

Statement on Viet Nam Atrocities

this particular event and the circumstances in which it took place and meet the requirements of justice.

The question has been raised of an investigation by the International Control Commission, of which Canada is a member along with India and Poland. We have consulted our delegation in Viet Nam and their view confirms our own reaction that an investigation by the commission of charges of atrocities would be beyond its powers under the 1954 Ceasefire Agreement which sets out the terms of reference of the International Control Commission. For this reason it has been unable to undertake investigations of similar allegations submitted to it over the years concerning Viet Cong atrocities, and any such efforts have been consistently blocked.

The possibility of a United Nations investigation of the allegations of atrocities has also been raised. It must be recognized, of course, that an investigation on behalf of the Secretary General could in practical terms only be carried out with broad general support within the United Nations and with the co-operation of all the parties directly concerned. Frankly, whatever the merits of the proposal, I see little likelihood that these conditions would be met. I would remind the House, in particular, that the Communist side has consistently maintained the position that the United Nations has no role to play in the Viet Nam conflict and has resisted any suggestions of possible UN intervention.

• (2:30 p.m.)

Finally, there has been a proposal by a distinguished group of Canadian professors of international law that the United Nations should set up a special body to go into this whole question in depth, to see whether war crimes and crimes against humanity have been committed in violation of customary and conventional international law and principles affirmed by the United Nations, and perhaps to update the rules concerning war crimes to apply to hostilities other than open and declared war. While all the available evidence indicates that atrocities have in fact occurred, every effort must be made to avoid prejudicing the rights in law of the individuals who may have been involved. We are, however, making a careful study of the professors' declaration and carrying out our own examination of the international law applicable to the questions raised in the declaration. I would therefore prefer to withhold substantive comment until this study has been completed.

[Mr. Sharp.]

Our attention these last few weeks has been focused very heavily on the particular horrors to which the conflict in Viet Nam has given rise. A stop must be put to them, but the best way would be for both sides to display the necessary imagination and flexibility to bring to an end a war whose continuance can only bring further suffering and further horrors.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, as I said the other day, I have serious doubts about the usefulness of what I might call instant comment on what must have been a statement rather carefully prepared by the department, and I hope that some day Parliament will be able to take a look at the formula that we have followed up to now.

Having said that, perhaps I can add the comment that surely we must accept, in our attitude toward the agony which the American people are going through as the result of the disclosure of the atrocities at My Lai, that the vast majority of them are just as deeply troubled by this event as is obviously the case with people in the rest of the world. Perhaps it is trite to say that, but I think we have to try to balance such statements with a recognition of the best features of the life and ethics of the American people. We also have to remember that we have just had an example of another side of American life which was welcomed here in a very moving way the other day when the astronauts honoured us by visiting Parliament. The tragedy and the irony are that their superb achievement in the technological and, yes, in the human sense, is clouded in the eyes of the world because of events in South Viet Nam.

I am sorry that the minister could not have been more forthcoming about the International Control Commission. Perhaps it is not fair to say this, but it is my feeling that the commission has been plagued throughout its history by withdrawals from activity just at the time when one could have expected it to play some useful role. Indeed, the latest manifestation in the withdrawal of the commission personnel from Cambodia troubled a good many thoughtful people involved in international affairs.

I read the proposals of the professors of international law with great interest. I wish I could be more optimistic, but all I can say is that it seems to me to be a rather bitter and ironic comment on man's progress toward civilization that in 1969 we are having to