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COMMISSION ON HUMAN RIGHTS
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IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

MALI

[5 September 1980]

The implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which was signed by Mali on 19 August 1977, involves essentially two specific aspects for Mali.

(1) Because of its valuable heritage, Mali has no knowledge of racism and less still of the policy of apartheid, the ultimate form of racism and racial discrimination. It therefore follows that measures against apartheid are of a preventive nature.

(2) The struggle against apartheid is first and foremost a matter of informing the people, and then of playing an active part in the struggle waged by all mankind against the evil of the century, namely, the apartheid practised by South Africa and the racist minorities.

LEGISLATIVE AND OTHER MEASURES

Legislative and judicial measures (for exact text, see annex - Constitution, Title II, article 16, and Criminal Code, article 55) give full effect in national life to the requirements laid down in article IV of the Convention against the crime of apartheid.

The Republic of Mali, which signed the International Convention on the Elimination of all Forms of Racial Discrimination on 16 July 1974, solemnly proclaims in its basic law - the Constitution of 2 June 1974 (Preamble to the Constitution, paragraph 3; see annex) - its devotion to the human and civic rights and freedoms enshrined in the Universal Declaration of Human Rights of 10 December 1948.

The fundamental human and civic rights, as set forth in Title II, article 16, of the Constitution (see annex) are enjoyed by all citizens without distinction as to race, ethnic group, religion, sex or opinion. These rights, which imply the avoidance of racial discrimination, are not only affirmed as a principle but are also protected by safeguards to ensure that they are respected. Article 65 of the Constitution thus provides that "the Judiciary shall be independent and shall ensure respect for the rights and freedoms specified under the Constitution and the law".

The Constitution proscribes discrimination and provides for the punishment of any act of discrimination or any propaganda in favour of discrimination. Article 5 stipulates that "any act of ethnic, racial or religious discrimination and any regionalist propaganda that may be prejudicial to the security of the State and the territorial integrity of the Republic of Mali shall be punishable by law".

Regionalist propaganda is to be understood to mean any doctrine which singles out or favours one of the regions of the territory of Mali in relation to the others.

The above-mentioned provision is also incorporated into the Criminal Code of the Republic of Mali. Article 55, paragraph 3, of the Code (see annex) provides that any statement or act of a kind that may establish or give rise to racial or ethnic discrimination shall be punishable by imprisonment for one to five years and, at the discretion of the Court, by local banishment for six to 10 years.

Foreigners living in the territory of the Republic of Mali are not subject to any form of discrimination. Some legal provisions do not even distinguish between a Malian and a foreigner. For instance, article 1 of the Labour Code provides that: "Any person who has undertaken to perform work under the direction and authority of another natural or legal person shall be deemed to be a worker regardless of sex and nationality ...".

With regard to wages, the Labour Code provides that "for equal work, qualifications and output, all workers shall receive equal pay ...".

The Social Security Code which governs the system of family allowances that is designed to provide families with information about, and the means of, improving the living conditions and education of children, exists for the benefit of all workers (article 5).

In contrast to the above-mentioned provisions, the political rights of foreigners are restricted, as in all countries. The restrictions imposed on foreigners are in no way racist or discriminatory. They attest to Mali's desire to ensure that the people who inhabit its national territory live in harmony. In its fervent wish to promote the achievement of that African unity which is so dear to it, Mali provides, in article 2 of the Electoral Code, that nationals of African States who are resident in Mali and are listed in the electoral registers shall continue to be electors if they fulfil the general electoral conditions. Nationals of African States who are normally resident in Mali and have the status of Malians, but who are not listed in the electoral register, may become electors if they fulfil the general electoral conditions.

These are some examples of legislative and judicial measures at the national level in the Republic of Mali which give effect to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination.

INTERNATIONAL MEASURES

Generally speaking, the struggle against apartheid is a constant factor in Mali's domestic and foreign policy; individual actions forming corollaries to that general attitude.

As a matter of national temperament, Mali accords a special place in its political activities to upholding human dignity. A considerable amount of information is processed, including data on the apartheid which reduces the Africans in the south of the continent to the condition of slaves in the land of their forefathers.

Public lectures on the subject of apartheid are held periodically in the schools. At artistic and cultural events sponsored by youth, songs and plays dealing with the same subject are performed. On international days, the mass media play a large part in the campaign against racism. United Nations sound films dealing with racial discrimination are broadcast at regular intervals over the national radio network. In addition, there is the way in which Mali casts its votes on resolutions against the South African régime.

All the above events are of an ongoing nature. Within the specific context of International Anti-Apartheid Year, Mali planned and carried out a programme of events, the main features of which were as follows.

GOVERNMENT ACTION

(1) Written and oral anti-apartheid press campaign throughout the year.

(2) Official inauguration of the Year with the organization of a symposium on 25 May 1978 at the Omnisports Stadium, presided over by the Head of State and attended by:

The members of the CMLN and the Government
Senior members of public and private bodies
Representatives of mass organizations and of religious communities.
Students and pupils.

SPEECHES

By the Minister for Foreign Affairs and International Co-operation

By the Minister of Youth, Sports, Arts and Culture

By the representative of the United Nations.

SUBJECTS: Apartheid

Need for international assistance to enable the South African people to lay the foundations for a new society based on the exercise of the right to self-determination by all the inhabitants of the country irrespective of race, colour or religious persuasion.

Action undertaken by the United Nations and specialized agencies with a view to the elimination of apartheid.

(3) Walk in support of the oppressed people of South Africa by the mass organizations:

Motion of support

Address by the Head of State

(Official invitation to representatives of the liberation movements to visit Mali) 16 June.

(4) Broadcast statement by the Minister for Foreign Affairs and International Co-operation.

Subject: OAU and the apartheid question (end of July).

(5) Meeting of solidarity with South African political prisoners (11 October) presided over by CMLN

Statements by two representatives of the National Union of Malian Women (UNFM)

Statement by the representative of the National Union of Malian Youth (UNJM)

Statement by the representative of the Peace Movement

Statement by the representative of the Association for Friendship with Afro-Asian Peoples

Statement by the representative of the liberation movements.

- (6) Organization of an anti-apartheid week by the Ministry of National Education (November 1978).
- (7) Interview with the Secretary-General of the Ministry of Foreign Affairs and International Co-operation.
- (8) Address by the Minister of Information - the United Nations and the question of apartheid (January 1979).
- (9) Closing meeting (March 1979). Survey of the year's work
- (10) Association of the local authorities with the action taken - delegation sent to the regional capitals.
- (11) Making badges (emblem for the Year). The Mali Government's many actions and campaigns have played a large part in mobilizing and alerting all social classes with a view to securing their support for the noble cause of the liberation of the South African peoples.

ACTIVITIES OF MASS ORGANIZATIONS AND RELIGIOUS COMMUNITIES

Formulation of specific programmes to mark International Anti-Apartheid Year by organizing lectures, meetings, sales of the badges of the Year, etc.

From March 1978, onwards, these events attracted large crowds of Malian people all over the country and throughout the year. Apartheid was explained and condemned in the vernacular languages of Mali.

Reports of these events were transmitted regularly to the competent bodies of the United Nations through the permanent representative of Mali in New York.

Among other activities, Mali was anxious to show that, to the extent of its limited means, it stood side by side with its African brothers in South Africa by granting material support, as a symbolic gesture, for their liberation movements. By deed of gift, signed on 12 January 1977, it granted a sum of one million Malian francs to SWAPO as well as aid in kind in the form of scholarships for black South African students. Lastly, the money collected at the sports events held on 25 May 1978 to mark Africa Day were handed over to the liberation movements which are fighting against the apartheid régime.

ORGANIZATIONS AND INSTITUTIONS CONCERNED IN THE ELIMINATION OF THE CRIME OF APARTHEID

These differ from the bodies referred to in article X of the Convention and can be distinguished by the fact that they are particularly active in the struggle against apartheid. Among them, mention should be made of:

(1) The National Anti-Apartheid Committee established by Decree No. 1069/MECI/CAB of 20 March 1978, whose members are drawn from the following ministerial departments and organizations: Ministry of Youth, Ministry of National Education, Ministry of Information and Telecommunications, Ministry of Labour, Ministry of Finance and Trade, National Union of Malian Workers, National Union of Malian Women, the Peace Movement and the Association for Friendship with Afro-Asian Peoples.

This Committee, which was originally set up in connection with International Anti-Apartheid Year, has become a standing body. It holds periodic meetings to organize events in connection with the historic days that mark the struggle of the South African people against the racism of Pretoria.

The Committee has followed and encouraged the activities of an artistic group from the Mali School of Arts which has staged a play entitled "It's all an act" dealing with, and satirizing, apartheid.

The group has succeeded in giving performances in main towns of Mali. It would have liked to perform in several friendly countries, where the Committee hoped to present a picture of apartheid as seen by Malian youth, but this plan is encountering financial difficulties and there is a risk that the group may lose its vigour, and even disappear, for lack of material support.

Lastly, the National Committee is shortly to publish a pamphlet on the anti-apartheid campaign in Mali. A pro forma invoice for this work is attached herewith. It was not possible to publish the pamphlet earlier owing to a lack of funds.

(2) The Malian Committee for Solidarity and Friendship with Afro-Asian Countries: support for the liberation movements operating against South Africa figures largely in its programme of activities.

(3) The Malian Peace Movement, set up in 1946, is also participating in the struggle against racial discrimination through its frequent information meetings.

(4) The National Union of Malian Workers (UNTM) is fighting against all forms of discrimination in employment. Throughout its work, it proclaims the solidarity of Malian workers with those who are oppressed by the racist régime in southern Africa.

DIPLOMATIC CONFERENCE OF STATES PARTIES

This could well constitute an important step towards the objectives of the International Commission. Invitations to the conference should be extended not only to States but also to organizations, bodies and institutions engaged in the struggle against apartheid, and the liberation movements should participate.

Arrangements for the appointment of a tribunal should be a priority item on the agenda of the conference. In addition to having competence to consider this matter, the conference will have to consider ways and means of attracting new accessions to the Convention on the Suppression and Punishment of the Crime of Apartheid in order to ensure that it benefits from the legal support of the international community as a whole, if possible.

It will also have to declare its support for the liberation movements fighting against the apartheid régimes.

INTERNATIONAL PENAL TRIBUNAL

Such a tribunal could be along the lines of, without being identical with, the Nuremberg tribunal: in our view, apartheid is a crime against humanity and those guilty of it should be tried in the same way as war criminals.

In the interests of efficiency, care should be taken to ensure that the tribunal is not a cumbersome body. Given flexibility, it should be able to operate expeditiously and to deliberate without let or hindrance.

The composition of the tribunal should be limited and the judges who sit on it should be persons of repute who are well known for their competence and keen devotion to the struggle against racism and racial discrimination. They should be

elected by the conference of States parties to the Convention and should sit, as appropriate, in a country of southern Africa, preferably a frontline country in view of the psychological effect which its work could have on the conscience of the leading figures of apartheid.

The tribunal must have ready access not only to victims of apartheid but also to States which suffer from South Africa's sporadic attacks. Its decisions should be taken by consensus and States must undertake to enforce them.

The tribunal should have a small permanent secretariat attached to the Commission on Human Rights. The secretariat would be responsible for receiving and recording the various applications in this regard which are received from both States and private persons. It would carry out the preparatory work for the tribunal to which it would refer the applications and complaints received.

The secretariat would also act in that capacity at all sessions of the tribunal. Decisions and judgments would be disseminated as widely as possible to keep international public opinion sufficiently informed.

ANNEX

PREAMBLE TO THE CONSTITUTION OF 2 JUNE 1974

PARAGRAPH 3:

The Republic of Mali solemnly reaffirms the human and civic rights and freedoms enshrined in the Universal Declaration of Human Rights of 18 December 1948.

TITLE II OF THE CONSTITUTION:

Article 16: All citizens without distinction as to race, ethnic group, sex or opinion shall be electors and shall be eligible subject to the conditions laid down by law.

MALIAN CRIMINAL CODE

Article 55: Any statement or act of a kind that may establish or give rise to racial or ethnic discrimination, or designed to provoke or support regionalist propaganda, any propaganda prejudicial to the unity of the nation or the prestige of the State, and any demonstration inimical to freedom of conscience or religion which may incite discord between citizens, shall be punishable by imprisonment for one to five years and, at the discretion of the Court, by local banishment for five to ten years.