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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 February 1989, at 10 a.m.

Chairman: Mr. BOSSUYT (Belgium)

CONTENTS

Statement by the Under-Secretary of State for Foreign and Commonwealth Affairs
of the United Kingdom of Great Britain and Northern Ireland

Violations of human rights in southern Africa: report of the Ad Hoc Working
Group of Experts (continued)

The adverse consequences for the enjoyment of human rights of political,
military, economic and other forms of assistance given to colonial and racist
régimes in southern Africa (continued)

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at this session will be consolidated in a single corrigendum, to be issued
shortly after the end of the session.

CONTENTS (continued)

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (continued)

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 (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

The meeting was called to order at 10.10 a.m.

STATEMENT BY THE UNDER-SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. Mr. EGGAR (United Kingdom) said that he had taken part in the commemoration of the fortieth anniversary of the Universal Declaration of Human Rights, which had come at a time when the reputation of the United Nations itself was improving. It had often been said that the Organization engaged in too much rhetoric and not enough action and that it seemed to have forgotten the principles of the Charter. In recent months, however, a new sense of purpose and realism had emerged and, addressing its mandate with renewed vigour, the United Nations had achieved some remarkable successes: the last Soviet soldiers were now leaving Afghanistan and Namibian independence appeared to be in sight. The end to the war between Iran and Iraq, which had been brought about by the United Nations in 1988, also appeared to be a great success, despite the fact that the human rights situation in those two countries continued to be a cause for concern.
2. For years, the Commission had been establishing a framework of universally recognized standards and building the foundations for a system of implementation mechanisms. Real progress had thus been made, but, now that the United Nations has undergone welcome changes, it was time to reconsider the Commission's role.
3. Many persons were critical of the Commission, noting that entire regions of the world and some of the most flagrant examples of human rights abuses had escaped scrutiny and that the Governments represented in the Commission protected their friends rather than the countless individuals whose rights were violated daily. Many persons argued that such cynicism made a mockery of the Commission's declared intention: the protection and promotion of human rights. His own less pessimistic view was, however, that the lengths to which some Governments would go to avoid censure by the Commission proved that it could be effective. In any event, the renewed vigour and realism within the United Nations system should extend fully to the Commission's work. Otherwise, the Commission's critics would be proved right.
4. The Commission therefore had to make constant efforts to speak and to vote objectively. Standards and rights should be applied everywhere. It also had to focus on the objectives it had already set and devote much more energy to achieving them. At the preceding session, he had already referred to the first of those requirements and his delegation would be speaking, under agenda item 12, on the situation in a wide range of countries, without hesitating to name the countries concerned.
5. He would therefore concentrate on the second requirement, namely, the full and effective implementation of recognized standards. Since the standard-setting work on the basis of conventions and declarations had, with a few exceptions, been completed, it was open to question whether further standards had to be added to the existing legal framework. Standard setting had become a secondary task for the Commission and its Sub-Commission, which should henceforth concentrate on the implementation of existing standards.

6. In Western Europe, one of the principal functions of the Council of Europe was to protect human rights. Its 22 members had acceded to the European Convention on Human Rights, which established effective implementation machinery in the form of the European Commission and the European Court of Human Rights. In a broader context, the Conference on Security and Co-operation in Europe had agreed on a set of human rights principles. The document adopted in Vienna in January 1989 had strengthened the mechanism giving every participant the right to challenge any shortcomings in the human rights performance of any other participant. None of the participating Governments was perfect, but some were much less so than others. The Czechoslovak Government's treatment of some of its citizens, even as the Vienna Conference was nearing its conclusion, was a matter for very deep concern and Romania's continuing disregard for its human rights commitments was unacceptable. Nevertheless, the progress achieved so far in the CSCE process indicated that regional mechanisms could contribute effectively to the implementation of human rights standards, even in areas encompassing very different political and economic systems.

7. The regional Council of Europe and CSCE mechanisms in no way undermined international standards; on the contrary, they gave universally recognized norms extra teeth. The Inter-American Commission on Human Rights had also recently given proof of its vitality.

8. The improvement of United Nations implementation machinery depended on the strengthening of its three component parts. United Nations bodies which were responsible for monitoring the implementation of international instruments had no executive power, but all Governments ratifying those instruments were obliged to appear before those bodies in open session to answer detailed questions on their records. That system could and did help to secure improvements, but, as a result of its own growth, it was suffering from financial insecurity, inadequate resources, duplication of effort, diversity of practice and huge backlogs of reports. Reforms were needed if the system was to remain effective. Some delegations, including his own, were already making efforts to address that problem and the meeting of chairpersons of international treaty bodies had made useful recommendations in October. The question should be given priority by the Commission.

9. Referring to the system of special rapporteurs, he said that thematic rapporteurs were, in some ways, the most effective mechanism, since they had a mandate to act on a worldwide basis all year round. The communications they sent to Governments had brought about concrete results. Advantage should be taken of that system and problems such as that of political prisoners should be dealt with by the Commission not merely selectively, but on a global basis, in accordance with the resolution on the subject adopted by consensus at the preceding session. His delegation would again be undertaking broad consultations for that purpose at the current session.

10. Country-specific rapporteurs focused international attention in a particularly concentrated way. Some Governments had thus been obliged to review their human rights records. It was, however, a matter of deep concern that no new country rapporteur had been appointed since 1984; what that reflected was not so much an improvement in respect for human rights as the growing determination of Governments to avoid scrutiny of their records.

While the rapporteur system had achieved positive results, there had been all too many failures. The Commission must concentrate urgently on inducing Governments to respond to communications from rapporteurs. It was quite absurd that the Commission should appoint rapporteurs and then do nothing when Governments refused to reply to their inquiries. Even Governments which were members of the Commission and which had voted for the renewal of the mandates of rapporteurs failed to respond to their communications. At the very least, the extent of co-operation with rapporteurs should be a factor in the election of members of the Commission. In addition, the Commission had to fulfil its responsibilities to the rapporteurs it appointed and look much more closely at Governments which refused to co-operate with them.

11. The welcome growth of advisory services reflected a simple truth: Governments which attempted to improve their human rights performance needed both assistance and recognition. The Commission must therefore help Governments and criticize their shortcomings. Advisory services were a vital part of the Commission's implementation machinery and he hoped that it would continue to strengthen and expand them.

12. While it was essential to concentrate on the problem of implementing existing standards, there were two new sets of standards that would fill important gaps in the overall structure. First, the drafting of the Convention on the Rights of the Child was now in its final stage. He welcomed that development and hoped that the Convention would help provide better protection for a particularly vulnerable sector of society. The problem of child abduction, in particular, called for solutions that went beyond the bilateral approach, which had not always been effective. He urged all States to become parties to the Convention and to introduce the necessary national legislation.

13. Twelve years earlier, the United Kingdom had proposed that the Commission should consider the question of the protection of mentally ill persons. Now that the Sub-Commission had completed its work on the topic (the second of the new sets of standards), the Commission should be able to conclude that work successfully and speedily.

14. The Commission's purpose was to promote and protect the rights of individuals, it existed for the ruled, not for the rulers. It therefore had to be prepared to scrutinize Governments' records without favour. To date, however, it had not been bold enough. When a Government tried to escape scrutiny by the Commission, when it refused to co-operate with the Commission's mechanisms, when it denied the Commission's very right to perform more than a perfunctory scrutiny and when it called upon its friends to protect it, it could only be concluded that that Government had something to hide. The measure of the Commission's success in fulfilling its mandate would be the extent to which it could become more effective and objective in its scrutiny of how Governments respected human rights; otherwise, it would injure not only its own reputation, but also that of the United Nations as a whole, and, more important still, it would fail in its duty to the victims of abuses.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1989/8, E/CN.4/1989/49, E/CN.4/1989/60, E/CN.4/1989/NGO/28)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (agenda item 7) (continued) (E/CN.4/Sub.2/1988/6 and Add.1, E/CN.4/1989/3-E/CN.4/Sub.2/1988/45 - chapter 1, section A, draft resolution II)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1989/31 and Add.1-11, E/CN.4/1989/32, E/CN.4/1989/33; E/CN.4/1989/NGO/2)

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, E/CN.4/Sub.2/1985/7; E/CN.4/Sub.2/1988/5)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17 (b)) (continued) (E/CN.4/1989/34, E/CN.4/1989/35, E/1988/8, E/1988/9 and Add.1-2, E/1988/10; A/43/631, A/43/637, A/43/644, A/C.3/43/CRP.1)

15. Mr. VILLARROEL (Philippines) said that the fortieth anniversary of the Universal Declaration of Human Rights had given all peoples and Governments an opportunity to rededicate themselves to the principles embodied in that instrument. Unfortunately, the Government of South Africa continued to practise its policy of apartheid, which was a crime against humanity. So long as apartheid existed in South Africa and Namibia, it could never be claimed that the Second Decade to Combat Racism and Racial Discrimination had been successful.

16. Like the majority of Member States, his country believed that comprehensive and mandatory sanctions should be imposed against South Africa. In that connection, he referred to the work of the Group of Three established under the Convention on the Suppression and punishment of the Crime of Apartheid. His country shared the Group's view that the presence of transnational corporations in South Africa strengthened the apartheid régime, helped perpetuate oppression and contributed to the repression of those fighting for their independence. Only 87 States had become parties to that Convention. His country therefore appealed to other States to accede to the Convention without delay.

17. He expressed serious concern that, because a number of States Parties to the International Convention on the Elimination of All Forms of Racial Discrimination had not paid their contributions, the normal functioning of the Committee on the Elimination of Racial Discrimination had been hampered. In that connection as well, his country appealed to all the States concerned to fulfil their financial obligations.

18. His delegation welcomed the progress report by Mr. Asbjørn Eide on the achievements of and obstacles encountered during the first Decade and the first part of the Second Decade to Combat Racism and Racial Discrimination. It had noted with interest that the Sub-Commission had recommended that effective mechanisms for the eradication of racism should be established in all countries and, where necessary, further strengthened with the assistance of the United Nations advisory services.

19. In his country, which was a member of the Special Committee against Apartheid, a key role was being played by the NGO National Committee against Apartheid, which had been established in 1987 and had been active in disseminating information on racism, racial discrimination and apartheid. The Committee was now setting up chapters in the 77 provinces and 62 cities of the Philippines.

20. His delegation welcomed the fact that the topic selected for thematic consideration in 1990 in connection with the implementation of the Second Decade to Combat Racism and Racial Discrimination would be "the human rights of individuals belonging to ethnic groups in countries of immigration". It also welcomed the organization in 1989 of a seminar on cultural dialogue between the countries of origin and the host countries of migrant workers.

21. Mr. COSTA LOBO (Portugal), referring to agenda item 6, said that what was happening on the African continent was a matter of deep concern to his country, whose aversion to institutionalized racial discrimination in South Africa was therefore all the greater. The Pretoria régime seemed to base its policy on the assumption that apartheid could survive only through the use of violence and repression; it had, however, failed to discourage the black population's resistance, which had grown stronger as repression had increased. The report of the Group of Three (E/CN.4/1989/33) and that of the Ad Hoc Working Group of Experts (E/CN.4/1989/8) showed that countless violations of human rights were being committed in South Africa, even against children and adolescents.

22. While the agreements reached in 1988 had been a step forward in the direction of self-determination for Namibia, South Africa still had to create the conditions for a national dialogue between all the parties concerned with a view to establishing a multi-racial society. Those conditions included the release of political prisoners and the return of exiled black leaders. At the preceding session, his delegation, together with others, had appealed to the South African authorities to release Nelson Mandela; one year later, Mr. Mandela was no longer in prison, but he still did not enjoy freedom.

23. With regard to agenda item 17, he said that the international community faced the complex challenge of eradicating racism, which assumed new shapes and patterns every day. Current economic problems were reducing individuals and families to the rank of second-class citizens whose rights were being permanently downgraded. Attention also had to be paid to the situation of indigenous minorities, which were at a disadvantage because of their specific characteristics compared with the majority. Those particularly vulnerable groups needed special protection so that they might overcome the obstacles which hampered their access to education, training and employment. Although it must take determined action to combat institutionalized racism, the international community must not lose sight of other forms of racism and discrimination which also violated fundamental human rights.

24. Mr. CHEN (China) thanked Mr. Martenson, Under-Secretary-General for Human Rights, for his introductory statement, and Mr. Balanda for his introduction to the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8). He recalled that, since its establishment, the United Nations had been concerned about the apartheid system in South Africa and that the Ad Hoc Working Group of Experts had begun to study violations of human rights in South Africa more than 20 years earlier. After all that time, the South African authorities continued to oppress the overwhelming majority of the population of the country and to defy international opinion.

25. In February 1988, during the Commission's preceding session, the South African authorities had revised the 1953 Public Security Act and banned the activities of 17 anti-apartheid organizations, including the United Democratic Front, which was the largest, and the Congress of South Africa Trade Unions. In June, the South African régime had extended the state of emergency which had been in force for two years. Nelson Mandela had not yet been released. On 15 November, the South African régime had threatened to execute four leaders of anti-apartheid organizations. In less than 11 months in the past year, the South African authorities had killed 115 innocent people in prisons and executed another 274, most of whom had been accused of "political crimes". The press had been increasingly muzzled; in particular, newspapers such as the New Nation and the Weekly Mail had been prohibited. His delegation appreciated the efforts by the Ad Hoc Working Group of Experts to expose violations of human rights in South Africa and supported the recommendations made in its report (E/CN.4/1989/8).

26. In the context of the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, a global consultation on the question of racial discrimination had been held in October 1988. It had offered an opportunity for many useful proposals and recommendations designed to strengthen the co-ordination of the struggle against racism.

27. His delegation appealed to the international community to make co-ordinated and concerted efforts to impose effective sanctions against South Africa and force it to change its policy. It also appealed to countries and economic groups which could exert influence on South Africa to help stop the violations of human rights and fundamental freedoms of which that country was guilty. China was convinced that, with the support of the international community, the South African people would soon achieve victory in its just struggle.

28. Mr. STANEVSKI (Union of Soviet Socialist Republics) recalled that many General Assembly, Economic and Social Council and Commission resolutions stressed that human rights and international security were closely linked to the elimination of apartheid and racism, thus emphasizing the importance of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. In that connection, he welcomed the appointment of Mr. Martenson, Under-Secretary-General for Human Rights, as Co-ordinator of the Programme of Action and noted that the participants in the Global Consultation on Racism and Racial Discrimination which had been held in Geneva in October 1988 had considered ways of uniting the international community in the efforts being made to end apartheid, a system which was more than ever unacceptable to mankind as a whole.

29. It was becoming increasingly clear that apartheid was not only hateful, but had no future. Mankind was entering a new era which called for innovative ideas for the establishment of a democratic and non-racial State in South Africa. In the meantime, all forms of support for the apartheid régime must cease. As Mr. Khalifa has stressed in his report (E/CN.4/Sub.2/1988/6 and Add.1), economic assistance to that régime adversely affected human rights. Those rights were, however, being violated to an increasing extent in South Africa, as shown in the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8).

30. With regard to accessions to and the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, there had, fortunately, been a change of attitude on the part of some States and it was to be hoped that other States would follow suit. His own country had long been in favour of comprehensive and mandatory sanctions against South Africa, the need for which had recently been stressed by the African and non-aligned States.

31. At the national level, his country recognized that there were still some prejudices that it would take time to eliminate. No State could claim that racial prejudice did not exist within its borders. In fact, the steadfast efforts of all States were needed to overcome racism in all its forms. In particular, all racist propaganda must be stopped through appropriate legal means. For over 70 years, his country had united scores of peoples and nationalities on the basis of equality, but problems continued to exist in certain regions of the country, as shown by the recent incidents in Nagorny Karabakh. One of the objectives of perestroïka was to strengthen unity among the peoples of the Soviet Union.

32. After thanking the non-governmental organizations which made an important contribution to action to combat racism and racial discrimination, he expressed concern about the non-payment by certain States of their assessed contributions for the financing of the activities of the Committee on the Elimination of Racial Discrimination. The Committee, which was responsible for monitoring the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, to which the Soviet Union was party, had to be able to perform that task in a stable financial situation. His delegation therefore joined the other delegations which had appealed to the States that were in arrears.

33. It was also to be hoped that all countries and, in particular, all the permanent members of the Security Council would become parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid. They would thus be helping to build a world based on equality and on the elimination of fascist and racist propaganda. Fortunately, recent events had shown that the world was gaining in political maturity and that the solution of problems which had seemed to be unsolvable would now be possible. That should encourage the Commission to pursue its efforts so that the human race might enter the twenty-first century unencumbered by racism and apartheid.

34. Mr. MAVROMMATIS (Cyprus) said it was a matter of regret that the racist Pretoria régime was resorting to even harsher repression. The state of emergency proclaimed by the régime was still in force and continued to serve as a pretext for murders, arbitrary mass arrests, the detention of hundreds of

persons without trial and forcible removals. From time to time, South Africa spoke of "reforms", but such reforms were not real and would be inadequate in any case: apartheid did not need to be reformed; it had to be completely dismantled.

35. The policy "bantustanization" was a mockery of the right to self-determination. What were needed instead were positive measures to create the necessary conditions and infrastructure for the building of a society based on racial harmony and equal rights for all inhabitants of South Africa, without discrimination of any kind, and for the establishment of a new pluralistic, democratic society based on the principle of "one man, one vote".

36. In South Africa, no racial rapprochement would be possible without the release of all political prisoners and, first and foremost, Nelson Mandela, the black national leader who had become the symbol of the struggle against apartheid. Such a decision would mean that the Pretoria régime was willing to abandon the inhuman system of segregation.

37. The international community could not and should not tolerate apartheid, which was an affront to the conscience, dignity and civilization of all mankind and must be abolished without further delay. Some positive steps had none the less been taken, particularly by those who could, more decisively than others, influence the destiny of mankind. It was to be hoped that those steps would bring enough pressure to bear on the South African régime and would contribute to the elimination of apartheid once and for all. The international community had a moral responsibility towards its fellow human beings in South Africa, but also a real political responsibility not only towards those unfortunate persons, but towards itself as well.

38. Experience had shown that apartheid was a negation of the most elementary human rights, as well as a source of tension and a grave threat to the peace, security and stability of the front-line States. Despite all the resolutions and decisions adopted in past decades by the Commission, the Security Council and the General Assembly, it has so far been impossible to achieve practical results. Current developments in South Africa called for concerted international action and for the imposition against the racist régime of comprehensive and mandatory sanctions. It was the special responsibility of those States which could exercise the greatest influence on the racist régime to move from words to deeds and it was urgently necessary to implement the measures referred to in Security Council resolution 569 (1985) and in other, more recent resolutions. Any form of assistance to the racist régime would, however, hamper the black population of South Africa in its struggle for its rights and freedoms.

39. Cyprus once again unequivocally condemned apartheid and its practices and would continue to support the struggle of the people of South Africa for a free and pluralistic society based on the right to self-determination and on the fundamental principle of "one man, one vote". It would continue to implement all the relevant resolutions, decisions and declarations adopted by the United Nations and other international bodies, including those relating to sanctions.

40. His country had always supported the people of Namibia in its struggle for recognition of its right to self-determination and in its opposition, through SWAPO, its legitimate representative, to the illegal occupation of its

country. Cyprus welcomed recent developments in the region and hoped that the international community's efforts to lead Namibia to speedy independence and sovereignty would not be impeded by any manoeuvres by the racist régime.

41. The struggle against racism and racial discrimination was a long-term process and the final stage in the implementation of the United Nations Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had now been reached. History nevertheless showed that patience was required. It was therefore all the more important to continue to study ways and means of ensuring the implementation not only of United Nations resolutions bearing on racism, but also of all the resolutions and decisions of the United Nations and other international bodies. Too many resolutions and decisions remained unimplemented. That undermined the credibility of the international community and its institutions and threatened international peace and security and the well-being of all. There was no other solution than to strengthen international institutions and promote the implementation of their resolutions, decisions and declarations.

42. In conclusion, his country reiterated its full commitment to the struggle against apartheid and racial discrimination to which the Commission had made and should continue to make a practical contribution. His delegation endorsed all of the conclusions and recommendations of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1989/8).

43. Mr. PAK DOK HUN (Observer for the Democratic People's Republic of Korea) said that, virtually every year since 1946, the General Assembly, the Commission and other United Nations bodies had discussed the question of apartheid and condemned the racist policies of the Pretoria régime. Despite all those efforts, the situation had only grown worse.

44. Under the state of emergency regulations which had been in force since 1986, over 80 per cent of the South African population lived in terror and thousands of persons had been detained, tortured and executed. The South African régime ruthlessly suppressed all opponents and granted its security forces the power of arbitrary arrest and detention. The number of death sentences had reached an unprecedented level. The policy of destabilization being carried out by the South African régime in the region was also a matter of concern, and South Africa was infringing upon the sovereignty and territorial integrity of the front-line States. It openly attacked neighbouring States and had even sent its commandos into the capital of Botswana. Such activities threatened international peace and security and violated the basic principles of human rights embodied in the Charter.

45. His Government had consistently considered that it had a duty to support the oppressed people of South Africa which was fighting for its national independence and against all forms of racial discrimination. It had no political, economic or military relations with the South African régime. In December 1988, his country had established the Korean Committee against Apartheid and, in honour of the struggle, had awarded Nelson Mandela, the leader of ANC, the Freedom and Independence Order.

46. It fell to the international community and, in particular, to the Commission to eliminate apartheid in South Africa by implementing the many resolutions which had been adopted in the past 40 years. Comprehensive and mandatory sanctions against South Africa would be the only means of exerting

effective pressure on the racist South African régime. All States which had not yet done so should take measures for that purpose and all countries should give greater moral and material support to the oppressed South African people.

47. Mr. DEMIRALP (Observer for Turkey) recalled that all Member States of the United Nations had assumed the obligation to promote respect for fundamental rights and freedoms without distinction as to race, sex, language or religion and with a view to establishing an international order based on peace, justice and security. It was not therefore surprising that the situation created by the system of apartheid, which was a flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights, should arouse the concern and indignation of the international community. As indicated in the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8), the situation had not improved since the forty-fourth session of the Commission. Pretoria refused to recognize that the system of apartheid contained within itself the seeds of violence and that it was the main reason for the protests which it was striving to suppress by violence. The renewal of the state of emergency and the organization in October 1988 of so-called municipal elections aimed at perpetuating racial segregation had only made matters worse. The situation in the country would not improve until the entire apartheid system had been dismantled.

48. As a founding member of the United Nations Council for Namibia, Turkey had always fully supported the legitimate struggle of the people of Namibia for independence. His delegation had therefore welcomed the quadripartite negotiations which had taken place on the issue, as well as the adoption of Security Council resolution 435 (1978), which it hoped would be implemented without delay.

49. His delegation believed that concerted action on the part of the international community was needed to defeat apartheid. Pressure had to be exerted on South Africa and the United Nations could continue to play a major role in creating the necessary conditions for genuine change and the eradication of apartheid.

50. Turkey which had never maintained diplomatic or consular relations with Pretoria, was firmly committed to all efforts to ensure the dismantling of apartheid through peaceful means and dialogue. It had no doubt that a system of democracy and racial equality would one day come to South Africa and it earnestly hoped that the transition would occur through negotiations and not through the use of force and bloodshed.

51. Mr. PHARAON (Observer for the Syrian Arab Republic) regretted that several countries had based their régime on one of the most shameful violations of human rights, namely, racial discrimination. While the Nazi and Fascist régimes had disappeared, the régimes of Pretoria and Tel Aviv continued to exist. The colonialist and racial empires had divided up the land at will in order to loot its natural and human resources. The South African régime had, moreover, subjected the peoples of South Africa and Namibia to specially inhuman and degrading treatment. Despite violence and massacres, those peoples had not lost hope of one day enjoying the rights enshrined in the Universal Declaration of Human Rights. That was why students and trade unionists, for example, had revolted. The international community had not supported those movements, however, and had not spoken out strongly enough against the arrests and massacres.

52. The Pretoria régime had imposed censorship on the information media in order to conceal the truth from public opinion and had thus followed the example of the Zionist régime, which had imposed press censorship as soon as the international community had shown its support for the Intifada. The régime of South Africa, a country that had been created by the colonial empires for strategic reasons, could not have continued to exist without the support of other Governments and the transnational corporations. Established collaboration between South Africa and Israel was all the more serious in that it was also taking place in the military and, in particular, the nuclear fields. In 1976, the then Prime Minister of South Africa had signed bilateral, military and scientific co-operation agreements in Jerusalem and, since then, Israeli experts had been working in South Africa on the installation of a uranium enrichment plant. The Federal Republic of Germany was co-operating with South Africa to manufacture missiles. Israeli military personnel had also given Pretoria support during its aggressions against Namibia, Angola and the front-line States.

53. His country would always support any resolution designed to eliminate apartheid. It was taking part in the boycott and had no diplomatic or economic relations with South Africa. The Syrian Constitution and legislation also contained provisions which prohibited any acts of a racist character and which had never been violated.

54. His delegation demanded that all racist practices by the South African régime should be condemned; it urged that pressure should be exerted in order to prevent the sentence against 53 political opponents from being enforced and that an end should be put to the suffering of the Namibian and South African peoples. The international community must not forget that, before the Second World War, the world had closed its eyes to the Nazi régime and the result had been countless deaths and the collapse of the League of Nations; it should think about the consequences of its passive attitude towards the South African régime.

55. Mr. MTANGO (Observer for the United Republic of Tanzania) said that he was very encouraged by the support given to the Commission in the statements made by a number of delegations, including those of Canada and Sweden, speaking on behalf of the Nordic countries.

56. Pieter Botha had been in power in South Africa for over 10 years and had used every possible means to deceive international public opinion by purporting to reform the apartheid system - something that was quite impossible. By introducing minor changes in the most obnoxious manifestation of apartheid without actually changing the system itself, the only result he had achieved had been the rejection of his reforms by the black majority, on one hand, and the anxiety of the extreme rightists, on the other. In order to appease the latter, he had re-introduced even more stringent measures by annulling the sham reforms and had thus made the régime harsher still.

57. The human rights situation in South Africa was growing worse, as shown in the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8). The majority black population had recently suffered a new wave of repression and had been subjected to particularly harsh new regulations. The South African régime was waging war on its own people, whose daily life was characterized by brutality, repression, terror and torture. The black townships had a permanent military presence; most activists whether black or white, were in

prison; the press had been muzzled; and harsh restrictions had been placed on trade unions, churches and other associations. The administration of justice had been severely undermined and South Africa now held the world record of judicial executions, which, together with threats of executions, were used to intimidate the opposition.

58. The economic situation of the black majority could not be worse; the unemployment rate was very high, wages, social security benefits, education and housing were quite inadequate and millions of blacks had been stripped of their citizenship. Trade union rights were being violated and physical attacks on trade unions had become increasingly common.

59. The South African régime had resorted to attacks against its neighbours, which were constantly being subjected to raids by South African commandos or by South African-backed terrorist groups. Pretoria had also inflicted economic reprisals on the front-line States by taking advantage of the monopoly of transport infrastructure it enjoyed in the region.

60. That grim situation showed that, despite protests by the international community, the apartheid régime had not changed; on the contrary, the end of Pieter Botha's reign would not signal any relief because his successors would follow the same policy. The Commission therefore had to evaluate the effectiveness of its earlier action with a view to deciding how it could play a more active role. In that connection, the Chairman of the forty-fifth session had a crucial role to play and could certainly take courageous initiatives to ensure that the end of the decade coincided at least with the beginning of an end to the system of apartheid. The Commission on Human Rights must also express its solidarity with the black population and support any measures which its representatives, particularly the national liberation movements, might take. Despite the gravity of the situation, it was not too late to eliminate the apartheid system without violence. The last chance was to exert economic pressure in order to asphyxiate the system; the only solution was to isolate it in terms of trade, investment, air traffic, transfers of technology and bank credit and to impose an oil embargo, including an oil transport embargo. Although the Government had banned all political activity, thus ruling out any possibility of change by peaceful means, the majority of the people of South Africa had stated that it was in favour of sanctions. In addition, the front-line States and other neighbouring States were prepared to tolerate such measures for the sake of their agonizing brothers and sisters in South Africa. It was no longer tenable to argue that sanctions would hurt the black majority or the neighbouring States or that sanctions were ineffective.

61. The Commission on Human Rights had an obligation to ease the suffering of the peoples of southern Africa and to help guarantee respect for human rights, as well as international peace and security. It should therefore appeal to the Security Council to assume its responsibilities in respect of the system of apartheid. It should urge all Member States of the United Nations to implement the sanctions imposed or take unilateral measures to restrict their economic relations with South Africa pending the imposition of mandatory sanctions by the Security Council. The Western countries and Japan had a particularly important role to play in that regard, for, in many respects, they were South Africa's main partners. They must use their influence to change the South African régime. The countries of Africa would be forever grateful.

62. The human rights situation in Namibia was virtually unchanged even despite some promising signs. Atrocities continued to be committed by the police and the army and there was every sign that South Africa did not intend to respect the terms of Security Council resolution 435 (1978). In addition, if independence was to make it possible for the Namibian people freely to exercise its rights, it had to be allowed to choose its future leaders freely. South Africa had never respected the agreements it had signed and there was no reason to believe that it would behave differently in Namibia. The Commission on Human Rights should therefore continue to consider the situation of human rights in Namibia at least until 1990. It should authorize the Ad Hoc Working Group of Experts to visit Namibia in 1989 and to report to it at its forty-sixth session.

63. Mr. CHLUMSKY (Observer for Czechoslovakia) joined the delegations which had stressed the need to strengthen United Nations action against apartheid and all other forms of racial discrimination. With the increasing democratization and humanization of international relations, that need was becoming all the more urgent. It was widely agreed that efforts had to be focused on the most extreme form of racism, namely, apartheid, which must be eliminated and replaced by a democratic régime. Some States which, until recently, had had doubts about sanctions had begun to see that they would be effective. His Government had always been convinced of the need for mandatory sanctions, but unfortunately the same was not true of some States, which took only half-measures. Those States' corporations continued to develop their relations with South Africa, as Mr. Khalifa's report (E/CN.4/Sub.2/1988/6 and Add.1) clearly showed. It would be useful, as had been proposed, for the contents of that report to be made known to the public at large.

64. Action to combat racial discrimination was one of the Commission's priority tasks because that scourge took various forms and existed to differing degrees in many countries, including developed countries which nevertheless took it upon themselves to give advice to others. The consultations which had taken place as part of the Second Decade to Combat Racism and Racial Discrimination were very important and his delegation particularly supported the idea put forward in that context, namely that an in-depth study should be carried out on the interaction between the elimination of all forms of racism and racial discrimination and the full realization of economic, social and cultural rights with a view to finding more effective means of combating racism.

65. His delegation urged all States to respect the obligations provided for in the various instruments on action to combat racism. His own country had legal safeguards to protect the population from racism and to create conditions of equal rights. At the international level, it had always had an open and fruitful dialogue with the Committee on the Elimination of Racial Discrimination and had always complied scrupulously with its obligation to report to that body.

66. Racism in all its forms was an obstacle to the development of society and to harmonious relations between States. His delegation urged all United Nations bodies and, in particular, the Commission on Human Rights to support effective measures to eliminate that evil.

67. Mr. AZAIEZ (Observer for Tunisia) said that his country welcomed the agreements on the future of Namibia which had been concluded in Brazzaville and New York in December 1988 between the parties concerned in southern Africa. It sincerely hoped that those agreements would enable Namibia to achieve genuine independence in the near future, thus paving the way for peace in the region. It welcomed the efforts made by the fraternal people of Namibia and its legitimate representative, SWAPO, to recover its dignity and freedom and also paid a tribute to Angola and the other front-line States which had made enormous sacrifices in order to put an end to the occupation and colonization of that part of Africa by the Pretoria régime. The law had thus won out over force and oppression.

68. In South Africa itself, the apartheid system had not yet admitted defeat and was even trying to tighten its grip on the black townships through terror and force. The concessions it seemed to be making at the international and national levels were designed only to deceive the international community and to rescue South Africa from its isolation. Violations of the fundamental rights of the South African and Namibian populations as a result of the hateful apartheid system were described in detail in the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8). The international community therefore had to be more vigilant. The Programme of Action for the Second Decade to Combat Racism and Racial Discrimination provided an appropriate framework for making public opinion more aware of the inhuman nature of apartheid and for stepping up pressure on the racist Pretoria régime, which had to be replaced by a free and democratic system in which the majority of the population could fully enjoy its rights.

69. Human rights derived from the right of peoples to self-determination, as enunciated in the International Covenant on Civil and Political Rights, and his country therefore strongly and fully supported the peoples of southern Africa in their struggle against all forms of colonialism, domination, exploitation and aggression.

70. His delegation endorsed the conclusions and recommendations of the Ad hoc Working Group of Experts. It reaffirmed that the necessary conditions for a just and lasting peace in the region were the following: the lifting of the state of emergency; the release of political prisoners; direct negotiations with the legitimate representatives of the black majority; the abandonment of the policy of bantustanization; the rejection of the Pretoria régime's so-called constitutional reforms; full compliance with an economic and military embargo; and the imposition of mandatory sanctions against the apartheid régime of South Africa in accordance with Chapter VII of the Charter of the United Nations.

71. It was clear from Mr. Khalifa's report (E/CN.4/Sub.2/1988/6 and Add.1) that transnational corporations which continued to engage in economic and financial activities in South Africa were one of the obstacles to the implementation of General Assembly resolutions 1514 (XV) and 2625 (XXV). They therefore bore a large share of the responsibility for the maintenance of the apartheid régime, for the strengthening of its military potential and for the denial of the fundamental rights of the majority of the South African population. With the complicity of certain States, they had not only managed to get around Security Council resolution 418 (1987), but had also set up a substantial military industry in the country. Tunisia denounced in particular

the close military collaboration between the South African régime and Israel. Such collusion was a serious threat to the peace and security of Africa and encouraged the acts of military aggression and destabilization being committed by South Africa against neighbouring States, which were being forced to devote a large share of their resources to their security at the expense of their economic and social development.

72. Mr. KHERAD (Observer for Afghanistan) said that the international community unanimously agreed that racism, racial discrimination and apartheid were the most striking examples of massive and flagrant violations of human rights. It was therefore understandable that the form of institutionalized racism represented by apartheid had been recognized as a crime against humanity under international law and that it had been condemned in many resolutions of United Nations bodies, as well as in various international legal instruments. The efforts by the United Nations and, in particular, by the Commission on Human Rights had made a great contribution to the world-wide struggle against racism and racial discrimination. The proclamation of the Second Decade to Combat Racism and Racial Discrimination proved that the international community was determined to liquidate that scourge totally and unconditionally in all its forms.

73. It must nevertheless be recognized that, despite all the measures taken and all the resolutions and legal standards adopted, that objective had not yet been achieved. Millions of human beings continued to be subjected to inequality, discrimination and oppression because of the colour of their skin. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1989/8) gave a very clear picture of apartheid, which was one of the most shameful and brutal systems in the history of mankind. The only crime of the black South Africans, who were subjected to violence and repression as soon as they were born, was that they were demanding the recognition and exercise of their legitimate rights, particularly their right to life and freedom, which were being denied them by a system that was as much an anachronism as an affront to the dignity of mankind. Peace in the region could therefore be re-established only if apartheid was totally dismantled without any trickery. In that connection, his delegation considered that the report on the adverse consequences for the enjoyment of human rights of political, military, economic and other assistance provided to the racist and colonialist systems of southern Africa (E/CN.4/Sub.2/1988/6 and Add.1) was an important contribution to the struggle for the total elimination of apartheid.

74. Racism and discrimination also existed in other parts of the world. The Palestinians in the occupied Arab territories were victims, as were migrant workers, the members of certain minority ethnic and national communities and indigenous populations in other countries. More energetic action therefore had to be taken to improve their situation. In that connection, it was essential to implement the relevant resolutions and decisions adopted by the United Nations, as well as the provisions of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. It was also essential that States which had not yet ratified 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 should do so and undertake to implement them without delay. The international community as a whole, and the United Nations in particular, must also continue

to give high priority to programmes of action to combat racism, racial discrimination and apartheid and redouble their efforts to help all those who were the victims in order to enable the South African people in particular to recover all its rights and Namibia to achieve independence and in order to guarantee the security, stability and territorial integrity of the front-line States.

75. The important events which had taken place in southern Africa in 1988 held out hope that some of the objectives of the countries of the region could be achieved. The signature of the Tripartite Agreement between Angola, Cuba and South Africa, which had established the basic principles for a political settlement of the problems affecting southern Africa and which, if its terms were respected, would lead to the independence of Namibia in accordance with the provisions of Security Council resolution 435 (1978), had been a positive development. Any obstacles to the free and genuine expression of the Namibian people's desire for independence had to be removed.

76. The efforts of the United Nations and those of the entire international community therefore had to be aimed more systematically than in the past at the liquidation of the shameful system of apartheid. His delegation was convinced that the end of that régime, against which determined international action, including the imposition of comprehensive sanctions, continued to be necessary, was now in sight. Justice would soon prevail and South Africa would be a united, democratic and non-racial country. Afghanistan would give SWAPO, ANC and the front-line States its full support pending the triumph of the cause they were defending.

77. The Commission on Human Rights should spare no effort to condemn racism and racial discrimination, which, wherever they existed, were a denial of the rights of the human person, and to guarantee the defence and protection of the victims of those hateful phenomena.

78. Mr. BLAVO (Observer for Ghana) said that one of the major concerns of the United Nations since its establishment had been the promotion of world-wide respect for human rights and the fundamental freedoms of the individual; that concern had led to the adoption by the Organization of the Universal Declaration of Human Rights and several other complementary instruments and resolutions which emphasized the sacred right of all peoples to self-determination. That right unfortunately continued to be denied to some peoples, including the South African people under the odious system of apartheid. The suffering and indignities which were the daily lot of the indigenous populations of that region were described in detail in the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1989/8); despite the so-called reforms and the recent diplomatic initiatives by the Pretoria régime, nothing had changed in South Africa.

79. The situation in Namibia, which had been illegally occupied and administered by the South African régime for over 40 years, was not any better, despite the recent peace agreement between the Governments of Angola, Cuba and South Africa. In fact, there had recently been an increase in military activity in Namibia and elements of the "koevoets" were being absorbed into the Namibian police force. It was clear that South Africa was trying to install a puppet régime in Namibia and retain that territory as a

buffer. While his delegation welcomed the tripartite peace agreement, it urged the international community to remain vigilant, since the Pretoria régime had no credibility. Any attempt to change the implementation of Security Council resolution 435 (1978) for cost-saving reasons would therefore not be in the best interests of the people of Namibia or the peoples of the other countries in the region.

80. It was time for the international community to take more determined action against the Pretoria régime, which had defied it for 40 years; the imposition of mandatory and comprehensive sanctions was the only peaceful means of hastening the dismantling of the system of apartheid. In that connection, his delegation regretted that some members of the Commission continued to oppose such sanctions on the grounds that the Africans were not in favour of them or would be hurt by them. In fact, the overwhelming majority of black South Africans considered the imposition of mandatory and comprehensive sanctions to be the most effective form of pressure to end apartheid. South Africa was not as strong as it would like the world to believe and concerted international action would bring about the collapse of the racist régime and, with it, the system of apartheid. Meanwhile, his delegation renewed its call for the Pretoria régime to lift the state of emergency and the ban on all anti-apartheid movements in South Africa and for the immediate and unconditional release of Nelson Mandela and all other political prisoners.

81. His delegation believed in the right of all peoples to self-determination and would associate itself with any effort by the Commission which reflected the collective will of the international community to bring self-determination to all oppressed peoples.

The meeting rose at 1 p.m.