

on the Suppression of the Crime of Apartheid. Again, a number of countries with commercial or other ties with the South African regime vote against or abstain from voting on resolutions relating to that item. As of January 1, 1985, seventy-nine countries had ratified the Convention and no major Western nation is on the list of ratifiers. The reason

The Khalifa report was prepared by a member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. An updated version of the report was tabled at the 41st Session. The report provides a fairly comprehensive list of banks, insurance and other companies "assisting South Africa, either directly or indirectly, through assistance to the illegal regime in Namibia." The report names over 100 Canadian companies doing business with South Africa.

most often given by countries such as Canada for not ratifying, is the "language" of the Convention or "legal problems."

Afghanistan

Under agenda Item 12, the Commission considered a number of reports, including those dealing with the situations in Afghanistan and Guatemala. Agenda Item 12 is much anticipated both by countries and by NGOs as it affords them the opportunity to make their major statements on human rights violations in any part of the world. Canada intervened under this item and commented on the two reports mentioned above.

The report on Afghanistan, prepared by Felix Ermacora of Austria at the request of the Commission, turned out to be highly controversial both because it had been leaked to the press before being tabled and because of its content, especially the way it ascribed responsibilities for the violations of human rights. Ermacora's report accused "foreign invaders" of "deliberately" bombing villages, massacring civilians and summarily executing captured guerrillas. It was obviously aimed at the Soviet Union. The report was an example of the work that can be done by the Commission. By appointing Ermacora to conduct the inquiry, the Commission chose a well-known international human rights expert who had previously participated in similar inquiries on Chile and South Africa.

When the Canadian delegate intervened on this subject she said that "her delegation agreed with the Special Rapporteur that there must be immediate application of the norms of human rights and humanitarian law by all the parties involved. Equally, however, there must be an end to the conflict, which would be initiated by the withdrawal of all foreign troops and the elimination of foreign influence." Canada was one of the co-sponsors of a resolution on the situation in Afghanistan which was adopted by a vote of twenty-six to eight with eight abstentions.

Guatemala

On the other hand, the Commission report on Guatemala prepared by Viscount Colville of Great Britain and tabled at the 41st Session was criticized by NGOs for

not ascribing such responsibilities. For example, in his conclusions and recommendations Colville stated:

Violence and disappearances. These are an alarming feature of the current scene. A great variety of people are affected, but members of political parties, staff and students at, particularly, the University of San Carlos and trade unionists are among the victims. *Whoever may be responsible*, many forms of human rights violations are involved. The Government should urgently seek to prevent those occurrences and to bring to justice those who have perpetrated such acts in the past.

Some NGOs felt that Colville lacked sound methodology in his approach to the task. According to them, not only did he not ascribe responsibility, but he never dealt with the main issue, i.e., the control of the military in Guatemala. In an article published by the influential Paris newspaper *Le Monde* human rights groups attributed the responsibility for human rights violations in Guatemala to the army, security forces and the paramilitary groups linked to them. The article further stated that on March 15 (the last day of the 41st Session) the Guatemalan Head of State, General Mejia, warned that he considered steps taken to obtain information on detainees and disappeared persons, as "aggressive acts." But Commission members were reluctant to criticize Colville or his approach to the problem.

This is where NGOs play an important role. For example, the intervention by the representative of the International Federation of Human Rights clearly expressed "her organization's surprise at the approach to enforced or involuntary disappearances taken by the Special Rapporteur on Guatemala which tended to minimize the responsibility of the military government. Guatemala possessed no private organization for repression; repression was exercised by the security forces under the command of the military authorities."

On the other hand, the Observer for Guatemala said that "her delegation wished to state that the Special Rapporteur's latest report [Colville's] on the situation in Guatemala had doubtless once again surprised those who had morbidly expected a horror story." Her delegation "rejected the diatribes and arguments stemming from activist bodies of known militancy, as well as the repeated allegations contained in documents being circulated irresponsibly in the Commission in an attempt to discredit the Guatemalan government's efforts to restore democratic institutions, including a free electoral process, and prevent it from fulfilling its commitments to the people's sovereignty."

Canada on Guatemala

In commenting on Guatemala and on El Salvador, a member of the Canadian delegation "thanked the governments of El Salvador and Guatemala for their cooperation." The delegate added that such cooperation was "a sign of respect for the concerns of the international community." The Canadian statement contained no evaluation or criticism of Colville's report. It did however state that "those responsible, including members of the security forces, must be brought to trial and punished."