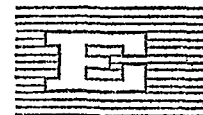


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COMMISSION ON HUMAN RIGHTS  
Forty-second session  
Item 16 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION  
AND PUNISHMENT OF THE CRIME OF APARTHEID

Views and information submitted by States parties in accordance  
with Commission resolution 1985/10

Note by the Secretary-General

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Introduction

1. In its resolution 1985/10 of 26 February 1985, the Commission on Human Rights, inter alia, requested the Secretary-General (a) to invite the States parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid to express their views on the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, and (b) to invite the States parties to the Convention, the specialized agencies and non-governmental organizations to provide the Commission on Human Rights with relevant information concerning the types of the crime of apartheid, as described in article II of the Convention, committed by transnational corporations operating in South Africa.
2. By the same resolution, the Commission requested the Group of Three established under the Convention to continue, in the light of the views expressed by States parties, the examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that may be taken under the Convention against transnational corporations whose operations in South Africa come under the crime of apartheid, and to report to the Commission at its forty-second session.
3. In notes verbales dated 6 May 1985, the Secretary-General brought to the attention of States parties, the specialized agencies and non-governmental organizations, the relevant provisions of Commission resolution 1985/10 and invited them to submit their views and any relevant information in time for consideration by the Group of Three and the Commission at its forty-second session.
4. Views and information submitted by the Government of Bulgaria in reply to Commission resolution 1985/10 are reproduced below. Any further replies which may be received by the Secretary-General will be issued in addenda to this document.

I. REPLIES RECEIVED FROM STATES PARTIES

BULGARIA

[Original: French]

[25 November 1985]

Through its foreign and domestic policy, the People's Republic of Bulgaria aspires to develop and strengthen its all-round friendly relations with all peoples without distinction as to race. It supports the legitimate struggle of peoples still suffering under the yoke of colonialism, racism, racial discrimination and apartheid and is in favour of the full and final elimination of these shameful practices.

Well before the International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted by the United Nations General Assembly, the principles and provisions contained therein found their legal embodiment in the legislation in force in the People's Republic of Bulgaria and were also incorporated in the country's Constitution and Penal Code.

The People's Republic of Bulgaria was among the first Member States of the United Nations to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid. Immediately thereafter, in 1975, special provisions definitively regulating legal protection with regard to racial discrimination and apartheid were included in the Penal Code and the relevant Bulgarian legislation was brought into line with the International Convention on the Elimination and Suppression of the Crime of Apartheid.

The contribution of the People's Republic of Bulgaria at the level of the international community to the final elimination of colonialism, neo-colonialism, racism, racial discrimination and apartheid is well known. This contribution was referred to with satisfaction by the Group of Three when it examined the fourth periodic report of the People's Republic of Bulgaria on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

The People's Republic of Bulgaria has repeatedly affirmed its position of principle on matters relating to action to combat racism, racial discrimination and apartheid at sessions of the United Nations General Assembly and in other international fora. The People's Republic of Bulgaria categorically condemns the policy of apartheid pursued by the racist régime of South Africa and supports the international community's appeal for sanctions against South Africa under Chapter VII of the United Nations Charter. Bulgaria has no political, economic, trade or other relations with South Africa and shares the point of view that there is a need for the total international isolation of the racist régime of South Africa.

The People's Republic of Bulgaria condemns the political, economic and military assistance given to this régime by many Western countries and considers that such assistance is one of the main obstacles to the total and final elimination of the apartheid system in South Africa and to an equitable settlement of the Namibian question in accordance with decisions and resolutions of the Security Council and the General Assembly of the United Nations, respectively.

In keeping with this position of principle and in its capacity as a long-standing and active former member of the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid, the People's Republic of Bulgaria welcomes the efforts by the Group of Three to establish the responsibility of transnational corporations operating in South Africa as a necessary and important step in the elimination of colonialism, neo-colonialism, racism, racial discrimination and apartheid.

Paragraphs 8, 12, 13 and 14 of Commission on Human Rights resolution 1985/10, of which the People's Republic of Bulgaria is a co-sponsor, once again draw the attention of the Member States of the United Nations to the actions of transnational corporations operating in South Africa and to their responsibility for the continued existence of the system of apartheid.

The People's Republic of Bulgaria rejects as completely unfounded the allegation that the actions of transnational corporations operating in South Africa and close co-operation between certain countries and the racist régime of South Africa in the political, economic, military and other spheres are helping to improve the critical situation of the overwhelming majority of the population of that country and gradually to make the criminal system of apartheid more human. The people's growing discontent and the tragic events which have recently once more shown the repressive racist régime's true colours are eloquent proof that all allegations of this kind are untrue.

The People's Republic of Bulgaria considers that the repercussions of the activities of transnational corporations operating in South Africa, which actually strengthen the system of apartheid, are similar in many respects to the results of co-operation between certain Western countries which are Members of the United Nations and the racist régime and also of their lack of willingness to follow United Nations recommendations that specific measures should be taken against the racist régime in South Africa in conformity with the United Nations Charter.

It is in this spirit that the Government of the People's Republic of Bulgaria endorses the conclusions which were reached by the Group of Three concerning the role and responsibility of transnational corporations operating in South Africa for the continued existence and strengthening of the system of apartheid (E/CN.4/1985/27, paras. 21 and 22) and concerning the applicability of article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid to transnational corporations operating in South Africa (E/CN.4/1985/27, para. 22) and which are also reproduced in paragraph 8 of Commission on Human Rights resolution 1985/10.