

to ratify or accede to it and, pending such ratification or accession, to be guided by the basic provisions of the Convention in their internal and foreign policies and further it invited the States parties to the Convention to observe fully the provisions of the Convention and other international instruments and agreements to which they were parties concerning elimination of all forms of discrimination based on race, colour, descent or national or ethnic origin.

The resolution in draft form, sponsored by 25 States, was adopted in the Third Committee without a vote.

Under resolution 33/103, on the status of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*, adopted by 109 votes in favour to none against, with 30 abstentions, the Assembly took note of the Secretary-General's report on the question and expressed its satisfaction with the increased number of States which had ratified the Convention or acceded to it.

It commended the States parties to the Convention that had submitted their reports under article VII of the Convention and urged other States to do so as soon as possible, taking fully into account the guidelines prepared by the Working Group on the Implementation of the International Convention on Suppression and Punishment of the Crime of *Apartheid* in accordance with article IX of the Convention.

It renewed its appeal to all States that had not yet become parties to the Convention to ratify it or accede to it without delay.

The Assembly welcomed the efforts of the Commission on Human Rights to undertake the functions set out in article X of the Convention and invited the Commission to continue its efforts, especially with a view to preparing a list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in article II of the Convention, as well as of those against which legal proceedings had been undertaken.

It called upon the competent United Nations organs to provide the Commission, through the Secretary-General, with information relevant to the preparation of the above-mentioned list according to article X of the Convention as well as with information concerning the obstacles which prevented the effective suppression and punishment of the crime of *apartheid*.

Assembly Sets Up Fund, Takes Other Action on Chile Human Rights Issues

On the recommendation of its Third Committee (Social, Humanitarian and Cultural), the General Assembly, on 20 December, adopted three resolutions on questions relating to Chile. They were concerned specifically with the establishment of a voluntary fund for Chile; the protection of human rights in that country; and with the report of the *Ad Hoc* Working Group on the Situation of Human Rights in Chile.

Under resolution 33/174, adopted by 98 votes in favour to 6 against (Argentina, Brazil, Chile, Guatemala, Paraguay, Uruguay), with 35 abstentions, the Assembly decided to establish a voluntary fund—the United Nations Trust Fund for Chile—administered in accordance with the financial regulations of the United Nations by the Secretary-General with the advice of a Board of Trustees, composed of a chairman and four members, with wide experience of the situation in Chile, to be appointed by the Secretary-General with due regard to equitable geographical distribution and in consultation with their Governments to serve for a three-year term.

Under the same resolution, it adopted the arrangements for the management of the Fund and authorized the Board of Trustees to promote and solicit contributions and pledges.

The Secretary-General was requested to put into immediate effect the resolution's provisions and to give the Board of Trustees all the assistance the latter might require.

The Assembly appealed to Member States to respond favourably to requests for contributions to the Fund.

In the Third Committee, the draft resolution, as recommended by the Economic and Social Council, was adopted by a vote of 88 votes in favour to 6 against, with 32 abstentions.

Chile Asked to Restore Basic Human Rights

Under resolution 33/175 dealing with the protection of human rights in Chile, adopted by 96 votes in favour to 7 against, with 38 abstentions, the Assembly expressed its continued indignation that violations of human rights, often of a grave nature, continued to take place in that country, as had been convincingly established by the report

of the *Ad Hoc* Working Group and expressed its particular concern and dismay at the refusal of the Chilean authorities to accept responsibility or account for the large number of persons reported to have disappeared for political reasons, or to undertake an adequate investigation of cases drawn to their attention.

It called once more upon the Chilean authorities to restore and safeguard, without delay, basic human rights and fundamental freedoms and fully to respect the provisions of the relevant international instruments to which Chile was a party, including the International Covenants on Economic, Social and Cultural Rights and on Political and Civil Rights, as well as to heed the concerns expressed by the international community.

The Assembly urged the Chilean authorities in particular: to cease the state of emergency under which continued violations of human rights and fundamental freedoms were permitted; to restore the democratic institutions and constitutional safeguards formerly enjoyed by the Chilean people; and to ensure an immediate end to torture and other forms of inhuman or degrading treatment and to prosecute and punish those responsible for such practices.

The authorities were also asked to take urgent and effective measures in response to the profound international concern at the fate of persons reported to have disappeared for political reasons and, in particular, to investigate and clarify the fate of those persons; to cease arbitrary arrest and detention and to release immediately those who were imprisoned for political reasons; to restore fully the right of habeas corpus; to restore Chilean nationality to those who had been deprived of it for political reasons; and to allow those who had been forced to leave the country for political reasons to return home and take appropriate measures to assist their resettlement.

Also, they were requested to remove restrictions on political activities and re-establish full enjoyment of the freedom of association; to guarantee the standards of labour protection called for by international instruments and fully restore previously established trade union rights; to fully guarantee freedom of expression; and to safeguard the

human rights of the Mapucho Indians and other indigenous minorities, taking into account their particular cultural characteristics.

The Assembly expressed its appreciation to the Special Rapporteur for his report on the consequences for human rights of forms of aid extended to the Chilean authorities; and commended the Chairman and other members of the *Ad Hoc* Working Group for their thorough and objective report.

It invited the Commission on Human Rights to continue to give close attention to the situation in Chile and to that end: to appoint, in consultation with the Group's Chairman, from among members of the Group, as constituted, a Special Rapporteur on the situation of human rights in Chile who should report to the Commission and to the General Assembly, and to formulate his mandate on the basis of its resolution 8 (XXXI) of 27 February 1975 which established the mandate of the *Ad Hoc* Working Group; and to consider at the thirty-fifth Assembly session the most effective ways of clarifying the whereabouts and fate of missing and disappeared persons in Chile, taking into account the views on that subject expressed by the Working Group in its report.

The Assembly urged the Chilean authorities to co-operate with the Special Rapporteur; and requested the Commission on Human Rights to submit to the next Assembly session, through the Economic and Social Council, a progress report of action taken in compliance with the resolution.

The resolution in draft form was introduced in the Third Committee by Sweden and adopted by the Committee by 88 votes in favour to 7 against (Argentina, Brazil, Chile, Lebanon, Nicaragua, Paraguay, Uruguay), with 34 abstentions.

Under resolution 33/176, adopted by 55 votes in favour to 17 against, with 66 abstentions, the Assembly welcomed the fact that the *Ad Hoc* Working Group was finally able to travel to Chile and carry out, on the spot, an investigation of the human rights situation there. It expressed its great appreciation to the Group for the careful and objective manner in which it had carried out its duty and drew the attention of the Commission on Human Rights to the importance of the Group's experience in view of the Commission's future action when dealing with con-

sistent patterns of gross violations of human rights.

The draft resolution was adopted in the Third Committee by a vote of 47 in favour to 22 against, with 53 abstentions.

Prior to the adoption of the resolution, the Assembly rejected by a vote of 52 in favour to 53 against, with 34 abstentions, a draft amendment by Italy which proposed an additional operative paragraph to the draft recommended by the Third Committee.

The draft amendment proposed that the Assembly invite the Commission on Human Rights to consider the desirability of the creation of *ad hoc* working groups or similar investigative bodies in those cases in which it had recognized the existence of consistent patterns of gross violations of human rights, and report on the subject to the thirty-fourth Assembly session.

Before the Assembly voted on the three resolutions, a number of delegations explained their positions.

Yugoslavia said it would vote against the Italian draft amendment. There had been no time for consultations and nothing could justify its consideration.

The USSR, which stated that it would vote against the proposal, said that some of the provisions were completely at variance with United Nations decisions.

Egypt, opposing the proposal, said it was premature. The possibility should be avoided of such groups being used against certain States for the wrong reasons which might result in further human rights violations. Egypt was dissatisfied with the way the matter was being handled.

Ethiopia said there were ample reasons for voting against the draft amendment. Some Western States might use the idea as a way to interfere in the internal affairs of States.

Pakistan recalled that it had indicated its belief that the draft resolution on the Group's report should be studied further. Due to lack of such an opportunity, it had voted in the Committee for deletion of the relevant operative paragraph. The matter deserved serious reflection. Pakistan would maintain its position on that issue.

Zaire said that it would abstain in the vote on the draft resolution on human rights in Chile. The defence of human rights had been selective and reflected the situation concerning Chile. Peoples in Africa suffered from worse discrimination.

Senegal said it would vote for the

Italian draft amendment. Enforcement of human rights could not be selective. The Commission on Human Rights should be in a position to establish an investigatory group whenever it was necessary.

Australia said it would vote for the draft amendment. The vote in the Committee on the operative paragraph had been erroneously recorded by the voting machine. Italy should be justified in asking for restitution of that paragraph which would add balance to the draft's text.

Benin, opposing the Italian proposal, recalled that the paragraph had been rejected by the Committee. Imperialist countries had practised a double standard focusing on violations in developing countries while ignoring the situation in areas such as Palestine.

Costa Rica said it would abstain on the drafts on the voluntary fund and protection of rights in Chile, and would vote for the draft on the *Ad Hoc* Working Group, if the Italian amendment was accepted. If the latter was rejected, it would abstain. The report of the *Ad Hoc* Group had recognized that there had been important improvements in the Chilean situation.

Saudi Arabia said the draft amendment would create a lot of trouble if approved, and Saudi Arabia was opposed to it.

After the vote, Chile said it was pleased that for the first time the United Nations recognized a marked improvement in the human rights situation in that country. However, it rejected some of the false conclusions by the Group.

Chile believed that the designation of the Special Rapporteur and the establishment of the Fund for Chile constituted a violation of the principle of legal equality among States.

Uruguay said it voted against the resolution on the report of the *Ad Hoc* Working Group because it disagreed with the Group's conclusions and objected to the procedures used. The Group went beyond its terms of reference.

The German Democratic Republic said it had reservations on the preambular paragraph of the resolution on protection of human rights in Chile. It held that that country had not achieved an improvement in the situation.

Cuba said it was not among the sponsors of that resolution because of differences of opinion which had arisen regarding the so-called improvement in the situation in Chile.