoring the freedom and human rights of the Chilean people. States Members of the United Nations could, in particular, contribute to the achievement of that aim by compelling the junta to disclose the whereabouts of missing political prisoners, end political kidnappings, dissolve the National Information Centre, close concentration camps and torture centres, grant amnesty to all political prisoners, permit the return of all Chileans in exile, and restore the norms protecting human rights and basic guarantees in conformity with the United Nations Charter and the purposes and principles of the Universal Declaration of Human Rights and other international instruments relating to human rights.

56. His delegation believed that the United Nations should continue to examine the massive and flagrant violations of human rights in Chile through the Ad Hoc Working Group on the Situation of Human Rights in Chile, and it recommended the extension of the Group's mandate.

57. Mr. ALLANA (Chairman-Rapporteur of the Ad Hoc Working Group on the Situation of Human Rights in Chile), after thanking delegations for their cordial remarks concerning himself and the other members of the Ad Hoc Working Group, said that the Group would take due note, at its Geneva meeting in January 1979, of the observations of the Chilean Government appearing in annex LXXXII of the report. The Chilean Ambassador had informed him that the letter addressed by the Working Group to the Government of Chile had been duly transmitted. The Chilean Government had sent him a letter on 5 December 1978 informing him that, as a result of the revocation of a decree, the import of books, pamphlets and written matter was henceforth permitted in Chile - a measure which should be welcomed as contributing to the restoration of freedom of information.

58. The Working Group, as it had noted in its report, had been able to carry out its mission thanks to the co-operation of the Chilean Government. The United States representative had rightly observed that the Group had had to do a great

deal of work. In carrying out its task, which had required a great many hours of work over the past four years, its members had acted simply as instruments of the United Nations, and they had sought to show the utmost impartiality.

59. Mr. DIEZ (Chile) said that he wished to refer not to statements motivated solely by political passions but to other statements which had dealt with the situation in Chile from a serious and humanitarian point of view. He urged the authors of those statements to pay close attention to his Government's observations, which appeared in annex LXXXII of the report of the Ad Hoc Working Group, and he noted two new elements which had arisen since the preparation of the report. As the Chairman of the Working Group had indicated, the Chilean Government had revoked Decree-Law No. 107, thus complying with the request made by the Working Group during its visit to Chile.

60. Clarifications were necessary with regard to the situation of Chilean workers, to which some representatives had referred. Contrary to what had been stated, no trade union, i.e. no association of workers employed in the same enterprise or exercising the same occupation, had been dissolved. Only the national vertical considerations had been disbanded, the most important of which was the Chilean Workers Organization whose president had been both a member of the Central Committee of the Communist Party - in other words, of the Chilean Section of the Soviet Communist Party - and Minister of Labour, as was the case in the USSR. The question of the disbanding of those confederations, which had been highly politicized, should not be hastily appraised, since the trade unions themselves had been anxious to escape from the veritable dictatorship imposed by the confederations.

61. He noted another new development since the preparation of the report: his Government had authorized the election of trade-union leaders by secret ballot, and more than 500,000 Chilean workers from 2,400 trade unions had elected their leaders in that way. The re-election of leaders who had been elected before 1973 had not been permitted; that was the only restriction imposed, the purpose being to prevent the creation of a trade-union oligarchy and guarantee the representative character of the trade unions. Ninety-seven per cent of the workers had thus been able to exercise their right to choose their trade-union representatives. However, an exception had been made in the case of workers in the copper industry because of labour disputes between those workers and the Government. The mandatory election of trade-union leaders and the ban on the re-election of former leaders might have been interpreted as an act of political revenge or as meaning that the Government was seeking to eliminate legitimate opponents.

62. Referring to the Trust Fund for Chile, which was to be set up pursuant to Economic and Social Council resolution 1978/15 with the aim of distributing humanitarian, legal and financial aid to persons whose human rights had been violated, he stated that the decision in question undermined the prestige of the United Nations because so many refugees were anonymous, their case was not being argued in the United Nations and they lacked essential aid which neither UNHCR, ICEM nor the Red Cross was in a position to provide for want of adequate resources. The Chilean refugees, representing 1 per cent of all refugees, were

(Mr. Diez, Chile)

thus receiving preferential treatment when, after taking refuge in embassies, they left Chile provided with a passport and visa as well as an airline ticket, the majority of them having been assured in advance of employment and a place to live. The establishment of a Trust Fund for Chile was not motivated by humanitarian feelings but by political considerations. Contributions to the Fund should be made to humanitarian organizations such as UNHCR, ICEM and ICRC in order to provide aid to refugees who really needed it.

OTHER MATTERS

63. The CHAIRMAN announced that Sao Tome and Principe had become a sponsor of draft resolution A/C.3/33/L.49 and of the amendments contained in document A/C.3/33/L.74. Liberia and the Netherlands had become sponsors of draft resolution A/C.3/33/L.76 and Honduras of draft resolution A/C.3/33/L.60/Rev.1.

64. Mr. GUNASEKERA (Sri Lanka) said that his delegation would have voted for the amendments contained in document A/C.3/33/L.34, for draft resolution A/C.3/33/L.17, as amended, and for draft resolution A/C.3/33/L.35 if it had been present at the time of the vote on those texts at the 65th meeting of the Committee.

The meeting rose at 1.10 p.m.