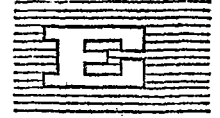


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COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 19th MEETING

held at the Palais des Nations, Geneva  
on Friday, 12 February 1982, at 4.30 p.m.

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 4.55 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1479, 1485, 1486 and 1497; E/CN.4/1982/L.8 and L.9)

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.2/469 and Corr.1)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1505 and Add.1-10 and 1507; E/CN.4/1982/L.13)

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 (a)) (continued)

IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 13 (b)) (continued) (E/CN.4/1510; E/CN.4/1982/5; ST/HR/SER.A/9)

1. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said that the proclamation of the Decade for Action to Combat Racism and Racial Discrimination reflected the international community's determination to eliminate those evils and the policy of apartheid, which seriously hindered social, economic and political progress and threatened world peace and security. The Programme called for increased efforts, during the second part of the Decade, by all States, United Nations bodies, and intergovernmental and non-governmental organizations to further the aims of the Decade. The Declaration and Programme of Action of the World Conference to Combat Racism and Racial Discrimination were likewise important.

2. Considerable improvements had been made during the Decade: the people of Namibia were still waging their heroic struggle and the people of Zimbabwe had been victorious in theirs. In other regions, however, the situation had not improved. In southern Africa, the Pretoria régime continued, through its policy of apartheid, to violate the human rights of some 20 million indigenous Africans. Members of political and anti-apartheid movements were still being ill-treated and gaoled, and South Africa pronounced far more death sentences than any other country. Despite the many appeals by the General Assembly and the Security Council, the Pretoria régime persisted in its apartheid policies, including the establishment of so-called independent "Bantu homelands", with the aim of subordinating indigenous African peoples to racist rule, stifling aspirations of national liberation and providing cheap labour for the use of South African and Western monopolies. The creation of "Bantu homelands" had been declared illegal, null and void by the United Nations, which had called on all Governments to refrain from recognizing them and to prevent their own nationals, whether individuals or enterprises, from having dealings with them.

3. Although the apartheid régime's supporters talked of "reforming" that régime, which in practice meant weakening the national liberation struggle and the international campaign against apartheid, such talk was merely an attempt to disguise the Pretoria régime's intention to continue to ignore the appeals by the United Nations and to perpetuate colonialism and racism in southern Africa. According to articles in the

press, between June 1980 and June 1981, 114 executions had been carried out; that figure did not include deaths during detention. At present 440 persons out of every 100,000 were behind bars. From 1960 to 1980, over 7 million Africans had been imprisoned under the so-called Internal Security Act. The racist régime was continuing its military build-up: during the past four years, armed forces personnel had increased by 50 per cent and now numbered 500,000. The 1981/1982 military budget of some 3 billion rand was three times that of 1974. There was also growing evidence of South Africa's capacity in nuclear weapons, which constituted a great threat to peace and security not only in southern Africa.

4. In Namibia, the racist régime continued its illegal occupation and its repression of the people, particularly the members of SWAPO, despite appeals by the Security Council and the General Assembly. It was also using Namibia as a base for aggression against Angola and other neighbouring States in southern Africa. While feigning readiness to seek a genuine political solution for Namibia, the Pretoria racists were in fact hoping to establish a neo-colonial puppet régime in the territory.

5. Only the assistance and support of the NATO member States enabled the South African régime to persist in its policies; without the West's help, the régime could not even exist. Its continuance served the long-term political, strategic and economic interests of the Western Powers, which regarded South Africa as a fortress of racism and a base from which to wage war against the national liberation movements of the South African and Namibian peoples. Foreign investment in South Africa amounted to over \$35 billion, and that country's foreign trade was reckoned in tens of billions of dollars. The biggest trading partners were, of course, those Western Powers which spoke, in the United Nations, in favour of continuing a "dialogue" with the South African régime. The latter's economic, military - including nuclear - and other programmes depended largely on the banking and credit facilities extended by the United States, the United Kingdom, the Federal Republic of Germany and several other Western countries. The Declaration of the International Seminar on Loans to South Africa (A/36/201), issued by the Special Committee against Apartheid, had noted that foreign loans and activities by Western banks provided support for the apartheid system.

6. The measures to put an end to the system of apartheid practised by the South African authorities had been clearly set forth by the Security Council, the General Assembly and other United Nations bodies, the Organization of African Unity and the International Conference on Sanctions against South Africa. The sanctions already called for by the Security Council should be strictly observed by all States, and the Council should further apply against South Africa the sanctions provided for in Chapter VII of the Charter. The Western States had still not acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, claiming that there were problems of a "legal nature", which were but a cloak for their continued co-operation with the apartheid régime.

7. On the other hand, the position of the Byelorussian SSR, a socialist society, was based on the principles of equality and friendship among peoples. In his country, the Constitution guaranteed to all citizens equality in law regardless of racial or national origin. The Byelorussian SSR had also 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; evidence that it observed the provisions of those instruments had been provided in its corresponding reports to the Commission. It fully appreciated the significance of the Decade for Action to Combat Racism and Racial Discrimination, and would support any proposals intended to further the aims of the Decade.

8. Mr. ZAWALONKA (Poland) said that apartheid resulted in the degradation of the black population in South Africa, to the benefit of the white minority, in all areas of political, economic, social and cultural life. The General Assembly, in a number of resolutions, had condemned apartheid as a crime against mankind and had called on South Africa to put an end to it immediately. However, apartheid remained a serious challenge to the international community, and colonialism was still managing to survive in southern Africa and certain other parts of the world.

9. In Namibia, for example, the black majority was being exploited and the natural resources plundered by the apartheid régime and its partners. The historic Declaration on the Granting of Independence to Colonial Countries and Peoples had promoted decolonization and had contributed to the profound changes which had occurred since its adoption by the General Assembly. But the decolonization process was still being impeded by foreign economic and other interests, which supported the régimes in control of colonial countries and denied to the peoples of those countries their political, economic and social rights. In furtherance of their economic interests, many transnational corporations were operating in South Africa, exploiting Namibia's natural resources and supplying arms, including nuclear equipment and technology, to the Pretoria régime in spite of the Security Council's arms embargo. Poland, which had strictly observed the provisions of the relevant Security Council resolutions placing an embargo on the supply of arms to South Africa, maintained no relations of any sort with the South African régime and reiterated its demand for effective sanctions and other measures against the régime, including the prohibition of all forms of nuclear co-operation.

10. It was increasingly obvious that the activities of foreign financial and military interests had made it easier for South Africa to continue its illegal occupation of Namibia. As a result, the South African régime not only continued to prevent the Namibian people from gaining its long overdue independence but used that territory for aggression against neighbouring States, as was evidenced by the recent massive armed attack on Angola. The South African régime's action was in defiance of Security Council resolutions 385/1976 and 435/1978 and of relevant General Assembly resolutions and decisions, including the termination of South African's mandate over Namibia 15 years before. Poland had always sympathized with the Namibian people in its struggle for independence and had repeatedly condemned the South African régime's policy towards that country. It had also condemned the latest aggression against Angola as an attempt to destabilize the situation in that independent State and thus endanger world peace.

11. In other parts of the world also, there were still territories under colonial rule. Every colonial country and people had the right to self-determination and independence, pursuant to General Assembly resolution 1514 (XV); but the implementation of that resolution was often impeded by the presence of foreign military installations. In the current disquieting international situation, it was more important than ever to ensure that all relevant United Nations resolutions, particularly Security Council resolutions 418/1977 and 473/1980, were fully implemented. While the Members of the United Nations were divided into those which had ratified in good faith the Organization's various international instruments against racial discrimination and those which disregarded them, little could be done for the victims of racism. It was intolerable that 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 had been ratified or acceded to by only 108 and 63 States respectively. Poland reiterated its resolve to associate itself with all

United Nations measures to do away once and for all with all forms of racism, racial discrimination, colonialism, apartheid and denial of the right of self-determination. His delegation would support any effective proposals aimed at the international mobilization of all forces for the final and complete liberation of colonial peoples from racist domination and oppression.

12. Viscount COLVILLE OF CULROSS (United Kingdom) said that the United Kingdom, as a multiracial society, had the strongest possible interest in the issues covered by the four items under consideration. His Government, like most Governments, could not honestly claim to have eliminated racial discrimination and racism, but it felt that it had the duty to promote the elimination of such obnoxious practices through legislation, example and encouragement.

13. His delegation had hoped that the Decade for Action to Combat Racism and Racial Discrimination would provide the impetus for the international community to make progress towards the elimination of racially discriminatory practices and it remained ready to support the constructive features of the Programme of Action laid down in General Assembly resolution 3057 (XXVIII). However, certain elements introduced into the Decade, particularly those relating to the use of force and further sanctions against South Africa and the equation of zionism with racism, were unacceptable. His delegation's disagreements with other delegations on the proper approach to southern African issues were about means and not about ends. His delegation shared the general abhorrence of the system of apartheid and the harsh measures used to enforce it, and understood and sympathized with the outrage felt, particularly by African countries, at the perpetuation of the gross violation of human rights that the apartheid system represented. His delegation was therefore ready to play a full part in all constructive efforts to eliminate racial discrimination, wherever it existed, and in particular to solve the problems of southern Africa.

14. In that connection, his delegation attached great importance to the International Convention on the Elimination of All Forms of Racial Discrimination, and had read with care and concern the report of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa. The United Kingdom had pioneered and fully supported the European Community's code of conduct for employment practices for registered firms operating in South Africa and would continue with its partners in the Community to seek ways of increasing its effectiveness.

15. In keeping with its obligations under Security Council resolution 418 (1977), the United Kingdom did not provide any military assistance to South Africa nor did it export anything that could contribute to a military or nuclear explosive capability or to the development of South Africa's nuclear power programme. The United Kingdom was also fully committed, with its partners in the Western Five, to continue efforts to secure an internationally acceptable settlement in Namibia on the basis of the United Nations plan endorsed in Security Council resolution 435 (1978). His delegation hoped that those delegations which had preferred to stand aside from or to condemn the efforts of the Western Five would seriously consider whether that negative attitude was likely to advance the achievement of self-determination for the people of Namibia. His delegation sympathized with the feelings of despair and impatience provoked by the perpetuation of the situation in southern Africa but believed that the objectives were worth the most persistent effort. His delegation would continue patiently and constructively to work for their achievement.

16. Mr. LANG (Federal Republic of Germany) said that his Government was strongly committed to the elimination of all forms of racial discrimination and racism. In that connection, the Minister for Foreign Affairs of his country had made his Government's position very clear at the thirty-sixth session of the General Assembly, when he had drawn attention to the necessity of combating all forms of neo-colonialism and apartheid. Deeming the continued presence of South Africa in Namibia to be incompatible with international law, his Government would continue its efforts to enable the people of Namibia to exercise its right of self-determination. Developments in Zimbabwe had confirmed that even where complex issues were involved, successful negotiations were possible. His Government would therefore continue to do all it could to bring about a peaceful change in the situation in South Africa through talks at the bilateral level, in particular with the Government of South Africa, and through multilateral co-operation with other countries. The United Nations plan endorsed in Security Council resolution 435 (1978) provided the only possibility of a peaceful transition to internationally recognized independence for Namibia. Violence could only delay and impede the achievement of that objective. His Government therefore appealed to all parties to refrain from any action that could make the implementation of Security Council resolution 435 (1978) more difficult.

17. His Government supported the efforts of the Commission to protect the enjoyment of human rights in South Africa and in that connection endorsed the continuation of the Ad Hoc Working Group. His Government had been extremely concerned about the wave of arrests in South Africa, which had particularly affected members of trade unions, universities and the church. In the economic field his Government sought, with its European Community partners, to influence the working and living conditions of black African employees through the European Community's code of conduct for business enterprises with subsidiary companies or branches in South Africa. The main objective of the code was to improve those conditions, thereby helping to combat apartheid. It was precisely for that reason that his Government had not considered it appropriate to sever economic relations with South Africa. Ideological rhetoric, the injection of East-West issues and unfounded condemnations in the form of propaganda campaigns were inappropriate and did not serve the needs of those who should be helped. His Government wished to pursue economic co-operation with everyone on the basis of equality and partnership and with respect for each other's cultural autonomy. It was his Government's conviction that everyone shared the common objective of helping the persons discriminated against in southern Africa to exercise their rights.

The meeting rose at 5.45 p.m.