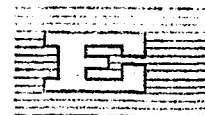


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1982/SR.22
18 February 1982
ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-eighth session

SUMMARY RECORD OF THE 22nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 16 February 1982, at 10 a.m.

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 10.25 a.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; E/CN.4/1485; E/CN.4/1486; E/CN.4/1497; E/CN.4/1982/L.8; E/CN.4/1982/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 and Add.1)

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- (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
- (b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 18) (continued) (E/CN.4/1510; E/CN.4/1982/5; ST/HR/SER.A/9)

1. Mr. MASRESHA (Ethiopia) said that the question of Namibia was that of the right to self-determination, the most basic of all rights, and one for which many peoples had struggled. The abhorrent policy of racism, racial discrimination, apartheid and neo-colonialism stubbornly followed by the Pretoria régime, with the support of Western countries that championed the cause of human rights elsewhere but had economic and other interests in the region, was an affront to international opinion as expressed in United Nations bodies. Even the independent African States bordering South Africa had suffered from that policy, The excellent reports submitted to the Commission spoke for themselves.

2. The Ethiopian delegation considered that the international community should without delay take concerted measures to end the situation. Mandatory sanctions should be taken against South Africa under Chapter VII of the Charter; all collaboration with South Africa should be condemned, as should bantustanization, which was in every respect contrary to the policy of self-determination and genuine national unity.

3. His delegation had noted with regret that only 64 countries had adhered to or ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and no Western country was among them.

4. Mr. LIGAIRI (Fiji) said that his delegation fully supported the Programme for the Decade for Action to Combat Racism and Racial Discrimination. It had noted with interest that the Programme continued to be implemented and that three regional seminars had already taken place and it hoped that the other seminars proposed would be held as soon as possible. His delegation awaited with interest the results of the review of the Programme and hoped that the conclusions would be submitted to the Commission at its next session so that follow-up action would be taken once the Decade ended.
5. His delegation hoped that the Commission would make recommendations to the Preparatory Sub-Committee for the Second World Conference to Combat Racism and Racial Discrimination, scheduled for 1983, concerning the provisional agenda, the provisional rules of procedure, organization of work, date and venue of the Conference, and arrangements for representation and documentation. It also hoped that, unlike the first World Conference, the Second would lead to the adoption of effective measures calculated to change social attitudes and practices that caused racism and racial discrimination and were to be found to a greater or lesser degree in every society. Only concerted international effort with the wholehearted support of every State Member of the Organization would ensure equality among all races.
6. His delegation noted with satisfaction that an increasing number of countries had acceded to or ratified the International Convention on the Elimination of all Forms of Racial Discrimination. Concrete, universal implementation of the Convention would constitute the achievement of the Decade, which should also provide an opportunity for informing Governments and peoples of the dangers of racism and racial discrimination. To succeed would require courage, tolerance, understanding and goodwill on the part of all. Those were the principles followed by Fiji, a country in which people of different races, cultures, religions and ideologies lived together in harmony.
7. His delegation reaffirmed its support for the just struggle of the peoples of southern Africa against the policy of racism, racial discrimination and apartheid, which for black Africans involved murder, humiliation, expropriation, brutal imprisonment, relentless persecution and disruption of life in all its forms. The lot of coloured peoples and Indians likewise the victims of segregation and discrimination, was no less enviable; and despite repeated appeals from the international community, the South African Government showed no intention of abandoning those despicable practices. In the face of such a challenge, international unity must be maintained and strengthened.
8. Mr. HILALY (Pakistan) said that 20 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, vestiges of colonialism still survived, challenging the norms of equity and humanity espoused by the international community.

9. Guided by the Islamic principles of humanity, brotherhood and equality of all men, Pakistan had been among the first to raise its voice in the United Nations against colonialism and racism and to campaign for the inalienable rights of Africans. His delegation had therefore read with concern the reports submitted to the Commission which highlighted the intensification of the repressive measures carried out by the Pretoria régime against the majority in South Africa. It was disturbing to note that the régime received political, economic and technical support from certain developed countries. Despite the embargo on delivery of arms to South Africa, those countries collaborated in nuclear technology while refusing assistance to developing countries that wished to use it for peaceful means. The Commission should take steps to ensure the widest possible diffusion of the study by the Special Rapporteur of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/469 and Corr.1 and Add.1).
10. Likewise, the South African racist régime had intensified repression against the Namibian people and their liberation movement, the South West African People's Organization (SWAPO) and it continued to perpetrate aggression against its neighbours. The Pretoria régime had sabotaged the Geneva Conference on the Future of Namibia, impeding the United Nations plan based on Security Council resolutions 435 (1978) and 439 (1979). The Contact Group should use its influence with the Pretoria régime to obtain speedy implementation of the plan. As the Minister for Foreign Affairs of Pakistan had stated at the thirty-sixth session of the General Assembly, a definite date should be set for Namibia's independence, and should the deadline not be met, the United Nations should immediately impose comprehensive and mandatory sanctions against the racist régime.
11. The struggle against colonialism and apartheid called for political, material and other assistance from the United Nations and its Member States. The United Nations and the specialized agencies should continue to assist the liberation movements in southern Africa recognized by the Organization for African Unity, including the African National Congress and the South West African People's Organization (SWAPO). His delegation was convinced that the peoples of Azania and Namibia would be victorious in the near future.
12. Pakistan hoped that the Programme for the Decade for Action to Combat Racism and Racial Discrimination would be fully implemented and noted in that respect that no seminar on racial discrimination had yet been held in Asia. It recommended that the Commission should participate in preparations for the Second World Conference to Combat Racism and Racial Discrimination.
13. Mr. PAPADOPOULOS (Cyprus) observed that there was an impressive list of human rights violations in southern Africa: violations of the right to life, ill-treatment of political prisoners, detainees and arrested freedom fighters, forced displacement of the population, violation of the right to sovereignty, exploitation of black workers, interference with the right to self-determination with respect to economic development and political status, interference with trade union rights, etc. Those violations were the outcome of the despicable policy of apartheid, which the international community had condemned as a crime against humanity but which South Africa continued to apply.
14. The Commission must again solemnly proclaim that the peoples of southern Africa had the right to live freely in dignity and equality, without distinction as to race,

colour, sex, birth or national or ethnic origin, the right to preserve their cultural diversity and the right to equality before the law, to effective remedies and to protection against all forms of racial discrimination. Cyprus straightforwardly condemned any policy designed to perpetuate apartheid. Together with other countries, it had undertaken to eliminate that scourge by adopting effective measures to combat it and by assisting those who were directly struggling to rid themselves of it.

15. Cyprus had recognized SWAPO as the sole legitimate representative of the Namibian people, and it supported the inalienable right of Namibians to self-determination and independence, in accordance with Security Council resolutions 435 (1978) and 439 (1979). Any further delay in the transfer of power to the Namibian people was purely and simply anachronistic colonialism.

16. Cyprus associated itself with all the other countries which demanded that South Africa abide by all the United Nations resolutions on Namibia and cease immediately all the acts of torture and ill-treatment of Namibian detainees and political prisoners; which condemned the atrocities committed against defenceless persons opposed to apartheid; and which demanded that South Africa cease to launch aggression against neighbouring African States and to violate their territorial integrity. The independence and freedom of Zimbabwe proved that it would be wrong to despair.

17. His delegation commended the Ad Hoc Working Group of Experts for its progress report (E/CN.4/1485) and awaited with interest the conclusions to be submitted to the Commission by the Group in its final report.

18. Mr. BETTINI (Italy) said that apartheid remained a stark reality which weighed heavily on the conscience of the international community, but despite all the censure and condemnation, it had not been possible to eliminate or even reduce that disastrous and shameful phenomenon. The Italian people, which throughout its history had shown its devotion to the values of civilization, had consistently condemned the policy of apartheid and all other policies arising out of a distorted vision of human relations. Italy had a deep belief in the principles established over the centuries to regulate international relations. It considered that there was no other course for the international community than that of dialogue among States, even though in some situations such dialogue might appear useless or inappropriate. With that in mind, Italy had acted whenever it could in order to help in the elimination of apartheid. In principle, it rejected armed confrontation as a solution to problems, but it recognized that certain exceptional situations called for concerted action by the international community in order to avoid an irreversible radicalization.

19. The United Nations was essentially the place to take specific action against apartheid and all similar phenomena. Vigilance was needed in that respect, however, and the Commission's action must not be paralysed by demagogic debate. He reminded the Commission of the fear expressed by his delegation of a possible weakening of the Division of Human Rights which might mark the beginning of a more general decline of the United Nations. A firm and convinced undertaking on the part of the Organization was needed, even at the risk of offending the susceptibility of some of its Members, to act against apartheid and other phenomena such as torture or forced disappearances.

20. Among the measures taken against apartheid, he drew attention to the usefulness of those taken by the ILO, and expressed the hope that they would be further strengthened. His delegation considered the elimination of apartheid with respect to the right to work as a priority objective. From a general point of view, the trade unions represented the greatest victory of the workers and the richest expression of democratic society; all forms of discrimination against workers must therefore be eliminated and the workers must enjoy free association and self-expression. The action taken against apartheid by non-governmental organizations such as the International Confederation of Free Trade Unions, whose representative had made a moving statement to the Commission, must be encouraged. The European Communities had also undertaken action which would undoubtedly produce positive results: all Governments members of the Communities had undertaken to ensure respect for the "code of conduct" by all European firms pursuing activities in South Africa. The initial result of the application of the code was that the firms concerned had become aware of their social obligations; further substantial progress would certainly be made in the coming years.

21. Lastly, he emphasized the importance of arousing the awareness of public opinion. The elimination of apartheid should not be a matter for Governments alone: it should also be the result of as broad a movement of opinion as possible. Public opinion, Governments, the United Nations and the Commission on Human Rights should respond clearly to the millions of Africans calling upon them.

22. Mr. AL-BAROUDI (Syrian Arab Republic) emphasized the importance of a number of statements made concerning agenda items 6, 7, 16 and 18, in particular statements by the representatives of SWAPO and the African National Congress. His delegation appreciated the importance of information contained in the report of the Ad Hoc Working Group of Experts (E/CN.4/1485) and the efforts of the Chairman/Rapporteur of the Group, Mr. M'Baye, who had left the Group to become a member of the International Court of Justice. Report E/CN.4/1485, based on much information and evidence, emphasized the following practices.

23. Firstly, individuals in South Africa could be held without trial under the Terrorism Act, the General Laws Amendment Act, the Criminal Procedures Act of 1977, or under the Internal Security Act's preventive detention clauses, sections 10 and 12. Secondly, South Africa's prison population had increased, reaching 100,677 persons in June 1980 (4,225 whites, 73,911 blacks, 551 Asians and 21,900 "Coloured"). Thirdly, the report gave many examples of brutal treatment and torture of detainees, political prisoners, trade unionists and Black Allied Workers' Union leaders. Fourthly, the forced removals of populations in implementation of the so-called "independent homeland" policy had been accelerated. The report also contained detailed information on the discriminatory treatment of black women workers, the suppression of trade union rights, discrimination in education against black students, press censorship, violation of transit rights and the integrity of neighbouring States, etc.

24. Concerning Namibia, document E/CN.4/1485 indicated an intensification of arrests, intimidation measures, torture and murder of SWAPO supporters and attacks on SWAPO political meetings in urban areas. It also described the intensification of South African attacks on civilian and refugee centres in Angola and other neighbouring States. The report indicated in general that the racist régime of Pretoria was determined to continue its policy of apartheid against the people

of South Africa and to prevent the Namibian people from exercising its right to self-determination, in flagrant violation of the Charter and relevant instruments of the United Nations, and in defiance of condemnations by different United Nations organs, including the Commission on Human Rights.

25. The racist régime of Pretoria could not pursue such policies without the support of some Western countries, the NATO alliance, and in particular the United States of America. Multinational corporations played the main role in co-operation between those Western countries and the racist régime of Pretoria; they reaped huge profits from their activities, particularly from the extraction of gold, diamonds and uranium. The position of the United States of America and other Western countries on the Namibian question in the Security Council, the General Assembly and other forums, was well known. In that connection, he quoted an article which had appeared in the International Herald Tribune on 26 March 1981 concerning the Reagan administration's support of South Africa, and mentioning a secret meeting between Mrs. Kirkpatrick, the United States Permanent Representative to the United Nations, and General Van der Westhuizen, the South African military intelligence chief. The article also mentioned that the 51-Nation African group had stated that it would not accept the development of the policy by the present American administration in favour of South Africa, which could only encourage State terrorism as practised by South Africa and the oppression of the black people in that country, and perpetuate the illegal occupation of Namibia. The article went on to quote a statement by President Reagan's National Security Adviser to the effect that future relations with the Pretoria Government should depend on American self-interest and not on disapproval of the apartheid policy.

26. He further quoted the International Herald Tribune of 2 May 1981 concerning the veto by the United States, the United Kingdom and France of Security Council resolutions to halt all trade with South Africa in order to bring pressure on that country to grant independence to Namibia. The article in question reported an objection by Mrs. Kirkpatrick, the United States representative, that the sanctions proposed were ineffective, an objective to which Mr. Otonnu, the representative of Uganda, had replied, to the applause of the African delegates, by asking why three permanent members of the Security Council had found it necessary to vote against measures which did not work. The same newspaper on 23 June 1981 had mentioned a statement by the SWAPO leader Sam Nujoma, giving SWAPO's impression that President Reagan had decided to throw the weight of the United States squarely behind the white minority régime of South Africa, while in the 2 September 1981 issue, it reported the repeal of the decision of the United States which, in a sharp split with its closest allies, had blocked a resolution condemning South Africa for a raid into Angola.

27. The apartheid policy of the Pretoria régime was comparable to the racist policy of the Tel Aviv régime. The Zionist régime aimed at controlling the wealth of the Arab nation, starting out from the false assumption of the superiority of the settler colonists over the indigenous peoples of Palestine and other occupied Arab territories, including the Syrian Golan Heights. Recalling that in resolution 3349 (XXX) the General Assembly had declared that zionism was a form of racism, he denounced the co-operation between the Tel Aviv and Pretoria régime and protested against support from some Western countries, in particular the United States of America, to those two régimes, which were two faces of the same coin. The Syrian Government had been continuously urging the Security Council to impose mandatory sanctions against South Africa and the Zionist entity of Tel Aviv

under Chapter VII of the Charter. In its latest report submitted to the Group of Three (E/CN.4/1505/Add.10), his Government had proposed a draft statute of an international penal tribunal in accordance with article 5 of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Finally, his delegation highly appreciated the report of the Group of Three (E/CN.4/1507), and fully supported the conclusions and recommendations contained in it.

28. Mr. MARTINEZ (Argentina) said that the United Nations must intensify international action against apartheid, which represented the most flagrant violation of the fundamental rights and freedoms of the individual. That system, based on classification of the population by racial groups and on the principle of re-installation of population groups in separate geographical zones, implied the deprivation of countless rights. The victims of racial discrimination and segregation were struggling more and more energetically against that obvious injustice.

29. A few years earlier, the Commission on Human Rights had created the Ad Hoc Working Group of Experts on Southern Africa, whose work had led to the adoption of many resolutions condemning the apartheid system. The Working Group's latest interim report (E/CN.4/1485) contained information and an analysis which emphasized the racial and totalitarian nature of apartheid and described the mechanisms set up to apply it through repression and violence. The final report to be submitted by the Working Group at the next session of the Commission would make a basic contribution to the struggle against racism and racial discrimination.

30. The report of the Working Group showed how a people deprived of its rights was being exploited. Argentina was deeply concerned by the situation in southern Africa. It had approved as a whole the process planned to help Namibia to accede to independence and sovereignty in a peaceful, equitable and orderly way, in conformity with the Charter and the relevant General Assembly and Security Council resolutions. The South African Government, not satisfied with refusing the Namibian people the exercise of their right to self-determination, was applying the apartheid system in that territory and continuing to violate the basic rights of the vast majority of the population, which remained subordinated to the interests of the white minority and the designs of the colonialist Power.

31. His delegation believed that the most recent list of businesses and organizations furnishing aid to the South African régime, prepared by Mr. Khalifa, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/469 and Add.1), could help to limit the activities of foreign interests profiting from the system of racial discrimination and enabling it to continue. Finally, it believed that the highest priority must be given to the international effort to find peaceful solutions so as to put an end permanently to one of the cruellest violations of human rights.

32. Mr. MAHONEY (Gambia) said that the system of apartheid, condemned as a crime against humanity, deprived some 20 million persons of their fundamental rights. South Africa had succeeded in institutionalizing racial discrimination on a scale unique in history. The black population was formally excluded from participating in the political process and subjected to repressive legislation. Thousands of detainees and banned persons were living testimony to that fact. All peaceful protests against the system had been brutally repressed. The massacres at Sharpeville and Soweto were a grim reminder of the extremes to which the Pretoria régime would go in order to terrorize the black majority into submission; so was the fate of the recently-murdered trade union leader Neil Aggett and the black militant Steve Biko in 1977.

33. In order to perpetuate its monopoly in South Africa, the apartheid régime was applying the policy of "bantustanization" and exiling the black population, on the basis of ethnic criteria, into barren wastelands ironically referred to as "homelands". Though the international community had denied recognition to those artificial entities, the population of the bantustans was continuing to feel the effects of the situation and was compelled to leave the country in order to find work. As the representative of Brazil had emphasized, the interim report of the Ad Hoc Working Group of Experts (E/CN.4/1485) constituted a damning indictment of the apartheid régime. The treatment of black women and children, in particular, was intolerable.

34. In Namibia, although the United Nations had ended in 1966 the mandate which South Africa had been exercising over that territory since 1919, the apartheid régime continued to occupy it and to exploit its natural resources, with the co-operation of foreign economic interests. It was also using the territory to launch attacks against independent African States in the region.

35. The Security Council had been unable to apply the measures laid down in Chapter VII of the Charter, and that had prompted the apartheid régime to intensify its acts of banditry. His delegation therefore welcomed the initiative of the Western Contact Group aimed at an early settlement in Namibia, in accordance with Security Council resolution 435 (1978).

36. Since the Commission was in a way the conscience of the international community, its task was to ensure respect for human rights throughout the world. The Commission had already made world public opinion aware of the question of human rights violations in southern Africa. However, it would not be able to end them in practice as long as some Member States continued to see the situation in that region only in relation to their own economic interests.

37. Miss DERMENDJIEVA (Bulgaria) said that Bulgaria had always supported and implemented the resolutions adopted by the United Nations to eliminate apartheid. It had condemned the apartheid policy in South Africa as a crime against humanity and a serious threat to international peace and security. As stated in Mr. Khalifa's report (E/CN.4/Sub.2/469/Add.1), Bulgaria maintained no political, economic, cultural or other relations with the racist régime of Pretoria. It was high time for the Security Council to impose comprehensive sanctions against South Africa under Chapter VII of the Charter. Bulgaria would continue to render political, moral and material assistance to the oppressed people of South Africa under the leadership of their national liberation movements, and to the Namibian people under the leadership of SWAPO in their struggle for self-determination and independence.

38. It was shameful that so many years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the International Convention on the Elimination of All Forms of Racial Discrimination, millions of people were still being subjected to discrimination and persecution for one single reason - the colour of their skin.

39. The apartheid régime in South Africa had remained unchanged, except for some minor changes aimed at deceiving the international community. Sufficient proof of that statement was to be found in the three reports prepared by the Ad Hoc Working Group of Experts (E/CN.4/1485, 1486 and 1497). The violations of human rights committed by the Pretoria régime ranged from inhuman exploitation and mass removals of the population to political repression, arbitrary detention, torture, and harassment of trade union leaders and students. Every form of resistance had met with cruel repression. Furthermore, the racist Pretoria régime had acquired the capability of manufacturing nuclear weapons, with the help of certain NATO member States. That fact alone was sufficient to prove that the apartheid régime represented a real threat to the national liberation movements, to the neighbouring African States, to the whole of Africa and to international peace and security.

40. South Africa continued to occupy Namibia, demonstrating complete disregard for United Nations resolutions. It was intent upon providing Namibia with quasi-self-determination to suit its own interests and those of imperialism. One of the ways in which South Africa imposed its policies on the Namibian people was by the creation of "homelands". Her delegation could not agree with the arguments of certain States that it was preferable to deal with South Africa by means of patient negotiations. Such negotiations had so far resulted in concessions to South Africa at the expense of the people of Namibia and its inalienable right to self-determination.

41. In another direction, South Africa had intensified its aggressive acts against the sovereign States of Angola, Zambia and Mozambique, which had resulted in massacres of hundreds of civilians. The previous November, mercenaries had even attempted, with the complicity of South Africa, to overthrow the Government of the Seychelles.

42. South Africa's systematic refusal to comply with its obligations as a Member of the United Nations and with the rules of international law was not only a humanitarian issue, as some countries argued, but an acute political problem. If the racist régime of Pretoria defied the relevant United Nations resolutions and continued to exist, that was because it enjoyed political, military, economic and other forms of assistance from certain Western States.

43. It might be mentioned that a veto by three countries had recently prevented the Security Council from taking further measures against South Africa. Numerous reports, and in particular the report by Mr. Khalifa (E/CN.4/Sub.2/469 and Add.1), revealed that the situation in South Africa and Namibia was continuing because of the aid given to South Africa by Western States. According to a working paper prepared for the Conference in Solidarity with the Liberation Struggle of the Peoples of Southern Africa, by 1975 foreign investments and loans in South Africa

had reached \$24 billion, one-fifth from the United States of America. According to the same source, much of the United States capital had been highly concentrated in a dozen corporations in key industrial sectors. Although those corporations exploited South Africa's labour force, they argued that they constituted a force for change in South Africa since they had endorsed the Sullivan Principles fair employment code. However, the code in no way challenged the system of apartheid since its provisions applied only to a very limited area, that of the workplace. Furthermore, American companies in South Africa employed a high proportion of skilled workers, i.e. whites, and blacks did not benefit significantly from employment opportunities in those "model" businesses. According to the General Secretary of the South African Council of Churches, Bishop Desmond Tutu, the Sullivan Principles should be rejected because they did not aim at changing the system in force.

44. The people in South Africa and Namibia wanted the measures provided for under Chapter VII of the Charter to be applied. Calls for economic sanctions, an oil embargo and an end to all bank loans to South Africa had come from the United Nations, OAU, many African and non-aligned countries, socialist countries and many international organizations, and it should be recalled that a World Conference on Sanctions against South Africa had been held in Paris in May 1981.

45. The multinational corporations were continuing their activities in South Africa and Namibia. The continuous military collaboration between South Africa and certain NATO member States was also of great concern to the United Nations. If the numerous United Nations resolutions condemning apartheid had been applied by the allies of South Africa, progress would certainly have been achieved. On the contrary, States which were publicly condemning the racist régime of South Africa were continuing to provide it with assistance, for strategic and economic reasons.

46. It was high time that measures aimed at totally isolating the Pretoria régime were implemented. National liberation and self-determination could only be achieved through the struggle of the peoples of southern Africa, under the leadership of their national liberation movements and with the intensification of support by the international community. In resolution 36/172, the General Assembly had proclaimed 1982 as the International Year of Mobilization for Sanctions against South Africa. In resolution 36/8, dealing with the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination, the General Assembly had proclaimed that the elimination of all forms of racism was a matter of high priority; it had once again requested the Security Council to consider, as a matter of urgency, the imposition of full mandatory sanctions against South Africa under Chapter VII of the Charter. It was the deep conviction of her delegation that such measures would serve the attainment of the objectives of the Decade and bring a solution to the problems in southern Africa.

47. Mr. KOUIJMANS (Netherlands) said that the members of the Commission treated the question of racial discrimination on the basis of a universally accepted principle, that of non-discrimination. It was a principle to be found in all international instruments that dealt with human rights and in the constitution of the majority of modern States, as being an important condition for the implementation of economic, social and cultural rights which should lie at the core of any society, whether industrialized or not, where civil and political rights were to be guaranteed.

48. The International Convention on the Elimination of all Forms of Racial Discrimination, which reaffirmed that principle, had had, and continued to have, a considerable impact on Netherlands legislation and the application thereof. Just like other States parties to the Convention, his Government had to present a report every two years on the implementation of the provisions of the Convention and on the situation in the Netherlands regarding the elimination and prevention of racial discrimination. In that connection, his delegation would like to see article 14 of the Convention, which provided for an individual right of complaint in the event of violation of the rights set forth in the Convention, become operative as soon as possible. Accordingly, it called on States parties to the Convention that had not already done so to make the required declaration under article 14.

49. His delegation took the opportunity of expressing appreciation for CERD's views and guidance on the implementation of the Convention during the consideration of the reports submitted by States. When its last two reports were considered, his Government had asked for the views of the members of the Committee on some issue in the field of anti-racial discrimination policy, and the Committee in turn had itself questioned various aspects of its legislation, always in positive terms and with a view to improving the existing situation. Unfortunately, racial discrimination was still a very widespread evil in the present world and no society was completely free of irrational prejudices relating to race, ethnic, national, social or cultural origin or language, even when, like the Netherlands in the previous decade, it had become a multi-racial, multi-ethnic and multi-cultural society.

50. The special phenomenon of apartheid was characterized, in particular by the failure of the South African authorities to meet the obligations that arose out of the above principle; instead, it imposed upon them an abhorrent system of racial segregation and discrimination and a total denial of the basic principles of the civilized world. In the first instance, therefore, it was the system of racial segregation as practised in South Africa that had to be condemned, explicitly and unconditionally. The consequences of that system as reflected in the report of the Ad Hoc Working Group of Experts (E/CN.4/1485) provided added reason for seeking to eradicate it as soon as possible. Indeed, the changes instituted by the South African Government were no more than marginal, whereas the practice of banning and detention for indefinite periods without charge or trial for political opposition to the apartheid system, the application of apartheid legislation as a whole, the large numbers of political prisoners, and the absence of adequate safeguards, continued to bear witness to a systematic oppression of those who were endeavouring to build a just and equitable society. The black majority were still kept apart from any participation in Government, as was attested by the tragic death of the trade union leader Mr. Neil Aggett.

51. The two reports submitted by the Government to the South African Parliament - one containing recommendations for further restrictions on the freedom of the press and the other proposing adjustments to the security laws with a view to strengthening their effectiveness - were further indications of the Government's unwillingness to take account of the universal condemnation of apartheid.

52. In the face of that situation, his Government recommended not the total isolation of South Africa but selective economic measures, imposed by the Security Council or implemented by a sufficient number of countries. It regarded such measures as the most effective way of increasing international pressure on South Africa. However, it was also studying a number of specific initiatives on an autonomous basis, searching for ways to institute legislative measures with a view to participating, with due regard for its international obligations, in the oil embargo against South Africa and to curtailing new investments in and imports from that country. In the meantime, Dutch companies would be encouraged to participate on a voluntary basis in the following measures: no export of oil or oil products from the Netherlands to South Africa; no new investments in South Africa; and no imports into the Netherlands of coal from South Africa.

53. His Government supported the economic co-operation efforts of the southern African States and would continue to work for an increase in international assistance to those States, particularly in the financial area, with a view to compensating for possible adverse effects of the sanctions taken against South Africa. The Netherlands continued to contribute to many organizations that helped the victims of apartheid in South Africa and elsewhere, particularly to the United Nations Trust Fund for South Africa and the International Defence and Aid Fund, and it provided humanitarian and educational aid to the South African anti-apartheid movements. At the same time, his Government maintained contact with those organizations that were actively engaged in promoting changes in the apartheid system, inside as well as outside South Africa. Mr. Oliver Tambo, the President of ANC, had been received, in October 1981, by the Netherlands Prime Minister, the Minister for Foreign Affairs and the Minister for Development Co-operation. The latter had pledged an amount of 250,000 guilders for food-aid for the 5,000 ANC members who had fled to Angola. Mr. Tambo, who had also had meetings with many non-governmental anti-apartheid organizations and church groups, had been assured that the Netherlands would do everything possible to help to bring about the abolition of apartheid by peaceful means.

54. In addition, his Government firmly rejected the Bantu homelands policy and did not recognize any of the "homeland" States.

55. The Netherlands supported the efforts of the Secretary-General, the group of five Western States and the frontline States to implement the settlement proposal for Namibia approved under Security Council resolution 435. It was encouraged by the initiatives of the Western Contact Group and the negotiations currently taking place, but was not very confident that it would be possible to bring about an early solution, bearing in mind the known attitude of the South African Government in the past. It trusted, however, that the people of Namibia would soon be able to exercise their right to self-determination and that an end would be brought to South Africa's illegal occupation of Namibia, the oppression of human rights in South Africa, and its aggression against the people and territory of Angola.

56. Mrs. KSENTINI (Algeria) noted that, by resolution 36/172, the General Assembly had declared 1982 the International Year of Mobilization for Sanctions against South Africa. In so doing, the Assembly had attested to the concern of the

international community at the deteriorating situation in southern Africa due to the policy of the South African régime, as also to the need to take urgent and collective action to combat the danger of apartheid. Backed up by certain States which refused to lose the privileges of such an alliance, the Pretoria régime was pursuing its policy in South Africa and also in Namibia, whose territory it was continuing to occupy unlawfully while at the same time stepping up its acts of terrorism and destabilization against independent African States and thereby endangering the peace and security of the region.

57. The problem of the violation of human rights in southern Africa was characterized by the South African Government's refusal to recognize the right of the people of South Africa and Namibia to self-determination and by a set of slavery-like and segregationist practices that had been elevated to the level of State institutions.

58. In its latest report (E/CN.4/1485), the Ad Hoc Working Group of Experts reported an increase in oppression accompanied by a developing resistance to apartheid, and concluded that the pseudo-reforms promised by the South African régime were no more than a subterfuge.

59. The homelands policy, aimed at balkanizing the territory and deporting the black population to desert regions while stripping them of the last of their civic rights, was being systematically pursued. The latest of such homelands to date was the Siskei, a desolate region of 345 km² with a budget wholly financed by South Africa. The Commission should denounce that policy of bantustanization as a violation of the right to self-determination. Along with those pseudo-reforms, segregationist and oppressive laws, arbitrary detentions, political trials and acts of violence committed by the police and army against the blacks were on the increase. More than five years after the Soweto massacres it could be said that nothing had changed.

60. The Ad Hoc Group of Experts provided incontrovertible evidence of flagrant violations of the right to life, the murder of children, and whole tribes decimated by mercenaries. The number of persons detained in arbitrary circumstances and under oppressive and racist laws had risen by 2,300 as compared with the preceding year and now stood at 100,600. Forced displacements of population resulted in what amounted to genocide, while the pseudo-independence of the homelands divested the black population of its right to sovereignty over more than 87 per cent of South African territory. It was obviously only by oppression, arbitrary detention, banishment and censorship that the white minority, representing only one-fifth of the population, could reduce 70 per cent of the South African population to slavery.

61. The Ad Hoc Group of Experts had reported four cases of violations of trade union rights. In all those cases, articles 1, 2 and 3 of the International Convention on the Suppression and Punishment of the Crime of Apartheid had been violated. Not content with persecuting the trade union workers, the régime was proceeding to eliminate them physically, as witness the numerous cases of "death in prison", including that of Mr. Neil Aggett, the trade union leader of the African food industry workers.

62. In its report, the Ad Hoc Group of Experts responsible for studying the effects of the apartheid policy on black women and children in South Africa (E/CN.4/1497) pointed out that women and children had become the first victims of political and social oppression.

63. The atrocities committed by the South African minority régime were now reaching Namibia, a territory which the Pretoria régime was continuing to occupy notwithstanding the urgent appeal launched by the international community for its independence. Although SWAPO had declared its readiness to promote a negotiated settlement for the independence of Namibia pursuant to Security Council resolutions 435 and 439, the South African Government was undermining all such efforts and continued to disregard the responsibility for Namibia vested in the United Nations. The Commission should renew its appeal with a view to a just and final settlement of the issue on the basis of the Security Council resolutions.

64. The South African régime, moreover, was continuing to pursue a veritable "gunboat policy" against independent neighbouring States, stepping up its attacks on the civilian populations and refugee centres in Angola and Mozambique and its destabilization operations in the other frontline States, while continuing to militarize Namibia.

65. That aggressive, arrogant policy was only possible because of the compliance or complicity of certain Western countries whose political, economic, cultural and military collaboration encouraged the intransigence of the South African régime. Such assistance constituted a major obstacle to the elimination of apartheid and often helped to strengthen it by providing it, directly or through the intermediary of multinational companies, with the financial resources, technology and skilled personnel which the régime needed if it was to acquire a powerful arms industry. Despite the embargo on the delivery of arms to South Africa decreed by the Security Council in resolution 418 (1977), that country was currently in a position to manufacture nuclear weapons with the help of bank loans, investments and transfer of technology offered by the multinational companies. The latter, in return, derived benefit from the discriminatory régime of apartheid which enabled them to exploit black labour and systematically to plunder the country's natural resources. The participants at the seminar on the "effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime in South Africa", held at Geneva in June and July 1981, had condemned the activities of those corporations which played a decisive role in the support given to apartheid. According to document E/CN.4/Sub.2/469, 465 Western banks, corporations and insurance companies, including 138 American concerns, gave economic or military assistance to South Africa. Such assistance should be condemned, and her delegation trusted that the countries concerned would take the necessary measures to put an end to those activities, which were contrary to the decisions of the United Nations. The Commission on Human Rights, for its part, should extend the mandate of the Special Rapporteur so that he could keep it regularly informed of the situation.

66. The Algerian Government was in favour of the proposal of the Ad Hoc Working Group of Experts on Southern Africa that an international penal tribunal, whose statutes it had already discussed, should be created, since such a tribunal could help to suppress the crime of apartheid.

67. The Commission should make its contribution to ensure that sanctions were taken collectively against the racist stronghold of South Africa.

The meeting rose at 1 p.m.