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SPECIAL POLITICAL COMMITTEE
11th meeting
held on
Wednesday, 22 October 1986
at 10.30 a.m.
New York

SUMMARY RECORD OF THE 11th MEETING

Chairman: Mr. KOUASSI (Togo)

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The meeting was called to order at 10.35 a.m.

TRIBUTE TO THE MEMORY OF HIS EXCELLENCY MR. SAMORA MOISES MACHEL, PRESIDENT OF THE PEOPLE'S REPUBLIC OF MOZAMBIQUE

1. On the proposal of the Chairman, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Machel, President of Mozambique.

2. Mr. EKE (Benin), on behalf of the African Group, Mr. BARRERO-STAHN (Mexico), on behalf of the Latin American and Caribbean States, Mr. TERNOV (Byelorussian Soviet Socialist Republic), on behalf of the Eastern European States, Mr. SHANFARI (Oman), on behalf of the Arab States, and Mr. IRTEMCELIK (Turkey), on behalf of the Western European and other States, paid tribute to the memory of His Excellency Mr. Machel, President of Mozambique.

AGENDA ITEM 33: POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA (continued)

Requests for hearings (continued) (A/SPC/41/L.2 and Add.1-5)

3. Mr. McCUTCHEON (National Conference of Black Lawyers), after expressing condolences to the people of Mozambique in connection with the recent death of President Machel, urged the Committee to draw the attention of the General Assembly to the question at issue. The General Assembly must oppose the unfortunate policy being pursued by the United States Government in the wake of the adoption of sanctions against South Africa, and focus on the policy of apartheid rather than on ANC, which was the legitimate representative of the South African people, because the South African régime was guilty of international crimes and challenged the legitimacy of ANC.

4. The National Conference of Black Lawyers (NCBL), was endeavouring to clarify the question of the withdrawal of transnational corporations from South Africa. Indeed, the international community was demanding that they should abandon South Africa altogether and not attempt to resort to a form of remote control which would, in effect, continue to support the régime. The Lawyers' campaign to free Nelson Mandela, under the chairmanship of Congressman George Crocket, had been launched in October 1985, and with the support of NCBL, extensive efforts were being made to promote the adoption of resolutions furthering that cause. Mandela freedom resolutions had already been adopted by the legislature of certain States such as Michigan and New Jersey. It was hoped that the legal community in the United States would recognize its special role and responsibility in the promotion of the elimination of the apartheid régime. The National Conference of Black Lawyers pledged its full solidarity with the efforts being made by the United Nations to achieve that objective.

5. Ms. VON ROEMER (International Confederation of Free Trade Unions) drew attention to the importance of the black trade union movement in the struggle against apartheid and its exposure to repression. Over 14,000 people, including 4,000 children under 16, had been detained since the declaration of the state of emergency on 12 June, and about 7,000 of them had probably been tortured. The

(Ms. Von Roemer)

international free trade union movement had expressed its outrage in that connection, and campaigned vigorously for the release of the detainees. A delegation from the International Confederation of Free Trade Unions (ICFTU), headed by its General Secretary had been sent to South Africa, as a demonstration of solidarity with the independent black trade union movement, to meet the representatives of the Council of Unions of South Africa, the Azanian Congress of Trade Unions, the Congress of South African Trade Unions and the Media Workers' Association of South Africa. The delegation had been given a first-hand account of the harassment to which the trade unions were subjected and the reign of terror that had been imposed on the townships since 1985. Many trade unionists had been arrested and tortured in prison. The régime had also attempted to discredit the trade unions and their leaders. The employers, for their part, were unwilling to assist victimized workers, who often lost their jobs upon being arrested. Despite appearances, the employers were becoming increasingly intransigent, and the transnational corporations were no better in that respect. In fact, they were often among the worst offenders.

6. The workers of South Africa were unanimously demanding the imposition of effective economic sanctions against South Africa. They were prepared to accept the consequences of such sanctions, including the loss of their jobs, in the hope of eliminating apartheid. Trade union organizers were disappearing, and there were indications that white death squads were beginning to operate in an organized form. ICFTU was continuously updating the list of trade union detainees as their names became known, and, despite many releases since the mass arrest in the summer, that list had actually been growing longer because of the addition of the names of many people whose whereabouts had previously been unknown. There were some 400 names on the list, including that of the General Secretary of the Metal and Allied Workers' Union, Moses Mayekiso, who was being tried for treason.

7. During its visit to the township of Alexandra, the ICFTU delegation had witnessed squalor and poverty, lack of drainage and sanitation, high infant mortality and endemic disease, inadequate housing and the drastic measures imposed on the workers under the curfew, including arbitrary detention by the police and soldiers.

8. The message brought back from South Africa by the ICFTU delegation was clear; the black workers of South Africa were aware of the consequences of economic sanctions and were willing to endure them for the sake of a brighter future. The sanctions adopted by the United States Congress had been a major blow against apartheid but still fell short of the complete trade embargo that was really needed. ICFTU had been deeply disappointed because the sanctions adopted by EEC did not extend to imports of coal from South Africa. An international conference of trade union leaders called by ICFTU was being held in Lusaka to promote the imposition of effective sanctions against South Africa, in the hope that disaster might still be avoided. The free trade union movement was making every effort to support that action.

9. Ms. McDougall (Lawyers' Committee for Civil Rights Under Law) said that, since 12 June 1986, with immunity from prosecution for their actions and shielded by the most severe press censorship yet experienced in the country, the South African security forces had raided churches and arrested whole congregations; sealed off entire townships with roadblocks and barbed wire; invaded universities and school classrooms; searched trade union, church and community offices repeatedly; and detained without charge or trial approximately 20,000 people. More than 8,000 of those detained had been children under the age of 16 years. The wave of detentions had targeted community and political organizations, many of which were affiliates of the United Democratic Front which had borne the brunt of the detentions. To date, at least 300 organizations had been prohibited from meeting.

10. Few of the current state of emergency detainees had been released. Members of the Progressive Federal Party and anti-apartheid groups had charged that, under threat of indefinite detention, young detainees were being coerced into going to so-called "youth reorientation" camps for 14-day "re-education" programmes. Former camp inmates had described being questioned about the identity of anti-apartheid activists and lectured on the evils of anti-apartheid organizations by those running the camps.

11. Some hope of relief for thousands of detained South Africans had come from the recent willingness of the courts to challenge the power of the executive, after 30 years of judgements favouring the State. Although, under the Emergency Regulations, their jurisdiction had been severely circumscribed, the courts had nevertheless heard applications for the release of detainees. In several cases the courts had ordered the release of detainees when the arresting officers had failed to justify their actions in relation to their emergency powers. In one case, the South African Supreme Court (Natal Provincial Division) had ruled, in July 1986, that the provisions in the Emergency Regulations which denied legal counsel to detainees were invalid. As a consequence of that judgement, and despite obstacles and delays created by the police, lawyers representing hundreds of detainees had been granted access to their clients. That access had enabled lawyers to monitor more effectively the conditions under which detainees were being held and their treatment in custody. Some safeguard had thereby been created against the torture of detainees.

12. Nevertheless, in the main, the courts remained reluctant to issue judgements which protected individual rights or restrained arbitrary actions by State officials. When they had done so, the Government had shown a cynical willingness to circumvent judgements by issuing revised Emergency Regulations with retroactive effect. Thousands of current and future detainees consequently remained vulnerable to arbitrary arrest and torture without the benefit of constitutionally entrenched human rights or due process to protect them against the apartheid State.

13. Mr. Deffenbaugh (Lutheran World Federation) expressed sincere condolences to the people of Mozambique in connection with the tragic death of President Machel. The members of the Lutheran World Federation's three churches in South Africa totalled 650,000 persons, most of whom were black south Africans and victims of apartheid.

(Mr. Deffenbaugh)

14. The question of apartheid had constituted a grave challenge for the Church. Not only did members of Lutheran churches suffer under the apartheid system, but the ideology of apartheid itself had its roots in a misguided interpretation of Christian teaching. In 1977 the Federation had taken a decision that its churches should publicly and unequivocally reject the apartheid system. One could not support apartheid and remain a Lutheran. In 1984 the Federation had reaffirmed that decision and had urged all member churches to take visible and concrete steps, including a boycott of goods and divestment, to end all economic and cultural support for apartheid. They had also been urged to advocate that their Governments should enact sanctions against South Africa aimed at the total elimination of apartheid.

15. It was abundantly clear that the situation in South Africa had deteriorated in the past two years. The Federation was aware of the suffering caused by the destabilization policy of South Africa directed against States in southern Africa because it had member churches in many of those countries. Inside South Africa, the Federation worked together with its member churches and related organizations in order to assist victims of apartheid. The South African Government had closed its ears to the cries of the oppressed. Those who advocated the non-violent elimination of apartheid were subjected to detention, silencing and banishment. Because of the failure of the South African Government to respond positively to peaceful protest and constructive community action the churches had decided to advocate comprehensive and mandatory sanctions against South Africa in the view that continued economic ties between South Africa and the rest of the world served only to strengthen the apartheid system.

16. The Federation called upon the international community to take steps to bring about the imposition of comprehensive and mandatory sanctions against South Africa and the immediate implementation of Security Council resolution 435 (1978) and to increase support for the South African and Namibian people in their struggle against apartheid. Lastly, he expressed confidence that peace and justice would eventually prevail in South Africa and Namibia.

17. Mr. JORDAN (American-South African Peoples' Friendship Association, Social Justice Center) expressed condolences to the people of Mozambique in connection with the tragic death of President Machel. That meeting of the Committee was taking place at a time when ominous dark clouds had almost totally engulfed racist South Africa. Massacres of the children and adults alike for daring to demand equality had become the order of the day in that country. In the United States a new, significant step had been taken. The Senate, by overriding President Reagan's veto, had passed a bill imposing sanctions against South Africa. There was no cause for complacency, however. That bill was very flawed because it allowed any activities which were designed to facilitate the collection of necessary intelligence. In order to eliminate apartheid, all United States intelligence and communication links with South Africa must end.

18. The American-South African Peoples' Friendship Association was committed to the struggle for freedom in racist South Africa. The Association carried out

(Mr. Jordan)

numerous activities aimed at educating the American public about the inequities of the apartheid régime. Those activities included education projects for Americans and young Azanians at home and abroad.

19. There was no doubt that the land of Azania would be liberated by its rightful owners. The Azanian people were resolved to overthrow the racist system and establish a truly democratic society. Accordingly, he called upon all people of good will to join in the struggle to eliminate apartheid by any means possible.

20. Ms. WILLIAMS-MITCHELL (American-South African Peoples' Friendship Association, Boston Chapter) said that those who wished to see the fall of apartheid might be overlooking what needed to be done to prepare for the aftermath. Many expected chaos when freedom did come, but that need not be the case. Those dedicated to fighting apartheid were in a position to help plan for the future. Preparations must be started to help the people of South Africa by addressing several issues of key importance for a healthy society.

21. Her association had already begun such preparations. It planned to implement a wide-ranging educational and cultural exchange, from primary school through post-graduate level, and wished to become a clearing house for specific programmes and projects to be available immediately after the dismantling of apartheid. It also planned to become a personnel resource for professional people and entrepreneurs wishing to give direct assistance to the people of Azania. In addition, it wished to operate a speakers' bureau, with part of the proceeds from fees being used to fund the South African peoples' needs. Most importantly, her Association wanted to establish a sound economic development programme to create employment and training opportunities for Azanians in high-growth industries.

22. She and her associates looked forward to the development of friendly relations between all the people of Azania and America. Apartheid was wrong morally, spiritually, materially and financially and her Association was anxious to see its end. But above all, it wished to deal with the problems that would face Azania after apartheid.

23. Mr. RAKOTONDRAMBOA (Madagascar) requested that Miss Allen (Local 1199, Drug, Hospital and Health Care Employees Union), Mr. Brath (Patrice Lumumba Coalition) and Ms. Woods (Afro-Asian Peoples' Solidarity Organization) should be permitted to address the Committee in connection with item 33.

24. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the request of the representative of Madagascar.

25. It was so decided.

26. Miss ALLEN (Local 1199, Drug, Hospital and Health Care Employees Union) said that her organization comprised some 80,000 predominantly black and Hispanic female health care workers in the New York metropolitan area. It had viewed with increasing alarm and anger the role of the United States Government in encouraging

(Miss Allen)

and emboldening South Africa to persist in its Facist social and economic system of apartheid, with its slave wages and inhuman treatment of workers, its systematic repression of labour organizers, the forced removal of South African citizens to the political grey areas known as "homelands" and the suspension of any semblance of freedom by a police State maintained under the flimsy guise of a state of emergency. Apartheid was a new colonial form of slavery where the employer was the overseer, the corporation was the twentieth-century version of the plantation and the workers' lives were only as meaningful as their labour was useful.

27. The United States Congress had recently enacted sanctions legislation in spite of a veto by President Reagan. That new legislation must, however, be conscientiously enforced if it was to be effective. It must also be augmented by sterner legislation which called for complete comprehensive mandatory sanctions and be accompanied by economic and moral support, not of the repressive forces of apartheid but of the forces of liberation within South Africa, if apartheid was to be eradicated from the region.

28. Local 1199 would encourage other unions to follow its example in divesting its pension fund and would support domestic political candidates who supported total divestiture. It also called for the immediate and unconditional release of Nelson Mandela and thousands of political prisoners. It commended the role played by the ANC and called for an end to the illegal aggression by South Africa against bordering States. It appealed to the Special Political Committee to recommend that the United Nations should take any means within its powers to bring about the immediate dismantling of the repressive system of apartheid.

29. Her organization also called for an investigation into the events surrounding the suspicious death of President Machel.

30. Mr. BRATH (Patrice Lumumba Coalition), speaking also on behalf of the Unity in Action Network said that the crash which had killed President Machel of Mozambique was a great disaster. The suspicious accident had immediately been denounced by people familiar with the South African racists' record in dealing with those they considered to be their enemies. A South African opposition statement had been quoted as saying that the régime's recent escalation of pressure against Mozambique provided grounds for suspicion of South African involvement in the crash. The Soviet pilot had claimed to have heard a noise like an explosion before losing control of the aircraft. The death of President Machel had achieved one of racist South Africa's primary objectives: the removal of the personification of the Mozambican revolution in order to impose a settlement on Mozambique with the aid of local armed reactionaries serving the apartheid régime's interests.

31. The general reaction to the crash showed how low an opinion ordinary people had of the authors of apartheid. The South African régime was increasingly resorting to Fascist methods and the London Guardian had revealed that the country had been subject to a covert system of government controlled by the security forces for the last seven years. Known as the National Security Management System, its Joint Management Committees, operating at local authority level and headed by members of the security forces, were believed to have been crucial in conducting the country's state of emergency.

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(Mr. Brath)

32. Despite the South African régime's methods, the recently enacted United States sanctions bill contained a critical loophole that allowed the continuation of joint activities described as being "reasonably designed to facilitate the collection of necessary intelligence". In other words, it allowed the United States intelligence forces to collaborate with their South African counterparts at a time when the Pretoria régime was employing increasingly lethal methods to suppress the African people throughout South Africa and Namibia. Just such collaboration between the United States and South African intelligence forces had recently been admitted to have led to the capture and detention of Nelson Mandela in 1962, and it was ironic that United States political leaders were today among the loudest voices calling for his release.

33. However much progress might seem to have been made towards the liberation of the South African and Namibian peoples, vigilance must not be relaxed. Although white domination of South Africa was coming to an end, the apartheid régime was still striking out desperately. In that situation, the Committee's hearings could assist in the organization of tactics and strategies for the period immediately ahead.

34. Ms. WOODS (Afro-Asian Peoples' Solidarity Organization) expressed her organization's condolences on the death of President Machel and said that suspicions that the apartheid régime had been involved could not be ignored in the light of its recent escalation of threats directed at Mozambique.

35. People had been heartened by the United States Congress action in passing sanctions measures against South Africa despite the presidential veto. However, the legislation contained many loopholes and established dangerous policies which placed the onus for the violence of apartheid on the backs of its victims. For example, while calling for the establishment of a non-racial democracy, it stopped short of demanding "one person, one vote", which was the prerequisite for democracy in South Africa. Moreover, United States policy towards members of the southern African liberation movement was not to render them support but to encourage them to suspend "terrorist" activities so that negotiations would be possible. In other words, it was the armed resistance of the people rather than the naked terror of the régime that was blamed for the violence in the country. Indeed, the legislation seemed to echo the South African régime's rhetoric with thinly veiled threats against ANC and the front-line States. It also incorporated the South African régime's position that the "suspension of violence" by the liberation movement was an essential pre-condition for the holding of negotiations and called upon the régime to lift its ban only on those groups "willing to suspend terrorism".

36. The South African régime and its allies were capable of turning history on its head, labelling freedom fighters "terrorists" while according their oppressors the status of diplomats. At the time when it was banned in 1960, the African National Congress was using only peaceful means against apartheid and it had turned to armed struggle only after decades of non-violent action that had been suppressed by military might.

(Ms. Woods)

37. As part of its policy of stopping the "terrorism" of South Africa's freedom fighters, the Congress legislation called for investigation of ANC under the Foreign Agents Registration Act. A similar investigation in the first year of the Reagan Administration had concluded that ANC and SWAPO were Soviet surrogates promoting international terrorism, and the new one was merely a pretext to harass the liberation movements and isolate them from the American people. At the same time, the legislation provided millions of dollars to assist dubious organizations and individuals who were collaborating with the South African régime.

38. Other loopholes in the legislation would facilitate evasion of its sanctions. For example, the ban on investment was not comprehensive, that on co-operation with the South African armed forces excluded intelligence sharing, and the one on nuclear trade did not go beyond what was already prohibited and could be terminated by the President. Similarly, the whole package of sanctions could be terminated if the President decided that they would increase United States dependence on any member or observer country of the Council for Mutual Economic Assistance.

39. Despite the limitations of the sanctions legislation its passage was a major step forward. Congress had been forced to respond to the people's anti-apartheid sentiment. However, the concessions exacted by right-wing Congressmen meant that there was no room for complacency. The fight for comprehensive, mandatory sanctions must be escalated, solidarity with ANC and SWAPO must be intensified and their right under international law to wage armed struggle must be reaffirmed. Assistance to the front-line States had to be greatly increased if they were to withstand the war of destabilization being waged against them by the South African régime.

40. The United Nations must continue to play a major role in the struggle. The Afro-Asian People's Solidarity Organization reaffirmed its support for the United Nations in the face of the measures taken by the United States and some of its allies to undermine its credibility and effectiveness. It also pledged continued support for ANC and SWAPO in their just war for the liberation of South Africa and Namibia.

The meeting rose at 12.25 p.m.