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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 16th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 February 1989, at 3 p.m.

Chairman: Mr. BOSSUYT (Belgium)
later: Mr. HELLER (Mexico)

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The meeting was called to order at 3.15 p.m.

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STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 17 (a)) (continued) (E/CN.4/Sub.2/1985/6 and Corr. 1 and E/CN.4/Sub.2/1985/7; E/CN.4/Sub.2/1988/5)

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1. Mr. DESPOUY (Argentina) said that the growing participation of churches, workers, students and other anti-apartheid groups in the struggle to eliminate racial discrimination was eroding the Pretoria régime's pretensions to legitimacy. In their heroic struggle, the South African people faced torture, murder and intimidation, which were part and parcel of the South African Government's policy of State terrorism. The Pretoria authorities must end such heinous practices and take measures to avert a catastrophe by beginning immediate negotiations with the legitimate representatives of the black majority and by freeing Nelson Mandela, its acknowledged leader. The international community should continue its vigorous support which in 1988 had led to the reprieve of the Sharpeville Six, thus demonstrating how concerted action could save the lives of South African freedom-fighters.

2. In spite of South Africa's economic prosperity, black workers continued to live in poverty and had to put up with poor working conditions and unhealthy and precarious housing; many blacks were unemployed. The "homelands" policy had continued to affect new populations, uprooting them from their places of residence. Repression in the "homelands" had increased, and the international community must condemn that violation of the right to freedom of movement and residence.

3. His Government expressed its satisfaction at the agreements which had been reached on Namibia and was in favour of the implementation of Security Council resolution 435 (1978). The Commission should remain vigilant with regard to the human-rights dimension of the independence process, and his delegation supported the recommendations of the Ad hoc Working Group of Experts (E/CN.4/1989/8, chap. X) regarding the proclamation of an amnesty for

all Namibian political prisoners, the authorization of the Working Group to undertake a mission to Namibia and the need for the international community to increase its aid and assistance to Namibian refugees.

4. His delegation had taken note with satisfaction of the updated report prepared by the Special Rapporteur (E/CN.4/Sub.2/1988/6 and Add.1), and hoped that he would receive the necessary United Nations assistance in order to provide the Commission with detailed information about the activities of enterprises which assisted the racist régime. It had taken note with interest of the oral explanation by Mr. Eide to the latest session of the Sub-Commission and was prepared to co-operate fully in order to help him complete his valuable study on the achievements of the First Decade to Combat Racism and Racial Discrimination and on the obstacles that had been encountered.

5. His delegation commended the Group of Three on its report (E/CN.4/1989/33), and hoped that the countries which had not yet ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid would do so, since the Convention was an important means of isolating the racist régime.

6. Mr. MAYIRA (Rwanda) said that his Government had always condemned human-rights violations in South Africa and Namibia, where the overwhelming majority of the inhabitants had been denied civil, political, economic and cultural rights because of the colour of their skins. Apartheid must be eliminated once and for all since the world should not enter the third millennium with a system which was so degrading to the dignity of the human person.

7. His delegation was convinced that only the imposition of comprehensive and mandatory sanctions against the Pretoria régime could compel it to dismantle its odious policy of apartheid. Paragraphs 558 and 559 of the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8) clearly indicated that, when consulted on the subject, the black population of South Africa was in favour of economic sanctions in spite of their potential harmful effects. The Working Group's report should be brought to the attention of the General Assembly so that its contents could be more widely disseminated.

8. The normalization of the situation in South Africa was essential for ensuring peace in the region. That required the adoption of measures to improve the political climate, such as the abolition of all racist legislation and the release of political prisoners, beginning with Nelson Mandela.

9. The recent encouraging developments with regard to the granting of independence to Namibia could be undermined by the Pretoria régime's current manoeuvres. The continued illegal occupation of Namibia by South Africa would result in increased discriminatory measures against the black populations of Namibia, as well as continued tension in the region and the harassment of the front-line States. The Commission should sound the alarm in order to ensure the proper implementation of Security Council resolution 435 (1978).

10. The independence of Namibia would be a victory for the universal principle of the right of peoples to freedom and self-determination, and South Africa's withdrawal from Namibia should enable the Pretoria authorities to devote their efforts to the speedy elimination of the apartheid system.

11. Mr. UR-RASHID (Bangladesh) said that his Government condemned the atrocities being committed by the South African régime and extended its unreserved support to the non-white and other South Africans who were waging a heroic struggle to free themselves from the curse of apartheid. It shared the concern of the international community at South Africa's acts of wanton military aggression against neighbouring States. His delegation reaffirmed its whole-hearted support for the front-line States and the Namibian and South African liberation movements. The South African people must be allowed to have a political system of their own choice and a socio-economic order in keeping with their national aspirations. His Government called for the immediate release of Nelson Mandela and all political prisoners in South Africa and Namibia.

12. In the face of the racist régime's arrogant continuation of its policy of apartheid, torture and oppression, the international community should support the imposition of comprehensive and mandatory sanctions against South Africa. His Government had not only fully supported such sanctions, it had also scrupulously applied them. Continued assistance to the South African régime could not but prolong the apartheid system, and his delegation fully associated itself with the appeal that all forms of co-operation with South Africa should be discontinued, until Pretoria restored the inalienable rights of the non-white population.

13. Bangladesh had, as a matter of priority, ratified and acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was heartening to learn that, by 20 November 1988, as many as 87 States had ratified or acceded to that Convention, and his delegation appealed to all Governments which had not yet done so to ratify or accede to it.

14. Mr. KOLAROV (Bulgaria) said that his Government unreservedly supported the objectives of the two United Nations decades to combat racism and racial discrimination, and had repeatedly expressed its views on the urgent need to implement the relevant provisions of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

15. His delegation commended the agreements signed on 22 December 1988 among Angola, Cuba and South Africa and between Angola and Cuba, and hoped that the implementation of those agreements would lead not only to the granting of independence to Namibia but also to the elimination of the inhuman system of apartheid. Recent developments in South Africa had led to a further deterioration of the situation, however, especially in the wake of the Pretoria régime's decision to ban the political activities of a number of mass democratic organizations as well as the activities of a number of prominent black leaders. Such actions proved that the racist régime was bent on crushing every peaceful form of opposition in the country. The South African Parliament had taken steps to restrict organizations and individuals who received foreign funds for activities which, in the opinion of the racist régime, might endanger public safety.

16. Nevertheless, massive repression, violence and press restrictions under the continuing state of emergency had been unable to suppress popular anger and protest. His Government reiterated its firm stand against apartheid and its full solidarity with the just struggle of the peoples of South Africa and

Namibia. It joined the overwhelming majority of States in their call for the imposition of comprehensive and mandatory sanctions against South Africa.

17. His Government, which was firmly opposed to political, military, economic and other forms of assistance to the South African régime, called upon all States to take appropriate steps to prevent corporations under their jurisdiction from collaborating with the South African régime. That would be an effective way of supporting the peoples of South Africa in their just struggle for the elimination of apartheid. It fully endorsed the conclusions and recommendations contained in the report of the Group of Three (E/CN.4/1989/33), in particular, the Group's recommendation that the Commission should request the Secretary-General to give wide publicity to the list of banks, transnational corporations and other organizations operating in South Africa and Namibia, as reflected in the updated study prepared by the Special Rapporteur (E/CN.4/Sub.2/1988/6 and Add.1) and to disseminate the list as widely as possible.

18. Ms. RADIĆ (Yugoslavia) said that 1988 had been marked by a number of positive developments and that that encouraging trend was continuing into 1989. There were agreements and activities concerning Afghanistan, Iran, Iraq, Kampuchea, Palestine, the Western Sahara and Namibia, a number of which were inextricably linked with the United Nations.

19. The signing of the tripartite agreement on Namibian independence by Angola, Cuba and South Africa was an historical event for the people of Namibia and their representative, the South West Africa People's Organization (SWAPO), which would contribute to the establishment of peace in the southern African region. Since the adoption of Security Council resolution 435 (1978), many countries, including her own, had provided the Namibian people and its liberation movement with moral, political, diplomatic and material support in its heroic struggle to achieve self-determination. Particularly significant was the role of the Movement of Non-Aligned Countries, which had kept the issue of racism, racial discrimination and apartheid high on its agenda. Her delegation echoed the concern, expressed recently by those countries with regard to the proposed reduction in the size of the military component of the United Nations Transition Assistance Group (UNTAG), in the run-up to free elections in Namibia.

20. The need for an effective means of supervising those elections was indicated, in particular, by the findings of the Ad Hoc Working Group of Experts on southern Africa, which noted that South Africa had consolidated its military, police and administrative presence in Namibia.

21. The Group's report presented a long list of human-rights violations by the Government of South Africa, testifying to the de facto application of the policy of apartheid in Namibia. The state of emergency in force in the northern part of the country had led to systematic violations of human rights and international law on a massive scale. Accordingly, her delegation supported the recommendations contained in the report of the Ad Hoc Working Group, including the proposal that it be authorized to visit Namibia.

22. The situation in South Africa continued to be a cause for grave concern. The anachronistic régime that had institutionalized racism as a State policy had survived decades of the just struggle for the national liberation and self-determination of the people of Azania. There had been a marked increase

in the powers of the police and security forces, and of some ministers, while the administration of justice and independence of the judiciary had been seriously undermined, making it impossible to maintain the rule of law and to protect the human rights and fundamental freedoms of the black population.

23. The torture of children and a range of other acts indicated that the racist régime had instituted a form of State terrorism. More determined action was urgently required of the international community to compel the racist Government to abandon its policy. The Commission itself, had a role to play in that regard, with a view to putting an end to the apartheid system and securing the establishment of a free, non-racial society in South Africa. The imposition of comprehensive and mandatory sanctions under chapter VII of the Charter of the United Nations remained a matter of the highest priority. As early as the 1960s, her Government had banned all forms of co-operation and relations with the racist régime.

24. Yugoslavia had recently submitted its fourth periodic report in accordance with article VII of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Her delegation welcomed the fact that there were 87 States parties to that Convention, and was optimistic that the number would grow to include those States which had jurisdiction over the transnational corporations. In the meantime, the national liberation movements, the trade unions, the churches and the people concerned would continue to enjoy the support of the international community in their just struggle against apartheid.

25. She paid tribute to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, emphasizing the value of its reports and activities.

26. Lastly, her delegation considered that the mandate of the Ad Hoc Working Group of Experts on southern Africa should be extended, as proposed in the report, and it would support all action taken to promote the just cause of the peoples of that region, with a view to securing the borders of the front-line States and obtaining peace and security in Africa.

27. Mr. BRANCO (Sao Tome and Principe) said that the issues under consideration presented a clear personal challenge to those who had been following the situation in southern Africa for more than a decade. The quality of the speakers in the debate prevented it from becoming a mere ritual, and had permitted such a degree of consensus on the question of apartheid that delegations from different parts of the world living under different political and economic systems could sometimes speak for one another and for all.

28. His delegation endorsed, for example, all the observations made by the representative of Canada, who had emphasized that the release of a few of the thousands of political prisoners held in South Africa served only to indicate how much more remained to be done, and that there was as yet no sign of any willingness to address the basic issue, which was that a small minority could not continue to deny basic human and political rights to the majority of South Africans.

29. There were difficulties involved, however, in translating a common understanding of the evils of apartheid into practical measures. He noted,

that a consensus was gradually emerging with regard to the question of sanctions, which were the most effective peaceful means of expressing a commitment to the elimination of apartheid, and to the promotion of a non-racial, democratic society. Those imposed by the United States, the European Community, the Commonwealth, the Nordic countries and other individual nations were indisputable proof of the validity of that argument.

30. Some disagreement still persisted as to the nature and scope of sanctions. His delegation believed that comprehensive and mandatory sanctions pursuant to Chapter VII of the Charter of the United Nations would have a fundamental effect on the South African régime. He agreed with the Special Rapporteur that the purpose of sanctions was not to cripple the economy of South Africa or of any other country, but to persuade and to bring pressure to bear in order to "head off a great deal of violence and an inevitable collapse". To be effective, sanctions must be all-embracing. With regard to that potentially detrimental effect on the black population, the Ad Hoc Working Group of Experts had concluded that an overwhelming majority of black South Africans considered them to be the most effective means of bringing pressure to bear.

31. It was the responsibility of each individual country to act in an unambiguous manner in order to present the South African régime with the picture of a firm and determined international community united in the common struggle to dismantle apartheid, rather than reform it.

32. With regard to Namibia, he welcomed the agreement signed by Angola, South Africa and Cuba, with the mediation of the United States. The proposed reduction in the military component of the United Nations Transition Assistance Group (UNTAG) was a matter of concern, however, since it might result in the establishment of Namibian independence under conditions that were neither free nor democratic. Lastly, he endorsed the conclusions and recommendations of the Ad Hoc Working Group of Experts.

33. Mr. TAYLHARDAT (Venezuela), having expressed his delegation's utmost solidarity with the peoples oppressed by the odious policy of racial discrimination applied by the South African Government, especially those who had fallen direct victim to the effects of apartheid, said that he commended the Ad Hoc Working Group of Experts on southern Africa for its comprehensive and objective report.

34. The racist régime of Pretoria continued to defy the international community, flouting the numerous United Nations resolutions calling for an immediate and unconditional end to its unjust and inhumane system. Without regard for human dignity, the South African Government continued to resort to brutally repressive measures, and under the state of emergency the administration of justice had been undermined to the extent that judges were unable to maintain the rule of law and protect human rights and individual freedoms.

35. The intransigence of that Government in the face of international pressure meant that a violent confrontation between blacks and whites in South Africa was becoming increasingly likely. His delegation shared the view of the Ad Hoc Working Group of Experts that the Commission should go beyond repeated condemnations of apartheid and act as a catalyst for more effective international action aimed at bringing the apartheid system to an end and

securing the establishment of a free, non-racial society in South Africa. All the States which were permanent members of the Security Council and also belonged to the Commission must agree to support the call for sanctions in accordance with Chapter VII of the Charter of the United Nations, and provide for application of all possible means to bring decisive pressure to bear on the South African régime.

36. Possible means of promoting a negotiated solution guaranteeing full respect for the human rights of the entire population and promoting the co-existence of all racial groups, should be explored. The South African Government must agree to talk to the legitimate representatives of the black majority, lift the state of emergency and the ban on anti-apartheid movements, and free all political prisoners. It must be persuaded that the alternative to negotiations could only be chaos, bloodshed and destruction.

37. His delegation joined once again the appeal to the South African Government to commute the death sentences imposed on numerous anti-apartheid activists, and to release immediately and unconditionally Nelson Mandela, Zephania Mothopeng and all other political prisoners, to bring an end to the indiscriminate imprisonment of youths, women and children, to suspend the ban on the African National Congress, the Pan-Africanist Congress of Azania and all other political organizations, and to end its brutal repression of individuals and organizations involved in the just struggle against apartheid. In other words, it should put an immediate end to the system of apartheid in all its manifestations.

38. His delegation would vote for the various draft resolutions being put forward in connection with the situation in southern Africa. Furthermore, it considered that the Commission should endorse and follow up the recommendations set out in the report of the Ad Hoc Working Group of Experts.

39. His Government was much pleased at the prospects opened up by implementation of Security Council resolution 435 (1978), which would initiate the process leading to Namibian independence.

40. Miss AL-TURIHI (Iraq) said there had been some encouraging developments in southern Africa, particularly with regard to Namibia, which had been illegally occupied for so many years by the Pretoria régime in defiance of the International Court of Justice, and regardless of the many United Nations resolutions condemning it. The régime had finally had to agree to Namibian independence and the will of the Namibian people had thus triumphed over the forces of evil.

41. She hoped that the international community would find effective means of implementing the peace process by the appointed date. She expressed concern at the proposal that the military component of the United Nations Transition Assistance Group (UNTAG) be reduced and emphasized the importance of there being an adequate number of international observers. It was a well-known fact that the South African régime adopted dilatory manoeuvres to destabilize the front-line States and that it might take advantage of the reduced force to obstruct the independence process. There must be no obstacles to the holding of free elections in an independent Namibia.

42. The situation in southern Africa as a whole was not otherwise encouraging. She praised the Ad Hoc Working Group of Experts for its report, which always presented an accurate picture of the situation under the odious apartheid régime.

43. The black majority inhabited only a small percentage of the land in a prosperous country rich in natural resources. The five million blacks were reduced almost to homelessness, being forced often to live in camps which were worse than Nazi concentration camps. Since the white minority owned so much of the land, many blacks were reduced to squatting on the land of absentee owners. They were deprived to their rights to life, education, work and free movement, as the Pretoria régime had found numerous ways of flouting the Universal Declaration of Human Rights and the two International Covenants on Human Rights.

44. She referred, in particular, to the wretched living and working conditions experienced by the residents of a "homeland" described in paragraph 377 of the report, which provided a useful example of what was actually happening in South Africa. That also explained why the churches were opposed to the régime and preaching in favour of a multiracial society. The régime, on the other hand, asserted that the churches were themselves involved in subversive activities. In the words of the report, the South African Government was facing "an unprecedented crisis of legitimacy".

45. The apartheid régime must be brought to an end. It could not be reformed. The international community should bring pressure to bear by boycotting the régime and seeking all possible means of unmasking the crimes committed against men, women and children. The situation had obvious implications with regard to the rights of the child, as set out in the draft international covenant. Some 11,000 children were said to have been detained, but the true figure was much higher. Women had given birth in prison, and it was not known just how many babies had been born there.

46. She wondered how such a great people could undergo so much suffering when the United Nations Charter provided for the protection of human rights and dignity. Even if the Pretoria régime had promised to reform the system, it could hardly do so when it regarded opposition to apartheid as a treasonable offence punishable by death. Furthermore, it had closed down 17 anti-apartheid organizations.

47. At a time when the death penalty was imposed daily under the state of emergency, all means must be used to help the black majority of South Africa achieve democracy and freedom. All institutions must stop collaborating with the régime and all political prisoners, particularly Nelson Mandela, who was a symbol of the will for peace, must be released. Her Government had always supported the African National Congress and the Pan-Africanist Congress of Azania in their desire to build a multiracial State in which all black people could live in peace under conditions of equality with the white population.

48. All the relevant resolutions must be supported and the boycott strengthened. Her delegation supported the imposition of sanctions pursuant to Chapter VII of the Charter of the United Nations. Some industrialized countries had promised to boycott the régime, but Israel collaborated with Pretoria at all levels, particularly in the military field.

49. The best way to eliminate discrimination was through education at all levels, in the schools, in homes, through the mass media and in academic forums. The United Nations system, especially UNESCO and the International Labour Organisation, had a specific role to play in that regard.

50. Lastly, she hoped that the Special Rapporteur, Mr. Eide, would be able to prepare his final report, evaluating obstacles to the achievement of the objectives of the Decade to Combat Racism and Racial Discrimination.

51. Mrs. GABR (Observer for Egypt) said that the policy pursued by the apartheid régime in South Africa had grave effects not only on the black majority there but also on the front-line States and on the entire region. Her delegation supported the recommendations made by the Ad Hoc Working Group of Experts in its report (E/CN.4/1989/8) and, on behalf of the African Group, expressed the hope that the delay in circulating the current report would not be repeated in the future.

52. Her delegation endorsed, inter alia, the conclusions, in paragraphs 661 and 662 of the report, that economic, diplomatic and other sanctions would be the most effective form of pressure to bring about a reversal of the apartheid policy, that the South African Government must talk to the genuine representatives of the black majority and that meaningful negotiations could take place only when the state of emergency had been lifted and all political prisoners freed. Her delegation was confident that the Centre against Apartheid would continue to assist the Working Group in its further studies, and supported the South African people in its continued struggle for freedom and the exercise of its legitimate rights.

53. The Tripartite Agreement on Namibia gave grounds for optimism, but a realistic and vigilant attitude must be maintained; the international community must give its full support to United Nations plans for Namibia's independence. The peace-keeping force should be maintained at its initial level of 7,500 men; all United Nations bodies and specialized agencies should provide assistance to an independent Namibia in coping with returnees; and the South African Government should declare an amnesty for all political prisoners before the elections. The United Nations Council for Namibia should tabulate all the economic and administrative damage inflicted as a result of South Africa's illegal occupation; and a sufficient number of United Nations observers should be dispatched, including the members of the Ad Hoc Working Group under a renewed mandate, with a view to ensuring impartial elections.

54. The updated report of the Special Rapporteur (E/CN.4/Sub.2/1988/6 and Add.1) testified to the need for continued scrutiny of the co-operation afforded to South Africa by transnational corporations, banks and other institutions. As the Special Rapporteur had reported to the Sub-Commission, as few as six major industrialized nations were in a position to put effective pressure on South Africa to end apartheid; her delegation appealed to those nations to do so. It supported the Special Rapporteur's efforts and awaited with interest the outcome of the steps taken, together with the United Nations Centre against Apartheid and the Centre on Transnational Corporations, to produce a unified list of entities having dealings with South Africa, as well as a study on the practice of sham withdrawal of investment from that country.

55. Her Government supported all United Nations machinery aimed at putting an end to racism and racial discrimination; it regretted that the International Convention on the Suppression and Punishment of the Crime of Apartheid had been ratified by only 88 States as at 31 December 1988, although many States which had not done so continued to voice their support for human rights. The efforts of the International Labour Conference, recorded in the ILO report submitted to the Commission (E/CN.4/1989/35), showed how effective the work of international bodies could be in that field.

56. The international community attached growing importance to the plan of activities for the Second Decade to Combat Racism and Racial Discrimination. As could be seen from the analysis of replies received from Governments (E/1988/8), many countries had taken steps to incorporate suitable provisions into their domestic legislation - although some States had been far less positive in their response. Her delegation appealed to countries which had not yet done so to ratify the relevant international instruments, especially the International Convention on the Suppression and Punishment of the Crime of Apartheid.

57. All Member States should endorse a call for the Security Council to consider the urgent adoption of mandatory comprehensive sanctions against South Africa under Chapter VII of the Charter. Co-ordination and co-operation among all United Nations bodies and the specialized agencies should be enhanced to promote activities for the Second Decade. Legislative and administrative measures should be taken to safeguard free elections in Namibia. The international community should render all possible assistance to the victims of racism and racial discrimination, inter alia, through the United Nations Trust Fund, as part of the action taken during the Second Decade.

58. The international community's responsibilities were not confined to declarations of support. All must take part in measures to monitor the peace process, safeguard the rights of all those struggling against racism and other forms of injustice and promote the establishment for all peoples of freedom and economic and political security.

59. Mr. MAXIM (Observer for Romania) said that the Commission was meeting at a time of intense bilateral and multilateral efforts to improve the international climate. The United Nations was making a substantial contribution towards finding new ways to settle international disputes, restore peace and promote trust through international co-operation in place of confrontation.

60. Those efforts had not been echoed everywhere, however. Public opinion in his country was profoundly shocked by the situation in South Africa and considered the authorities' policies and practices there a grave affront to the world, a violation of fundamental human rights and a threat to international peace and security. It viewed the abolition of apartheid as one of the Organization's chief aims, for which all Member States were responsible. The need to eradicate apartheid in all its forms was clearer than ever; only by the establishment of true democracy and equality for all the people of South Africa could the southern African region achieve peace and security.

61. His Government's views about the policy of apartheid had been expressed many times in United Nations and other international forums: it firmly condemned that policy and voiced its solidarity with the just struggle of South Africa's black population and its freedom movements. It rejected the so-called reforms recently announced by the South African Government and called for the abolition of racist legislation and the freeing of political prisoners. It would do everything in its power to support the peoples struggling against apartheid and for freedom and independence; it continued to denounce the illegal occupation of Namibia and South Africa's acts of aggression against that territory and neighbouring States.

62. The abolition of apartheid and of racial discrimination was one of the international community's major tasks. The world had condemned the policy of apartheid and supported the just demands of the African nations for the imposition of global mandatory sanctions against the South African Government. His delegation reiterated that Romania had no dealings whatsoever with the South African authorities; it reaffirmed its solidarity with the struggle waged by the people of South Africa, supported all the relevant United Nations resolutions and greatly appreciated the Secretary-General's efforts to give them effect.

63. Mr. EL-HAJJE (Observer for Lebanon) said that the Commission, which once again had before it the question of the South African régime's oppression of the peoples of its own country and Namibia, must continue to exert every effort towards putting an end to the policy and practice of apartheid. His Government had always condemned racism and racial discrimination in all its forms. In 1971, it had acceded to the International Convention on the Elimination of All Forms of Racial Discrimination; it had also participated in drawing up the Universal Declaration of Human Rights. The spirit of such instruments was in keeping with Lebanon's own tradition of tolerance.

64. Human-rights violations, which should long since have become an anachronism, unfortunately remained a feature of certain societies, contrary to the principles set forth in the United Nations Charter and the Universal Declaration of Human Rights. South Africa, despite General Assembly condemnations as long ago as 1950 and 1952, still pursued its heinous policy of apartheid, thus violating all the standards of the contemporary multiracial international community. Despite the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, the South African Government continued to oppress the southern African region, with blatant disregard for the sufferings it caused.

65. Its intransigence was equalled only by that of the Israeli régime. The report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8) bore testimony to the extent of the persecution, including the large numbers of detainees, as well as to the continuing stout resistance by the national liberation movements, such as SWAPO. The Commission should continue to exert the utmost pressure on the South African Government to force it to abandon its policies and comply with the provisions of Chapter VII of the Charter, for the true benefit of all its citizens; the state of emergency must be lifted; and Nelson Mandela and all other political prisoners, including all those held because of membership of ANC and PAC, should have their full freedom restored.

66. The Special Rapporteur's updated report (E/CN.4/Sub.2/1988/6 and Add.1) was of particular importance to the efforts aimed at forcing the South African authorities to desist from their current practices and conform to international law.

67. With regard to the situation in Namibia, his delegation hoped that the Tripartite Agreement would enable the Namibian people to achieve freedom and independence pursuant to Security Council resolution 435 (1978); Lebanon looked forward to participating in the efforts towards that goal.

68. Mr. GICHERU (Observer for Kenya) said that the past year, which had marked the fortieth anniversary of the Universal Declaration of Human Rights, had been one of encouraging peace initiatives. Hopes for southern Africa were still being dashed, however, and the system of apartheid, with its institutionalized racial discrimination remained one of the world's major challenges.

69. The South African régime's repressive measures were still causing horrendous suffering and loss of life within South Africa itself and in Namibia, and the neighbouring front-line States continued to suffer from the aggression aimed at coercing them into silent coexistence with apartheid and dependence on South Africa. The violence throughout the region could be ended only when apartheid had been totally eradicated, and all countries had a duty to co-operate to that end; apartheid could not be reformed but must be destroyed root and branch.

70. It was regrettable that circulation of the current report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8) had been delayed; it was to be hoped that there would be no such delay in the future. The Group's reports had long provided the Commission with commendable first-hand information on the plight of the black people in southern Africa. The Commission and other bodies had persistently voiced their concern at the infringement of human rights under the system of apartheid, which the General Assembly had condemned as a crime against humanity. The Assembly had made specific recommendations to abolish that system and establish a non-racial democracy.

71. Those recommendations had remained unheeded, however. The state of emergency had been reimposed; black political parties remained proscribed and their leaders imprisoned, Nelson Mandela having spent almost 28 years behind bars; no dialogue had begun between Pretoria and the black community's genuine leaders; and the media were shackled. The régime remained stubbornly opposed to all genuine efforts towards a lasting negotiated settlement, having not only rejected the "negotiating concept" submitted by the Eminent Persons Group but also attacked Botswana, Zambia and Zimbabwe.

72. Despite the negative response, it was still true that only through negotiation could catastrophe be avoided in South Africa. Meanwhile, repression had failed to stifle the urge for freedom. Even the incarceration and ill-treatment of children had not broken that resolve. Boycotts and trade-union activism testified to the internal resistance, which no censorship could disguise, and Pretoria's neighbours had strengthened their solidarity and resolve.

73. His Government remained firmly committed to the idea of comprehensive mandatory sanctions against South Africa. Kenya vividly recalled its own

bloody and costly struggle for independence and was deeply concerned at the economic and military co-operation South Africa received from certain States Members of the United Nations; such support constituted one of apartheid's main pillars. His Government strongly appealed to the countries concerned to reconsider their position urgently and take positive measures towards isolating South Africa and extirpating apartheid. The plight of South Africa's neighbours, too, despite substantial development assistance and security provided by several countries, was a matter which called for reinforced aid, particularly in key sectors such as transport and communications.

74. Having briefly recalled the history of the situation in Namibia, and the frustration of the Organization's efforts by South Africa since the revocation of the latter's mandate, he said that his delegation welcomed the recent peace initiatives pursuant to Security Council resolution 435 (1978). There was no room for complacency, however, and his Government appealed to all the parties concerned to ensure that the work was carried out in good faith. The decision to reduce the size of the United Nations peace-keeping force was regrettable and should be reconsidered; it was important to guard against divisiveness and disruption, so that the new nation could embark, in peace and stability, on the monumental task of national reconstruction and rehabilitation. Kenya thanked all those, including the Commission, who had helped to bring Namibia to the threshold of nationhood, and gave a strong warning to any neo-colonial forces that might be contemplating destabilization.

75. His delegation appealed to the world media to publicize the evils of apartheid as widely as possible. The apparent conspiracy of silence by certain sections of the media must end; concerted and imaginative steps should be taken to educate the world, especially the young, regarding the horrors of apartheid, and the subject should be included in all curricula. An Academic Year Against Apartheid should be declared - possibly 1990; the Commission had already made recommendations along those lines.

76. His Government reaffirmed its solidarity with the peoples of southern Africa in their heroic struggle. It called for the immediate and unconditional release of Nelson Mandela and of all other political prisoners, the immediate lifting of the state of emergency and other oppressive measures and of the ban on liberation movements inside and outside South Africa, the cessation of killings and kidnapping of political activists and of all acts of aggression against the Namibian people, the imposition of comprehensive mandatory sanctions, immediate and genuine independence for Namibia in accordance with Security Council resolution 435 (1978), and endorsement of the recommendations of the Ad hoc Working Group of Experts on southern Africa. Apartheid must be dismantled immediately and completely.

77. Mr. OGOURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that the inevitable result of the developments in the situation in southern Africa would be an intensification of the armed struggle, which would, in the final analysis, lead to the political and economic collapse of apartheid. The position of those who were trying to remain in power was hopeless, despite the enormous financial, economic and political support provided by several countries.

78. The refusal to respect the embargo, the increase in the amount of loans, investment and trade only prolonged the agony of the South African régime,

which was a disgrace to the planet. South Africa had received loans amounting to \$22.5 billion in 1986 alone. If account was also taken of the \$25 billion it had received in direct foreign investment, it became clear that the economic framework of the apartheid system was maintained by financial contributions from abroad. It was to be noted, however, that countries such as Canada, Sweden, Denmark, Norway and Finland had taken certain measures to reduce their capital holdings in South Africa. Such actions could only be welcomed.

79. Apartheid was seeking new partners and expanding its old ties. In that connection, his delegation was seriously concerned at the increasing role played by Taiwan, which was becoming an important partner of the South African régime. With regard to arguments against the introduction of comprehensive compulsory sanctions against the racist Pretoria régime, it was claimed that economic sanctions would inflict greater harm on the Africans and front-line States than on the apartheid régime. In fact, South Africa was more vulnerable than ever to economic sanctions, while its military arsenal would be reduced if the embargo were strictly observed.

80. Referring to the conclusions reached by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist régime in South Africa, he drew attention to the statement that all assistance given to the existing régime had had an adverse effect on the human-rights situation of the non-whites of South Africa, and made the eradication of apartheid more difficult.

81. It was clear that only an internal movement was capable of undermining the pillars of apartheid. However, there was a need for substantial support from abroad in the form of constant pressure by the entire international community on the bankrupt system of apartheid. The eternal dream of the indigenous inhabitants of South Africa for freedom would come true, but the first step along that path was the liquidation of apartheid. The civilized States should combine their efforts aimed at bringing about the eradication of apartheid and at enabling the South African peoples to create a single, democratic, non-racial State without arbitrary measures or force.

82. Mr. Heller (Mexico) took the Chair.

83. Mr. TRIKI (League of Arab States) said that, from its establishment, the League of Arab States had focused on the full enjoyment of human rights and had supported the efforts of the international community to attain that goal. The League supported the just cause of the Africans combating apartheid in South Africa.

84. Since 1960, the League had regularly considered the situation in South Africa involving the persecution of the majority by a minority, had condemned that situation and had appealed to world public opinion to put an end to the practices of the racist South African régime. The Council of Ministers for Foreign Affairs of the League had adopted a resolution demanding the postponement of recognition by the League of the South African Government, so long as it continued to deny the majority of its population the right to participate in power.

85. Apartheid was inconsistent with the principles of human rights and dignity. In that connection, he noted that the tenth Arab summit meeting had adopted a resolution to give assistance to African liberation movements fighting against racial discrimination and apartheid.

86. The organic ties between the régimes in Tel Aviv and Pretoria were not new and dated back to the period before the partition of Palestine in 1948. The two régimes co-ordinated activities relating to the use of repressive measures and co-operated closely in the development and manufacture of weapons of mass destruction. He wondered against whom those weapons would be used in the future.

87. In keeping with the principle of the common destiny of the African and Arab peoples, the League supported all efforts to combat the policy of racial discrimination and supported the Namibian people in its struggle to achieve independence in accordance with Security Council resolution 435 (1978). It commended the role played by the Organization of African Unity in that regard and its support for Arab causes in general and the question of Palestine in particular. In that connection, he recalled that, in its resolution No. 77 adopted at its Conference in 1975, the OAU noted that the racist régime in Palestine and the racist régimes in South Africa had the same imperialist origin and possessed the same racist structures.

88. The reports submitted to the Commission by various United Nations bodies and by non-governmental organizations condemned the policy of apartheid. It should never be forgotten that the inhumane and barbarous treatment of millions of men, women and children was part of a systematic policy in countries that claimed to be flag-bearers of the civilized and cultural values of the modern world. Nevertheless, the will of peoples to achieve dignity and win their freedom would triumph in the end. In that connection, he said that the Commission's decisions could help those peoples by mobilizing public opinion in support of their just struggle against apartheid.

89. It seemed that some States adopted a double standard in dealing with the régime in South Africa. On the one hand, they acted as if racial discrimination and human rights violations did not exist there. On the other, they refrained from imposing sanctions in the name of freedom of trade. His delegation stressed that any provision of assistance to States which trampled human rights was unacceptable.

90. His delegation, which had full confidence in the Commission, hoped that at its current session it would devise effective means to combat the policy of apartheid and, in particular, to monitor the implementation of the resolutions adopted concerning sanctions against South Africa. The League called for the release of all political prisoners in South Africa, including Nelson Mandela. It welcomed the positive developments in the search for a settlement that would ensure a free and independent Namibia.

91. Mr. MOKBIL (Observer for Democratic Yemen) said that the various documents submitted to the Commission on agenda item 9 reflected the efforts made by people to resolve conflicts by peaceful means. In that connection, he recalled that the Palestine National Council had adopted a Declaration proclaiming the establishment of the independent State of Palestine and calling for the convening of an international peace conference on the Middle East in which the PLO would participate together with other parties to

the dispute and the permanent members of the Security Council, under the auspices of the United Nations, the report of the Special Committee to Investigate Israeli Practices in the Occupied Territories (A/43/694) and the report of the Ad hoc Working Group of Experts on southern Africa (E/CN.4/1989/8) showed clearly the similarities between the repressive practices and policies pursued by the South African and Israeli régimes.

92. He noted the efforts made by the international community in various resolutions and decisions adopted by the Security Council, the General Assembly and the Commission aimed at promoting the holding of an international peace conference and at bringing pressure to bear on South Africa to respect the Tripartite Agreement and withdraw from Namibia.

93. His delegation, which had already condemned Israeli practices and supported the intifadah, also supported the struggle of the people of Namibia to achieve independence under the leadership of SWAPO, its legitimate representative. The eradication of apartheid could not be achieved through partial reforms since it required guarantees of full democracy for all the people. The South African régime must, therefore, be fully isolated both economically and politically.

94. His delegation endorsed the just demand of the overwhelming majority of Member States for the imposition of comprehensive sanctions against the Pretoria régime in accordance with Chapter VII of the Charter and believed that the only way to isolate South Africa was to sever all political, economic, military and cultural links with that country.

95. Mrs. BEREZHNAVAYA (Women's International Democratic Federation) said that her organization was deeply concerned at the fact that defenceless people, in particular children, were being harassed, detained, tortured and killed in cold blood by the racist South African régime. In that connection, she said that the assassination of the chief ANC representative in Paris was one more example of the crimes committed by that régime.

96. On the basis of the Nairobi Forward-looking Strategies for the Advancement of Women, WIDF supported all initiatives for the promotion of the rights of women and children in South Africa and Namibia suffering from the inhumane practices of apartheid. In that regard, her organization had aroused awareness among women in the entire world by organizing seminars, round tables, congresses and speaking tours at which the question of apartheid and racial discrimination was discussed. Furthermore, it had called upon its national branches to intensify their activities in exposing the crimes of apartheid and to contribute to the struggle for its eradication.

97. WIDF noted with satisfaction that the lifting of the death sentences against the Sharpeville Six was a victory won by all democratic forces. It emphasized that Nelson Mandela and all other political prisoners must be released. Some 1,500 persons were currently being held without trial in South African prisons for "political" reasons, among them pregnant women and children. Recent reports indicated that, over a period of three years, more than 300 children had been killed and more than 1,000 wounded. WIDF urged the Commission to assert its authority with a view to halting the racist régime's flagrant violations of human rights, in general, and the rights of women and children, in particular.

98. She drew attention to the plight of Daisy Modise, who was being held in the Bophuthatswana Bantustan Central Prison and had been sentenced to death.

99. WIDF recognized with satisfaction that progress had been made since 1988 towards settling the conflict in south-western Africa and welcomed the Tripartite Agreement signed in New York on 22 December 1988 by Angola, South Africa and Cuba. Her organization hoped that all the measures aimed at bringing about independence for Namibia in accordance with Security Council resolution 435 (1978) would be implemented. The Namibian people, under the leadership of SWAPO, needed international solidarity more than ever. Special emphasis should be given by the international community to the resettlement of 100,000 refugees, mainly women and children, inside Namibia.

100. In conclusion, she said that WIDF supported the International Convention on the Suppression and Punishment of the Crime of Apartheid and contributed to the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. It was prepared to co-operate and co-ordinate its efforts with all forces struggling against racism and apartheid.

The meeting rose at 6 p.m.