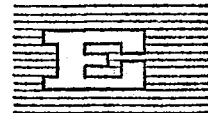


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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE FIRST PART* OF THE 16TH MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 10 February 1983, at 3 p.m.

Chairman: Mr. OTUNNU (Uganda)
later: Mr. HAYES (Ireland)

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* The summary record of the second part of the meeting appears as document E/CN.4/1983/SR.16/Add.1.

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

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1983/10; E/CN.4/1983/37, E/CN.4/1983/38; A/AC.115/L.571; A/AC.115/L.586)

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.2/1982/10) IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1983/24 and Add.1-13; E/CN.4/1983/25)

- (a) 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 18) (continued) (E/CN.4/1983/27; E/CN.4/1983/28)
- (b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 18) (continued) (E/CN.4/Sub.2/1982/7)

1. Mr. LAURIJSSSEN (International Confederation of Free Trade Unions) said that the struggle against apartheid remained a priority for the democratic international trade union movement because, where human rights were not recognized, there could be no trade union rights and, in turn, a breakthrough at the level of trade union freedoms in South Africa would have a crucial impact on the evolution of the human rights situation in general in that country. It had been estimated that, by the year 2000, only 7 per cent of the total work force in South Africa would be white; industry was therefore increasingly reliant on black manpower.

2. As a result of their economic power and organizational capacity, black workers had pierced the State's apparatus of control and repression. Union organizers had ignored laws making strikes illegal and a growing number of employers had been forced to take a more flexible attitude and to recognize representative unions, even if they were not registered. An estimated 200 employers had signed recognition agreements with black unions. The black trade union movement in South Africa had not only improved its organization but had also increased its membership figures, which were currently estimated at some 350,000. Although strikes were still illegal, the number of workers who had gone on strike during the first six months of 1982 had risen sharply compared to the first half of 1981: there had been 182 strikes during the first half of 1982, compared to 111 during the same period in 1981.

3. Nevertheless, the regime's attitude towards independent trade unions of black workers remained as harsh as ever. In July 1982, nearly 30,000 black workers in some of South Africa's main gold mines had gone out on strike to protest against the lowest wage increase for several years. The repression had been very severe: at least 10 people had been killed and many others wounded, over 75 miners had been detained and over 1,000 had been taken back to the so-called homelands. It was widely recognized that the absence of any bargaining channel between black mineworkers and employers accounted largely for the widespread unrest in the mines. There had also been strikes by the black automobile workers at Volkswagen, Ford and General Motors and by Colgate Palmolive employees. In both cases, the independent unions had won significant victories in terms both of their recognition and of the results achieved for the workers concerned.

4. In response to that resurgence of trade union activity, the Pretoria regime had adopted a dual strategy of repression and legislative control. The South African Government had announced its intention of introducing new legislation aimed at streamlining the procedures for settling industrial disputes. It was proposed to make two amendments to the Labour Relations Act, one of which would give the Minister of Manpower far-reaching powers to curb strikes. The Government claimed that the new legislation would give unregistered black trade unions access to official negotiating machinery, provided that they represented more than half the number of workers in a particular industry and complied with various other conditions which the Minister had not stipulated. In practice, it seemed as though the Minister intended to force unregistered unions to accept Government machinery in which they had little or no confidence.

5. While the Government seemed to be bending on the one hand, it was in fact continuing to break workers' solidarity during strike action by setting up a scheme under which financial benefits would be offered to workers considered to have been unwillingly caught up in labour unrest. Furthermore, the "Intimidation Act" continued to be used against trade union members and those who tried to organize black workers. Thus, no one could have any illusion about the true nature of the so-called reforms in South Africa. Trade unionists remained a major target of repression: in 1981, more than 300 trade unionists and workers had been detained out of a total of 772 detentions. Over 200 people had been arrested at Soweto in 1982 during a peaceful ceremony in commemoration of a black trade union leader. Out of a partial list of 85 detained trade unionists drawn up by the Special Committee against Apartheid, 47 were still in detention at the present time, 10 had been banned after release and one had died in detention. Moreover, the inquiries conducted under international pressure after the death of Neil Aggett in his cell on 5 February 1982 had clearly shown that he had been found dead after a series of grave tortures. It was likely that the world-wide protests over that incident had induced the South African authorities to release a number of detained trade unionists or to transfer them to psychiatric hospitals.

6. The authorities had also protected themselves against protest campaigns by prohibiting the publication of the names of detainees. The unions concerned, as well as the relatives of the victims, had not even been able to obtain information about the whereabouts of the detainees. According to the South African Society of Journalists, that meant that people could now disappear without any trace. ICFTU could provide many other examples of violations of trade union rights in South Africa during the previous 12 months, and particularly cases in which trade unionists had been detained without any charge being brought against them. The most recent victims included Emma Machinini, Rita Ndzanga, Philip Dlamini and Thomazile Gqueta. Through a policy of systematic threats, intimidation and harassment, the South African authorities were doing everything in their power to crush the independent trade union movement.

7. ICFTU repeated that apartheid could not be reformed. Until it was totally abolished, there could be no talk of trade union rights or of any other fundamental human rights in South Africa. Abolition of apartheid required a global effort, and for that reason ICFTU supported the United Nations in its endeavours to apply all possible measures to put an end to the fascist apartheid regime in South Africa.

8. Mr. SKALLI (Observer for Morocco) said that the Commission had been concerned over the situation in southern Africa for a number of years and that the reports prepared by United Nations bodies on the matter invariably revealed a deterioration in the human rights situation. The South African regime persistently flouted

United Nations decisions and resolutions. Through discriminatory and repressive measures, it endeavoured to exclude the black population from any participation in public life and conferred on the white minority a monopoly of power; recently, for instance, it had refused to allow the black population any kind of participation in the preparation of the draft Constitution providing for the establishment of three assemblies (one for the whites, one for the Coloureds and the third for the Asians), under which the white Parliament alone would hold legislative power and the whites would have an automatic majority in the electoral college which appointed the head of State.

9. Not only were the indigenous populations deprived of their fundamental political rights, but they lived in humiliating and degrading conditions.

10. In its report (E/CN.4/1983/10), the Ad Hoc Working Group of Experts on southern Africa described an increase in repression against the black population, the intensive use of torture in prisons and a considerable strengthening of security legislation. The death penalty was commonly applied in South Africa and the number of persons executed was constantly increasing; the annual average for the past three years was 130 executions.

11. The "homelands" system, which was based on the principle of "divide and rule", was akin to slavery: the black population had no freedom of movement, could not choose their employment and were obliged to accept the most badly paid and unskilled jobs and, in addition, were subjected to measures designed to compel them to work on the basis of the requirements of the South African economy. Blacks residing in white areas were forcibly transferred to the "homelands" as soon as they became unemployed. That policy clearly violated the right of the black people of South Africa to self-determination; the racist South African regime had of course granted formal independence to the "homelands", but the international community had not been deceived and had refused to recognize them as independent States. In that connection, his country supported the recommendation of the Ad Hoc Working Group of Experts that the question of the "sovereignty" of the so-called independent "homelands" and the use of that policy to maintain apartheid should be studied thoroughly.

12. The occupation of Namibia had lasted all too long. In defiance of the international settlements worked out by the United Nations, the South African Government was continuing to delay the independence of that Territory indefinitely and had decided to install an internal administration in order to perpetuate its illegal occupation in concealed form. After the failure of that scheme and the resignation of the Administrator installed in the Territory, the South African authorities had immediately resumed direct control of the country. That illegal occupation was accompanied by a policy of repression, as attested to by the report of the Ad Hoc Working Group of Experts on southern Africa, which described disappearances, indefinite detentions without trial, frequent infringements of individual freedoms, an increase in the number of refugees, and torture inflicted on political prisoners and freedom-fighters. Morocco affirmed its solidarity with the people of Namibia and, as an African country, would spare no effort to bring about the permanent elimination of the odious policy of which that people was a victim.

13. Mr. RAMAROZAKA (Observer for Madagascar) said he wished to commend the numerous reports prepared for the consideration of agenda items 6, 7, 16 and 18 but found it regrettable that some of them had not been made available in good time. It was unfortunate that so much work and money should be spoiled by delays.

14. In a way the reports, excellent though they were, unfortunately contained nothing beyond what was already known, namely that apartheid was a crime against humanity, that it was futile to attempt to reform that odious system and that the only course remaining was to outlaw and eliminate it.

15. Since the time, 35 years previously, when the South African Government had openly established the system of apartheid as a basis for its internal economic and social policy, the international community had unceasingly voiced its indignation, reprobation and horror, but to no avail. While some had claimed that the apartheid regime was being reformed and becoming more humane, that assertion was contradicted by the facts: the intensification of repression against the black population, the growing number of arbitrary arrests and summary trials, the infliction of torture and other inhuman and degrading treatment on political prisoners, the increasingly systematic use of the death penalty and in some cases the plain murder of "traitors", recalcitrants and suspects and bantustanization could hardly be regarded as indicative of any easing up in the regime.

16. For those who applied it, apartheid was an improvement on the slavery system, since the tools of production which slaves had represented had been expensive to maintain, which was not the case with South African blacks, who were citizens of the Republic; because of the risk that they might avail themselves of the rights attaching to their status as citizens, the South African Government had devised the system of bantustanization, which guaranteed it a pool of manpower lacking any rights. Anyone who might still entertain doubts concerning the Pretoria regime's conception of "alleviating" the fate of its black citizens would find a mass of impartial evidence in the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10), as well as in documents E/CN.4/1983/37 and E/CN.4/1983/38.

17. Because the apartheid system was, by its very nature, an inadmissible violation of the fundamental principles underlying the establishment of the United Nations, the supreme organ of the United Nations had condemned it and had had no hesitation in classifying it as a crime against humanity. Apartheid had also been repudiated, inter alia, by the Commission on Human Rights, the Organization of African Unity and the non-aligned movement; none of those efforts had had any effect, and the Pretoria regime, far from abandoning its odious system, was strengthening and refining it and exporting it beyond its frontiers.

18. Despite the resolutions of the Security Council, South Africa was continuing its illegal occupation of Namibia, whose population it was subjecting to the same inhuman treatment as the black population of South Africa. In the certainty that it would go unpunished, it was stepping up its unprovoked acts of aggression and punitive incursions in the front-line States, as had recently been seen in Lesotho.

19. South Africa could only draw its arrogant assurance from the conviction that the United Nations was a divided organization which would do nothing and could never do anything against it. It was evident that too many Members of the United Nations were still applying only partially the decision to impose an economic embargo on the racist, colonialist regime of South Africa and that too many of them were seizing upon the shortcomings of others in an attempt to justify and expand their diplomatic, economic, military and nuclear assistance to that regime.

20. In keeping with its traditional policy of active solidarity with the black peoples of South Africa and Namibia and the front-line States, the Government of the Republic of Madagascar endorsed the conclusions and recommendations of the Ad Hoc Working Group of Experts concerning South Africa and Namibia, as contained in paragraph 671 of document E/CN.4/1983/10. It was to be hoped that all those who professed themselves to be friends of Africa and believed in the inviolability of human rights would display the same solidarity.

21. Mr. MASRESHA (Observer for Ethiopia) said he had greatly appreciated the reports of the Ad Hoc Working Group of Experts, the Group of Three and the Special Rapporteur.

22. It was a shame that such barbaric crimes as racism and apartheid should perpetuate themselves with the assistance of the so-called civilized world. It had been pointed out once again in the report of the recently held International Conference on Women and Apartheid that racism and apartheid were intolerable international crimes and affronts to the human conscience. The reports before the Commission, and particularly the report prepared by the Ad Hoc Working Group of Experts (see E/CN.4/1983/10, para. 49), referred to the international instruments and United Nations resolutions prohibiting and condemning any form of racial discrimination. Since the South African Government continued to scoff at those condemnations, the international community must take decisive action to bring it to its knees.

23. Although the problem had been under consideration by the United Nations for the past 36 years, it did not seem that a solution was near. The South African Government, which had sided with Nazi Germany during the Second World War, was now sheltering well-known criminals who had committed horrendous crimes. With the help of those experts in terror, the South African regime was committing unprecedented genocide against the South African people and the Namibian people. In its report concerning the effects of the policy of apartheid on black women and children in South Africa, the Ad Hoc Working Group of Experts emphasized that, not content with allowing a high infant mortality rate among the black African population and with massacres and other acts of genocide, the South African regime had launched a campaign of forced sterilization to curb the growth in the African population (see E/CN.4/1983/38, paras. 21 and 22).

24. The South African people and the Namibian people continued to be landless and poor in a rich country. The Ad Hoc Working Group of Experts pointed out that the black population of South Africa, particularly in rural areas, was continuing to suffer from poverty and malnutrition. Those who did not starve to death were executed by the apartheid regime. There were unnumberable infringements of human rights, particularly with regard to the treatment of political prisoners, the Bantu "homelands" policy, the restriction of trade union rights, forced population transfers and the prohibition of student movements. Mention should also be made of the conditions of detention of Namibian political prisoners and the effects of the policy of apartheid on black women and children.

25. What could be said about the physical and psychological torture to which detainees were subjected? What had the Namibian people and the South African people done to deserve such treatment? Their only fault seemed to be that they were black, a fact which doomed them to humiliation and suffering from birth to death.

26. As the Ad Hoc Working Group of Experts pointed out in its report (E/CN.4/1983/10, para. 55), the terrorist acts of the South African regime knew no limits, and a striking development had been the number of murders and assassinations of opponents of apartheid, not only within South Africa but beyond its borders. The terror campaign conducted by the South African regime was considered to form part of a strategy designed not only to demoralize South African opponents of apartheid but also to destabilize independent African States on its borders. During the past year, Zimbabwe, Angola, Lesotho, Botswana and Mozambique had suffered from incursions by the South African regime, which had also organized an attempted coup d'état in the Seychelles and had participated in the assassination of political leaders in Zimbabwe, Lesotho, Mozambique, Namibia and South Africa. One example was the assassination of Ruth First, a South African intellectual who had been involved in editing an opposition newspaper.

27. It was saddening to note that so-called civilized countries were aiding and abetting that abhorrent system, in order to preserve their economic interests in the region. The self-proclaimed champions of freedom and democracy should demand that the degrading treatment of the black population should cease and that the people of Namibia should be allowed to breathe the air of freedom. Ethiopia strongly condemned the belligerent stance of the South African Government. In view of South Africa's acts of aggression against neighbouring States, of which Lesotho had been a recent victim, and the occupation of Angola's national territory and the sabotage attempts directed against independent countries in southern Africa, mandatory sanctions should be taken against South Africa without delay.

28. The continued occupation of Namibia, in defiance of the various resolutions of the OAU, the movement of non-aligned countries and the United Nations, constituted an act of aggression against the Namibian people and a challenge to Africa and to the authority of the United Nations, which had direct responsibility for Namibia and its accession to independence. Not only did South Africa refuse to comply with Security Council resolutions 385 (1976) and 435 (1978), but it resorted to dilatory tactics in order to perpetuate its domination over the Namibian people (see E/CN.4/1983/10, para. 56). Ethiopia rejected any attempt to link Namibia's accession to independence with the withdrawal of Cuban troops from Angola. The participants at the summit meeting of front-line African States and SWAPO held at Lusaka in August 1982 had termed that attempt interference in Angola's internal affairs. Mr. Sam Nujoma, President of SWAPO, which was the sole and legitimate representative of the Namibian people, had also said that the withdrawal of Cuban troops was a separate issue and had no place in Security Council resolution 435 (1978).

29. Ethiopia appreciated the preparations being made by the United Nations, in co-operation with the OAU and in consultation with SWAPO, for the forthcoming International Conference in Support of the Struggle of the Namibian People for Independence, which was to be held in April 1983, as well as the preparations for the second World Conference to Combat Racism and Racial Discrimination, to be held in August 1983, and welcomed the decision of major oil-exporting countries to hold an international conference to study ways and means of enforcing the embargo on supplies of oil to South Africa. On the other hand, Ethiopia condemned the decision of the International Monetary Fund to grant a substantial loan to the Pretoria regime and called upon all countries to work for the expulsion of the racist regime from the IMF. It was now incumbent upon the Western countries, and particularly those which, according to Mr. Khalifa's report (E/CN.4/Sub.2/1982/10), maintained economic relations with the South African regime, to bring that regime to its senses, thereby proving that their commitment to human rights was not dictated exclusively by their economic interests.

30. In conclusion, his delegation deplored the statement by the representatives of certain Western countries that the isolation of the apartheid regime would first and foremost affect the black population. Since that population had nothing, it had nothing to lose.

31. Mr. SENE (Senegal) said that the problem of racism and racial discrimination in Africa had already existed for several centuries, from the period of slavery and colonization to the advent of apartheid. At the first Pan-African Conference, held in London in 1900, black intellectuals had stated that the twentieth century would be marked by confrontation between races in various regions. However, their appeal had not been heeded by the colonial powers of the time, whose rivalries had almost plunged the whole of mankind into chaos. After the Second World War, the United Nations had been created, proclaiming faith in human rights, human dignity and values and the equal rights of men and women, as well as of nations. The United Nations had been dealing with the problem of racist discrimination in southern Africa since 1946, when it had first taken the matter up at the initiative of the Indian delegation, under the inspiration of Mahatma Gandhi. Since that time, the United Nations had pledged to support the South African people in their struggle for freedom and dignity and for the establishment of a democratic, egalitarian State in South Africa. Today, the struggle against apartheid was that of all peace-loving and justice-loving peoples, because that odious system was an affront to civilization and all moral values.

32. According to article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid, racial discrimination was a crime against humanity which violated international law, particularly the Charter, and constituted a threat to international peace and security.

33. For years now, the Commission, through its resolutions and reports, had expressed its indignation over the persistence of that problem. The report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10) gave a poignant description of the horrendous escalation in the repression, persecution, arrests, torture, etc. which were the daily lot of ANC activists, the PAC, black trade unions, students and even churchmen - in short, all those struggling for freedom. In addition, the bantustanization policy was a true act of genocide, under which the black population was left to its fate on arid land and in precarious social conditions and was exploited as cheap manpower for industries of the racist minority and the multinational corporations. In other words, the bantustans tended to deprive the African majority of their citizenship. Such was the tragic fate of millions of blacks in their own country. That situation was repugnant to the conscience of civilized peoples.

34. The obstinacy of the Pretoria regime could be explained only by the complicity of powerful allies within the United Nations itself, which protected it in committing acts of aggression against its neighbours. Senegal condemned such complicity, which fuelled instability and tensions in southern Africa. Those Powers which preached respect for human rights while maintaining political, economic, cultural, scientific and military relations with South Africa should reflect on the consequences of their acts before it was too late.

35. In Namibia, the policy of apartheid, which had been unanimously condemned by the General Assembly as a crime against humanity and recognized by the Security Council as a threat to international peace and security, made the affront which the Territory's situation constituted for the international community even more humiliating. Despite the existence of various methods based on the provisions of

the Charter whereby that anachronistic situation could be brought to an end, South Africa was unwilling to accept any change which would ease tensions. It was very disquieting that the situation in Namibia was continuing to deteriorate because of South Africa's failure to comply with United Nations decisions, notwithstanding the fact that South Africa itself had requested the Organization to ensure Namibia's peaceful accession to independence, in agreement with the five Western Powers in the Contact Group. The unanimous desire of Member States to settle the Namibian question had been reflected in an international consensus according full support to Security Council resolution 435 (1978) which was supposed to define the stages in the process leading to the organization of free and democratic elections under United Nations supervision. Almost five years later, the problem was as great as ever. South Africa had never ceased to erect obstacles and to introduce new and disconcerting conditions at every stage. The Pretoria regime was bent on maintaining its domination over Namibia by strengthening its hold on that Territory, which was supposedly international but remained colonized, and by ruthlessly plundering its riches. At the same time, it was intensifying its repression against the population and its persecution of SWAPO fighters, thus demonstrating its determination to liquidate the sole and authentic representative of the Namibian people.

36. In Namibia itself, the Pretoria Government was stepping up the recruitment of mercenaries and the formation of tribal armed forces, extending the system of bantustanization and creating political structures serving its interests. At the same time, it was committing systematic aggression against the neighbouring independent States, whose only fault was that they sometimes, as had recently been the case in Lesotho, offered hospitality to refugees fleeing from apartheid. The Pretoria regime was continually violating the sovereignty of Angola, Mozambique, Botswana, Zambia and Lesotho, part of the territory of which it sometimes occupied in reprisal. Even beyond the front-line countries, it was endeavouring to destabilize other African countries whose structures were still fragile.

37. The harmful effects of the economic crisis and difficulties in Africa were compounded by pernicious forms of subversion designed to provoke internal upheavals, subtle forms of interference, exoduses of refugees and massive transfers of population which threatened the peace and security of the entire continent.

38. The Commission must act decisively to defuse the situation in that region, which was as explosive as that in the Middle East. It had, however, been agreed that the negotiations on the Namibian question should be completed by the end of 1982 or early 1983. The members of the Contact Group had made that pledge, asking Africa and the international community to be patient. Senegal had always given its full support to the members of the Contact Group in their difficult negotiations with the South African authorities, but the fact had to be faced that the negotiations could not drag on indefinitely. It appeared that South Africa was playing for time in order to strengthen its domination over Namibia and to impose an "internal settlement" through the transfer of power to illegitimate groups. Given the uncertainty surrounding a political solution, the Contact Group should draw the necessary conclusions, and nobody could criticize SWAPO for continuing its legitimate struggle, including armed struggle, to restore the rights of the Namibian people. Any attempt to settle the problem outside the United Nations framework was contrary to the interests of the Namibian people. Senegal hoped that the United Nations Secretary-General's current visit to Africa, and particularly to the front-line countries, would impart fresh impetus to that settlement process.

39. It might be wondered what objectives the Pretoria authorities were pursuing by endeavouring to give the impression that they were softening their position. The realistic attitude for which they called must be based on confidence and understanding between the parties. To follow the Pretoria regime in its changes of direction was ultimately to become an accomplice to the inhuman practices of which it was a past master. How could one have any confidence in a regime which made racism and terrorism State policy? Yet that regime continued to benefit, if not from open collusion, then at any rate from extremely effective protection. In a mockery of the facts, some went so far as to portray South Africa as a defender of the values of the free world and the West and as a bulwark in the East-West confrontation, while dismissing the fate of the peoples of southern Africa.

40. The truth was that, if there was a struggle in southern Africa for the defence of certain ideals, it was being conducted, and with determination, by the black peoples. His delegation was more than ever convinced that a solution to the Namibian question must be based on the cessation of the illegal occupation of the Territory by South Africa, the withdrawal of its armed forces and the exercise by the Namibian people of their right to independence, in accordance with General Assembly resolution 1514 (XV). The time had perhaps come to take coercive measures and to apply global mandatory sanctions against the Pretoria regime.

41. A tribute should be paid to the Special Committee against Apartheid, the Centre against Apartheid, the United Nations Council for Namibia and the Ad Hoc Working Group of Experts on southern Africa, as well as the Group of Three, for their contribution to the struggle against that scourge afflicting Africa. ILO and UNESCO also took a keen interest in the struggle against racism, and their contribution was invaluable.

42. All States should accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid. Like Finland and the Netherlands, Senegal welcomed the fact that article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination established machinery under which individuals could have recourse to the Committee on the Elimination of Racial Discrimination. The proposal to establish an international penal tribunal to judge crimes of apartheid was worthy of approval. Lastly, it would be desirable for all member States to participate in the second World Conference to Combat Racism and Racial Discrimination. As the representative of Canada had emphasized at the previous meeting, an attempt must be made to elevate the discussions, avoid the futile controversies which had led to distressing quarrels at the previous conference and seize the opportunity afforded by the second World Conference to assess United Nations activity under the Decade and to propose effective solutions to the problem of racism. The struggle against racism was of crucial importance. It must be based on the common determination of all States to make respect for the right to be different and to diversity in all fields the foundation for future civilizations.

43. Mr. OULD-ROUIS (Observer for Algeria) said that the racist regime of Pretoria was continuing its policy of terror and repression, in flagrant violation of the most elementary human rights. The so-called constitutional reforms were merely a device for concentrating power in the hands of the white minority, and the government apparatus was being militarized in an attempt to crush opposition and protect a system which was doomed to collapse.

44. No one was immune from repression, not even women and children, who were the main victims of "bantustanization". The Commission must again condemn those practices and that policy, which constituted a violation of the fundamental right of self-determination and a crime against humanity.

45. In Namibia, the Pretoria regime was resorting to the same racist, segregationist practices. The illegal occupation of that country, the exploitation of its human and natural resources and the intensification of repression were giving rise to serious concern. South Africa was continuing its policy of systematic obstructionism and intransigence with a view to imposing neo-colonialist solutions which would exclude SWAPO, the sole legitimate representative of the Namibian people. It was time for the international community to exercise the necessary pressure on Pretoria to secure the implementation of Security Council resolution 435 (1978), on which the United Nations settlement plan was based, and to expedite Namibia's accession to independence.

46. In defiance of United Nations decisions, the minority regime in Pretoria was not hesitating to extend its policy of aggression to the entire region, practising what amounted to State terrorism against the independent African countries and particularly the front-line countries, whose security was seriously threatened. South Africa was conducting a wide-ranging campaign of intimidation and destabilization in the African continent and, apart from its occupation of a part of Angola, was continuing and intensifying its incursions into Zimbabwe, Botswana, Mozambique and Lesotho. Bombings, massacres of civilian populations as in Maseru, attacks on refugee camps, sabotage operations, assassinations of leaders and attempted coups d'état such as the one which had been fomented in the Seychelles were becoming increasingly frequent occurrences.

47. The racist, aggressive policy of the Pretoria regime was somewhat reminiscent of the policy pursued by the Zionist entity, its objective and unconditional ally, and it was therefore not surprising that the massacres at Sabra and Shatila had been followed by those at Maseru. Both regimes benefited from the acquiescence, not to say complicity, of certain Western Powers which, through the abuse and distortion of the right to veto, assured them of complete impunity. Moreover, the political, economic, cultural and military assistance and collaboration of certain countries merely provided encouragement and backing to that policy. Instead of working to improve the situation of the black population in southern Africa, multinational corporations acted as accomplices of apartheid, which ensured the protection of their interests. The list of enterprises, associations, banks and institutions established in South Africa or collaborating with the regime became longer every year. Those various organizations even went so far as to extend assistance in the military sphere. Furthermore, in November 1982, IMF had granted a \$1 billion loan to the racist regime, in defiance of the General Assembly resolution requesting it to refrain from granting any further financial assistance to Pretoria. In practice, therefore, the various forms of assistance granted to South Africa under the pretext of giving it "friendly" encouragement to moderate its policy fostered the development of its military activities in the region and the expansion of its nuclear programme. Accordingly, the Commission must strongly condemn all forms of collaboration and assistance benefiting the South African regime and seek ways and means of ensuring the implementation of the relevant resolutions adopted by various international bodies.

48. The Commission also had before it the report of the Group of Three on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The accession of the majority of States to that

important Convention would be a contribution to the struggle for the total elimination of apartheid. In that connection, the establishment of an international penal tribunal would permit the adoption of specific measures to overcome that scourge. A draft statute had been prepared and submitted to the consideration of States, but the replies received did not seem to constitute an adequate basis for further study of the matter by the Group of Experts. It was to be hoped that the numerous appeals made by the Commission would be heeded and that Governments would grant that important proposal the attention it deserved.

49. His delegation welcomed the convening of the second World Conference to Combat Racism and Racial Discrimination, which would undoubtedly contribute to the effective implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. Algeria hoped that, at its current session, the Commission would take all necessary decisions to help to put an end as soon as possible to the crimes and acts of aggression committed by the racist regime of South Africa.

50. Mr. TANC (United Nations Council for Namibia) observed that the documents submitted to the Commission gave a detailed picture of the serious situation which existed in Namibia and South Africa. The United Nations Council for Namibia had been considering the gross violations of human rights in that Territory ever since the United Nations had established it as the legal Administering Authority until independence.

51. In defiance of United Nations resolutions and the judgement of the International Court of Justice, South Africa was continuing to ignore the inalienable national rights of the people of Namibia and to practise the worst form of colonialism and institutionalized racism. The Pretoria authorities were applying their policy of apartheid in Namibia while plundering the human and natural resources of the Territory. They were carrying out schemes of bantustanization, imprisoning, torturing and killing Namibian patriots and daily endeavouring to crush the legitimate aspirations of Namibians for independence. Those activities were coupled with acts of aggression against the neighbouring African countries - particularly Angola - which threatened international peace and security. The Namibian people were nevertheless continuing their struggle under the leadership of SWAPO, their sole and authentic representative.

52. Despite the international community's desire to implement the plan for Namibian independence set out in Security Council resolution 435 (1978), South Africa never ceased raising obstacles and using delaying tactics to maintain its illegal occupation. The United Nations Council for Namibia therefore welcomed the fact that the international community's determination to take measures against South Africa had been so strongly expressed by numerous speakers at the current session. The resolutions to be adopted by the Commission would undoubtedly make a significant contribution to ending violations of human rights in southern Africa.

53. On behalf of Namibia, the United Nations Council for Namibia had recently 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, and it was planning to accede to the 1949 Geneva Convention and the additional protocols thereto. It should also be mentioned that the United Nations Council for Namibia, in co-operation with the OAU and in consultation with SWAPO, was to hold an International Conference in Support of the Struggle of the Namibian People for Independence, which would take place at UNESCO

in Paris from 25 to 29 April 1983. That conference would provide a fresh impetus to the concerted efforts of the United Nations system to end the illegal occupation of Namibia and the policies of apartheid and racial discrimination which South Africa was following there.

54. Mr. IBARRA (International Indian Treaty Council), referring to agenda item 18, described activities conducted under the Decade for Action to Combat Racism and Racial Discrimination, proclaimed on 10 December 1973, which were of interest to Indian peoples, among others. In 1978, the World Conference to Combat Racism and Racial Discrimination had solemnly declared that all peoples had contributed to the progress of civilization and of the cultures which constituted the common heritage of mankind. The same year, UNESCO had assigned a vital role to the media in its Declaration on Fundamental Principles Governing the Use of the Mass Media in Strengthening Peace and International Understanding and in Combating War Propaganda, Racism and Apartheid. In 1978, UNESCO had also adopted a Declaration on Race and Racial Prejudice, article 1 (2) of which stated that the diversity of life styles could not, in any circumstances, serve as a pretext for racial prejudice or justify any discriminatory practice whatsoever, nor provide a ground for the policy of apartheid, which was the extreme form of racism. In 1981 UNESCO had adopted the Declaration of Athens, which stated that racism was a complex phenomenon involving a whole range of economic, political, historical, cultural and psychological factors which must be addressed, that it was a tool used by certain groups to reinforce their political and economic power, and that it also involved denying that certain peoples had a history and underrating their contribution to the progress of mankind.

55. The non-governmental organizations, for their part, had held two important international meetings on indigenous populations, the first in 1977 and the second in 1981. In the final declaration resulting from their International Conference on Indigenous Populations and Land, the non-governmental organizations had condemned the repression and systematic genocide practised against indigenous peoples and had called for an immediate end to those practices. In 1981 Nicaragua had hosted the Seminar on recourse procedures and other forms of protection available to victims of racial discrimination and activities to be undertaken at the national and regional levels; at that meeting the main problems affecting the ethnic groups in the region had been discussed. In 1981 UNESCO, in co-operation with the Latin American Faculty of Social Sciences, had held a meeting of experts on ethnocide and ethno-development at San José, Costa Rica. The meeting had approved the "San José Declaration", which had emphasized that the history of the Indian peoples had been ignored or distorted since the European invasion, despite the important contributions which those peoples had made to the progress of humanity; that those peoples had a natural and inalienable right to the land which they possessed and the right to claim land of which they had been depossessed; and that respect for the forms of autonomy demanded by those peoples was essential to the safeguarding of their rights.

56. In 1981 the Sub-Commission on Prevention of Discrimination and Protection of Minorities had adopted a resolution establishing a Working Group on Indigenous Populations and had requested Mr. Martínez Cobo to prepare a study on the question; representatives of indigenous populations had made numerous statements to the Working Group and to the Sub-Commission at its 1982 session. In July 1982 the Central Committee of the World Council of Churches had adopted a statement calling upon its members and the international community to respect and guarantee traditional

landownership, to refrain from violating the culture and spiritual values of the indigenous peoples and to organize, in consultation with those peoples, educational programmes, which were under their control and respected their traditional values and cultures.

57. Regrettably, despite those various initiatives, the Decade was drawing to an end without any specific international instrument having been adopted with regard to indigenous populations. Noting the persistence of racist practices, racial discrimination and apartheid, observing that there were still racist administrations and laws and that the mass media were used to maintain such practices, and regretting the fact that genocide and ethnocide were practices commonly employed against the indigenous populations, the International Indian Treaty Council proposed that the objectives set for the Decade which was coming to a close should continue to be pursued by the United Nations system, to the extent that the practices which had led it to proclaim the Decade persisted.

58. Mr. Hayes (Ireland), Vice-Chairman, took the Chair.

59. Mr. ABBY (Observer for Somalia) said that the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10) brought out the abhorrent character of the apartheid system, as entrenched in law and in practice: a record number of cases of capital punishment and other violations of the right to life, ill-treatment of political prisoners and a record death rate among detainees, violations of trade union rights, the job reservation system, the "homelands" policy involving the denial of citizenship to the majority black population, etc. In addition, the report described violations of the territorial integrity of neighbouring countries which in 1982 had affected Angola, Zimbabwe, Mozambique and Lesotho.

60. There was no doubt that apartheid was a crime against humanity, a threat to peace and a challenge to international law and the Charter of the United Nations. The international community was aware of the fact, but the system of apartheid continued to flourish, one reason being the political, military, economic and other forms of assistance given to South Africa. Light should be shed on the external forces without which that system could not survive; in that connection, the report of Mr. Khalifa (E/CN.4/Sub.2/1982/10) was extremely useful.

61. His delegation also regretted to note that important States that could catalyse international action against apartheid, had failed to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Commission must endeavour to improve that situation. His delegation endorsed the conclusions and recommendations of the reports submitted under the items currently being considered and called upon the Commission to spare no effort to eradicate apartheid from the face of the earth.

62. Mr. LIGAIRI (Fiji) said that the Decade for Action to Combat Racism and Racial Discrimination had been effective in focusing public attention on the efforts of the United Nations in the struggle against racism; it was, however, disturbing to note that in many areas the achievements of the Decade had fallen short of expectations. Yet the General Assembly, in its resolution 3057 (XXVIII), had expressed its desire to achieve the rapid elimination of racism and racial discrimination. Of course, some progress had been made, particularly as a consequence of the patient work of the Commission on Human Rights and other bodies. It was also heartening to note the recent increase in the number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination. For its part, Fiji was fully committed to the goals of the Decade,

and the second World Conference to Combat Racism and Racial Discrimination to be held later in 1983 would provide an opportunity to assess the extent to which they had been realized. That Conference would also test the ability of the United Nations to set realistic priorities for the future; it was to be hoped that the Conference would not be side-tracked into political and ideological controversies.

63. Racial discrimination persisted, particularly in the form of apartheid, which violated virtually every human right and was an affront to human dignity. Despite all the appeals of the international community, South Africa was continuing to inflict the evils of that system upon the black population, and did not shrink from committing acts of aggression against neighbouring countries. However, one reason for the lack of progress in solving the problems of racial discrimination was a tendency for countries to point out the faults of others and to indulge in rhetoric instead of putting their own house in order. All States should accede to the international legal instruments dealing with racism and racial discrimination. Moreover, they should all join together in developing a system under which each country would be answerable to the international community for acts of racial discrimination, which were an affront to mankind.

64. Fiji experienced the problems inherent in any multiracial society, but the fundamental rights of its various races were guaranteed by its legislation and Constitution. Under the provisions of the Fijian Constitution, the Government had sought to promote tolerance and equality of opportunity for all. As the Convention emphasized, racial discrimination involved more than just colour differences; it was also evident between people of different languages, religions or beliefs. Fiji, which was committed to building a multiracial, multicultural society, had found from its experience that economic stability as well as economic equality were vital to the success of its efforts, and it had therefore stressed the need for the establishment of a new international economic order. In conclusion, he expressed the hope that activities to end racial discrimination would not cease at the end of the Decade, since it would certainly take more than one decade of persuasion, education and law-making to change long-established patterns of behaviour.

65. Mr. FOLI (Ghana) thanked the Director of the Centre for Human Rights for his introduction of the items under consideration, and the Chairman/Rapporteur of the Ad Hoc Working Group of Experts, Mr. Cato, for his introduction of the Group's report (E/CN.4/1983/10). Once again, it must be recognized that South Africa was persisting in ignoring the appeals addressed to it year in, year out. The longer the international community delayed in taking the required action, the more apartheid violated the rights of the African majority and the more lives it claimed. He was sure that all members of the Commission abhorred that crime against humanity but everyone should examine his conscience and his attitude towards apartheid.

66. His personal experience of the negotiations which had taken place at the current session had convinced him of the existence, among those who sincerely wanted to eliminate that odious system, of a spirit of constructive compromise which opened the way for concerted international action. In that connection it should, however, be emphasized that the elimination of apartheid could not be achieved without the application of mandatory sanctions against South Africa.

67. With regard to the problem of Namibia, the efforts to establish a linkage between the granting of independence to that Territory and the withdrawal of Cuban troops from Angola were unfortunate. Such a precondition could only tie the hands of the Contact Group, which thitherto had been able to make a meaningful contribution to progress towards independence. That condition made the efforts of the United Nations less effective. It should not cause sight to be lost of the supreme objective of independence for Namibia. Therefore, all parties concerned, and particularly those that could exercise a decisive influence, should be called upon to act so that Namibia's independence could become an immediate reality.

68. Mr. MANALO (Philippines) recalled that, more than 30 years previously, a group of 13 African and Asian nations, all but one of which were represented at the current session, had drawn the attention of the United Nations to the grave situation created in South Africa by the institutionalization of racial discrimination. At that time the hope of a dialogue had been expressed, but today that hope had virtually disappeared. South Africa had isolated itself in a fortress of indifference and defiance. It had applied a series of inhuman laws, including the abolition of the political rights of the Coloureds; the Group Areas Act; job reservation and residential segregation; and the so-called pass laws. In order to suppress any dissent, it had enacted legislation making any criticism of apartheid a crime. The Pretoria regime had also established the bantustan system, the purpose of which was to create ghettos of poverty in the most economically deprived areas. Such actions by South Africa had aroused the indignation of the entire world and radicalized the forces determined to wipe out apartheid.

69. There had been an attempt at "modernization" of apartheid: trade unions had been permitted, albeit with tight restrictions, social segregation had been relaxed and some contact had been permitted between races. However, the core of apartheid remained and would continue to exist as long as political and economic equality for all races was not achieved. In those circumstances, the black majority had begun to resort to the only weapon available to them: violence.

70. In May 1982, the Regional Conference to Combat Racism held at Manila had recognized the legitimacy of armed struggle by the non-white population. His delegation emphasized the legitimacy of that struggle, but hoped that a tragedy could be avoided in South Africa. Like the Special Rapporteur of the Sub-Commission who had prepared the report in document E/CN.4/Sub.2/1982/10, it attached great importance to identifying the adverse consequences of political, military, economic and other forms of assistance to the Pretoria regime. His delegation was particularly concerned over the situation of black women and children in South Africa, and drew the attention of all participants to documents E/CN.4/1983/38 and A/AC.115/L.571 on that question. In document E/CN.4/1983/38 the Ad Hoc Working Group of Experts had laid particular emphasis on the adverse consequences of population transfers to the "homelands" and had described the malnutrition, deterioration in physical and mental health and despair which made apartheid a form of genocide.

71. Despite all those sufferings, the struggle against apartheid continued in South Africa. The United Nations, for its part, must increase its efforts in concrete terms, and particularly its assistance to women and children, notably those who had become refugees. In conclusion, he mentioned the effect which demographic changes would have on the development of the situation in South Africa: the indigenous population was already six times larger than the white population, and by the year 2000 there would be 15 million more blacks, while the white population would have increased by only just over 1 million.

72. Mr. COLLIARD (France) said that the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10), like previous reports of the Group, was a sad and distressing catalogue of the abuses, injustices and even atrocities inevitably entailed by a principle which was the very negation of human dignity. As a principle for organizing a society, apartheid was a fundamental and massive violation of human rights. Yet it was more than just a principle: apartheid was the basis for detention without trial, torture, disappearances and summary executions.

73. Apartheid was also the "homelands" policy, the very principle of which stood to be condemned since the policy was based on the theory that men of different skin colours could not live together in a society where all had the same rights. That policy was also to be condemned for its practical consequences, since its result was to confine a people in territories lacking resources when that people should be at home throughout the territory of the Republic.

74. Apartheid was also the particularly distressing fate of women and children, as described in document E/CN.4/1983/38. France was currently taking a particular interest in the status of women, because it felt that the time had come to take specific action to make equality between men and women a reality, and in the rights of the child because it was essential to take similar action to protect the rights of categories of individuals who were by definition the most vulnerable.

75. In the light of those considerations, France fully supported all those who were working for the establishment of justice and the recognition of the dignity of all persons in southern Africa. The Minister for Foreign Affairs had conveyed that support to the Chairman of the Special Committee against Apartheid, while the Minister for Women's Rights had expressed it by participating personally in the International Conference on Women and Apartheid and subsequently in the International Day of Solidarity with Women in South Africa and Namibia.

76. France also contributed to various United Nations funds to assist victims of apartheid: it had authorized the opening of SWAPO and ANC offices in Paris, it was strictly applying the embargo on arms sales decided upon by the Security Council in 1977, it was developing its relations with the front-line countries and providing them with support, and it was making all possible diplomatic efforts to enable Namibia to achieve independence by peaceful means.

77. The acceptance by France in September 1982 of the individual petition provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination illustrated his country's commitment to the struggle against racism. The French Government hoped that many other countries would also accept the competence of the Committee to deal with applications made through that channel. The struggle against racism also involved rooting out racism at home, since no country was immune from that scourge.

78. France regretted that it was unable to subscribe to the International Convention on the Suppression and Punishment of the Crime of Apartheid. While approving the objectives of that instrument, it considered that the provisions of the Convention were not in keeping with the principle of legal security, which required, inter alia, that criminal offences should be clearly defined.

79. The second World Conference to Combat Racism and Racial Discrimination should be a notable occasion. Large-scale participation in that Conference was essential in order to show that racism was unreservedly condemned everywhere in the world, and such participation was possible because, with the exception of South Africa,

all countries repudiated racism. In that connection, his delegation was pleased to note that, at its previous session, the General Assembly had eliminated the most serious difficulties in the way of large-scale participation in the Conference.

80. For the Conference to be a success, that vast assembly would have to reach a consensus on some essential aspects of the problem which it would be discussing. All countries recognized that opposition to racism took two complementary but distinct forms. Firstly, there was the struggle against the tendency in every individual to fear and deprecate people different from himself and against theories alleging inequalities between men: that struggle, on which consensus was possible, lay within the competence of individual countries and was based on education, training, legislation and judicial activity. Secondly, there was the struggle against specific situations of systematic and institutionalized racism; the principle of such a struggle was subscribed to by practically all countries, but views differed as to its application. When it came to applying that principle, countries were divided, firstly, over identifying such situations of systematic and institutionalized racism and, even if they were in agreement on that point, over the methods of international action by which the situations concerned could be eliminated. He hoped that the participants in the Conference would avoid the errors of the past and meet the hope expressed by the Secretary-General of the Conference that a universally satisfactory area of agreement would be found in a spirit of understanding and compromise.

81. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that his country had always called for the full implementation of the Programme of Action adopted by the World Conference to Combat Racism and Racial Discrimination and had participated in all the activities provided for. It would therefore be attending the Conference to be held in 1983 at the close of the first Decade for Action to Combat Racism and Racial Discrimination.

82. His delegation regretted to note that the States supporting South Africa, namely the United States and its NATO allies, had refrained from participating in the preparations for the forthcoming Conference and that the United States and Israel had voted against General Assembly resolution 37/40 on the implementation of the Programme for the Decade. It was thus no coincidence that the United States was not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid or the International Covenants on Human Rights. Ratification of those instruments was proof of a country's concern for human rights. Among the measures to be decided upon under the implementation of the Programme, his delegation attached great importance to the enactment of appropriate legislation prohibiting the dissemination of racist, neo-Nazi, fascist and militarist ideas and the adoption of specific measures with a view to applying and promoting that legislation.

83. He took note with satisfaction of the report of the Group of Three (E/CN.4/1983/25), from which he observed that, as at 31 December 1982, there had been only 69 States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The fact that some Western countries which were assisting the apartheid regime were not parties to that instrument considerably

reduced its effectiveness and encouraged South Africa to perpetrate massive and gross violations of human rights. Of course, each State was free to decide whether or not to accede to an international instrument, but in the present instance the accession or non-accession of a country to the Convention clearly illustrated its position with regard to apartheid.

84. He expressed the hope that the discussions and decisions of the Commission would enhance the effectiveness of the International Convention on the Suppression and Punishment of the Crime of Apartheid and would contribute to the struggle against racism in all its forms.

85. Mr. BERNIS (United States of America) observed that there was no real debate about apartheid, since all countries considered apartheid to be a gross violation of human rights. In its Declaration of Independence in 1776, the United States had proclaimed that all men were created equal and were endowed with certain inalienable rights, notably the rights to life, liberty and the pursuit of happiness. Governments deriving their powers from the consent of the governed had been instituted to secure those rights. It was precisely because they were governed without their consent that black South Africans were denied their most fundamental right.

86. The Commission could not impose a particular system on the South African people in place of apartheid, since that was a matter for the entire South African people to decide. It did, however, have the right and the duty to call upon the South African Government to respect the same universal principles of human rights as those which the Commission promoted everywhere else in the world. It was comforting to note that the apartheid regime was looking less secure and that South Africa was divided over that system. No one knew how long it would take for the system to collapse, but there was no doubt that it could not endure for long.

87. It was not, however, certain that economic sanctions could contribute to its overthrow. Thus far, the sanctions applied against South Africa had had the paradoxical effect of giving that country the necessary impetus to go it alone and thumb its nose at the rest of the world. For that reason, although the United States fully supported the United Nations arms embargo and had in fact unilaterally imposed such an embargo 16 years before the Organization had acted, it did not believe that further sanctions would be conducive to hastening change.

88. Changes had occurred, but the black majority had not benefited from them. The United States Government also regretted the unjust policy of the "homelands", which it would not recognize.

89. What policy should be adopted? Violence was not the answer. For several reasons, including the fact that there was no assurance that only the blood of the guilty would be shed, his delegation could not support the use of armed force. On the occasion of the adoption of a United States-supported resolution following South Africa's armed attack on Lesotho, the United States representative in the Security Council had stated in substance that violence from whatever quarter must be contained, that recourse to violence could only generate a cycle of violence impeding the solution of real problems, and that South Africa could not ignore the fact that there were limits to the international community's opposition to the use of violence and that that could have serious consequences.

90. In those circumstances, the United States was following a policy of constructive engagement which extended beyond the borders of South Africa itself. He categorically rejected the contention of the detractors of that policy that it gave comfort and support to the apartheid regime. Not only did the United States speak out against apartheid but it never ceased its diplomatic representations to the South African Government on various human rights issues. In addition, under the "Sullivan Code", the United States corporations operating in South Africa promoted fair employment practices. Even if progress in that area was slow, advances had nevertheless been made. Rather than a policy of boycott, the United States Government favoured the involvement in South Africa of the widest possible range of non-governmental organizations; that involvement would help to promote peaceful change in the right direction. As part of that policy of constructive engagement, the United States Congress had approved an appropriation of \$4 million for the granting of scholarships to South African blacks. Under that programme, which would be continued, more than 100 South African blacks were currently studying at United States universities.

91. With regard to the question of Namibia, he said that his country was continuing, in the context of the Western Contact Group, to work for independence for that Territory in accordance with Security Council resolution 435 (1978). As a result of the progress made, the final countdown to Namibian independence had now begun. In that connection, he wished to mention the separate but related issue of the presence of Cuban forces in Angola since 1975. Given the threat to prospects for long-term peace and security in southern Africa that those forces represented, there was no reason to believe that South Africa would agree to independence for Namibia while the Cuban troops remained in Angola. When the negotiations on Namibia had been resumed, the United States had recognized that any settlement needed to address the security concerns of all parties. It had become clear that a central security concern of South Africa was the presence of Cuban troops. That was an empirical reality. The United States was therefore making a separate effort to secure the withdrawal of those troops and had talked with Angola on the subject on a number of occasions. It hoped that the problem would eventually be resolved in a way which would meet Angola's security concerns as well.

92. He was happy to note that many speakers had recognized the progress made, and associated himself with the wise and eloquent statement just made by the representative of Ghana. In conclusion, he hoped that the Commission's work would move matters forward and not impede the attainment of the goal which Member States all wished to achieve in southern Africa.

93. Mr. OVSYUK (Ukrainian Soviet Socialist Republic) said that it was very important to consider the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, whose provisions must be strictly complied with, in view of the tragic situation in South Africa. The tension generated by Pretoria's apartheid policy was exacerbated by acts of aggression against neighbouring States. The policy of apartheid had therefore become a serious international problem which called for concerted efforts by the international community and measures designed, inter alia, to secure the implementation of the Convention. In that connection, he noted that the greater the number of States parties to the Convention, the stronger the pressures on South Africa would be. For that reason, he regretted that only 69 States had ratified that instrument. It should not, however, be forgotten that the Western Powers collaborating with

South Africa were undermining the efforts of the international community. As the Group of Three had remarked in its report, the effectiveness of the Convention depended both on its ratification by a larger number of States and on the implementation of its provisions by States parties.

94. In document E/CN.4/1983/24/Add.11, the Ukrainian SSR had described how it was giving effect to the Convention. In the Ukrainian SSR socialism had enabled the exploitation of man by man to be eliminated and, as a result, conditions for ensuring equality between human beings had been created. In that connection, he referred to the human aspect of the democratic bases of Ukrainian institutions. The foundation of the Soviet Union had marked an important stage in the emergence of a new society in keeping with Leninist ideas. The Ukrainian Constitution, as well as the Criminal and Civil Codes, the Labour Code and other legislative measures, embodied the principle of the equality of races in all spheres of life.

95. At the international level, the Ukrainian SSR did not, of course, maintain any relations with South Africa. It participated in the work of the Special Committee against Apartheid and in all activities designed to combat that system. It was also a member of the Ad Hoc Committee on the Drafting of an International Convention against Apartheid in Sports. It supported the national liberation movements recognized by the OAU and strove for the release of prisoners in southern Africa.

96. At home, it had organized various kinds of activities to condemn apartheid, racism and racial discrimination: gatherings of workers, researchers, artists, and foreigners who studied or worked in the Ukrainian SSR; it celebrated international days for the victims of the Pretoria regime and mobilized public opinion in support of the just cause of the oppressed peoples of South Africa and Namibia. The Ukrainian media informed the public of the objectives of international anti-apartheid campaigns, the crimes perpetrated by South Africa, and United Nations activities.

97. His delegation welcomed the increasingly firm stand being taken against apartheid and all other forms of racism and racial discrimination. He referred to the declaration adopted by the Conference held on the subject by UNESCO in 1978, as well as the International Declaration against Apartheid in Sports and the activities organized under the Decade. In that connection, the Commission should be provided with a document containing an assessment, however general, of the results of the Decade. The Ukrainian SSR wished to participate in the preparations for the second World Conference and considered that a second Decade for Action to Combat Racism and Racial Discrimination should be proclaimed immediately after the first, so as to promote the isolation and boycott of South Africa and South Africa's withdrawal from Namibia and to induce Pretoria to abandon its acts of aggression against its neighbours. Lastly, his delegation condemned the granting of assistance to the racist regime, favoured the adoption of sanctions against South Africa in accordance with the Charter of the United Nations and appealed to all States which had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

[The summary record of the second part of the meeting appears as document E/CN.4/1983/SR.16/Add.1.]