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SUMMARY RECORD OF THE 16th MEETING<sup>\*/</sup>  
(Second part)

Held at the Palais des Nations, Geneva,  
on Thursday, 10 February 1983, at 3 p.m.

Chairman: Mr. OTUMNU (Uganda)

later: Mr. BARAKAT (Jordan)

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<sup>\*/</sup> The first part of the summary record of the meeting was issued as document E/CN.4/1983/SR.16.

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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1983/10, 37 and 38; A/AC.115/L.571 and L.586)

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.2/1982/10)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1983/24 and Add.1-13, E/CN.4/1983/25)

- (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 (agenda item 18) (continued) (E/CN.4/1983/27 and 28)
- (b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 18) (continued) (E/CN.4/Sub.2/1982/7)

1. Mr. HILALY (Pakistan) said that the situation in southern Africa remained one of the most pressing concerns of the international community and of the Commission, but all efforts to remedy it and to restore justice, dignity and human rights to the people of southern Africa had been frustrated by the racist regime in Pretoria. The United Nations must give fresh impetus to its campaign against apartheid and racial discrimination and devise more effective strategies for the speedy liquidation of colonialism and racism. Belief in the equality and dignity of man was an article of faith to the people of his country, and their close association with the peoples of southern Africa in their just struggle for freedom and dignity was as old as their own political history. His country had been among the first to raise its voice in the United Nations against colonialism and racism, and had since continued to campaign vigorously for the inalienable rights of its African brothers. He was confident that the peoples of southern Africa would succeed in eliminating the present racist minority rule and attain their cherished objective of national independence.

2. The Commission could derive no satisfaction from the developments in the region over the past year. The minority regime had intensified its campaign of terror and oppression. Indeed, the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10) indicated that not even women and children had been spared and that the criminal effects of apartheid amounted to a policy bordering on genocide. His delegation fully supported recommendations contained in that report.

3. In 1979 the General Assembly had declared that any collaboration with the racist regime and its apartheid institutions was a hostile act against the purposes and principles of the United Nations and constituted a threat to international peace and security. It was therefore regrettable that certain countries still maintained extensive and totally unjustifiable political, economic and commercial links with that regime. He was appreciative of the Special Rapporteur's valuable study (E/CN.4/Sub.2/1982/10), which identified the banks and transnational corporations

that retained deplorable links with South Africa; it was the duty of the United Nations to take effective action to ensure that they refrained forthwith from aggravating the situation. Furthermore, despite the mandatory United Nations arms embargo, the Pretoria regime continued to augment its military capability, and there were disturbing reports that certain States continued to collaborate with it in the field of nuclear technology, yet imposed all forms of constraints on the acquisition of nuclear technology for peaceful purposes by developing countries.

4. Emboldened by the support it received from certain quarters, the Pretoria regime was acting as an agent of terror and instability in the region, fomenting subversion and committing acts of unprovoked aggression against neighbouring States, particularly Angola and Lesotho. The abhorrent system of apartheid had been intensified in Namibia, where the conduct of the South African regime had been described by the Working Group as containing "elements constituting the crime of genocide". The United Nations had a direct responsibility to bring freedom to the people of Namibia, but it was quite clear that Pretoria was bent upon impeding its settlement plan for Namibia and the implementation of Security Council resolutions 435 (1978) and 439 (1979). The international community must reject South Africa's manoeuvres to impose an international settlement and transfer power to a group subservient to its interests, thus enabling it to maintain its occupation of Namibia. The Security Council, and particularly the five Western Powers which had presented Security Council resolution 435 (1978), must ensure implementation of the United Nations plan: their preoccupation with South Africa's unreasonable demands could only give rise to misgivings about their solemn obligations to enforce the plan.

5. The legitimate struggle against colonialism and apartheid required political, material and other forms of assistance from the United Nations and its Member States. The United Nations and the specialized agencies should continue to give full support to the liberation movements in the region. He reaffirmed his country's complete solidarity with the people of Azania and Namibia in their struggle for freedom and national independence, and looked forward to the forthcoming Second World Conference to Combat Racism and Racial Discrimination in the hope that it would mark a significant step forward towards full implementation of the relevant United Nations resolutions and decisions.

6. Mr. KALINOWSKI (Poland) said that the continued existence of racial discrimination, racism and apartheid brought disgrace to the present era. The situation in southern Africa, the main bastion of those abhorrent practices, had remained unchanged for years. However, racism was not confined to southern Africa: the activities of groups and organizations propagating neo-facism, neo-nazism and other ideologies based on racial discrimination in some other countries were often quite leniently treated by the authorities concerned. Racism and racial discrimination were the product of exploitation, as was evidenced by the unequal treatment of non-whites, foreign migrant workers or other population groups in certain countries.

7. Hundreds of resolutions and decisions had been adopted within the United Nations in connection with racism, racial discrimination and apartheid and the overwhelming majority of the Member States were doing all they could to bring about the total elimination of those phenomena. Obviously, the South African regime could not defy those resolutions and world public opinion unless it was able to count on the political, economic and military assistance provided by some NATO countries, a fact that was recognized in General Assembly resolution 37/40, which expressed serious concern at the collaboration of Western States and other trading partners of South Africa with the racist regime. The States in question could not shirk their responsibility by arguing that private companies beyond their influence were providing such assistance, for those same countries, when they wished to do so, could promptly apply sanctions

involving such companies. How was it possible to be against apartheid and racial discrimination, yet render assistance to the Government whose policy was based precisely upon them? Only total isolation of the South African racist regime and effective sanctions against it could bring positive results.

8. Another effective step would be wider adherence to and strict implementation of international legal instruments against racism, racial discrimination and apartheid. Accession to the International Convention on the Elimination of All Forms of Racial Discrimination had become more universal, although it had yet to be ratified by some Member States, including States in which racial discrimination was a common practice. The status of ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid was less than satisfactory: in particular, not a single member of the Group of Western European States and Others had so far acceded to it, whereas all the Eastern European States had already ratified it.

9. His country had repeatedly voiced strong condemnation of racism, racial discrimination and apartheid, and had actively contributed to the formulation of the instruments of international law aimed at eradicating those practices. Non-discrimination was a fundamental principle of the legal order of his country. Infringement of the principle of equal rights on the grounds of nationality, race or religion was punishable by law. His country was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, and the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. Under Polish law, apartheid was a crime against humanity and therefore did not fall into the category of crimes to which statutory limitations were applicable.

10. The Decade for Action to Combat Racism and Racial Discrimination had helped to mobilize world public opinion, and one of its most important achievements had been the great victory of the people of Zimbabwe over their colonial and racist oppressors. Generally speaking, however, the results of the Decade were less than satisfactory, and the current Decade might decisively help to intensify the struggle against racism and against those who helped to maintain the racist regime in South Africa. It was to be hoped that the forthcoming Second World Conference to Combat Racism and Racial Discrimination would also make an effective contribution to that struggle. The Conference should make a detailed evaluation of the situation regarding racial discrimination in the world on the basis of the findings of the seminars and studies conducted during the second half of the Decade. In that connection, participants would greatly benefit from the extremely valuable study by Justice Abu Sayeed Chowdhury (E/CN.4/Sub.2/1982/7) on discrimination in the administration of criminal justice. His delegation also appreciated the contribution being made by UNESCO, which seemed to be the leading specialized agency in its dedication to the common efforts to combat racism, racial discrimination and apartheid. The Commission should also make an important contribution to the Conference. For its part, his country would spare no efforts to ensure its success, and hoped that Member States which had hitherto demonstrated too much indulgence towards the racist regime in South Africa would actively join the international community in its genuine efforts to eradicate racism, racial discrimination and apartheid.

11. Mr. BEHRENDS (Federal Republic of Germany) said that racism and racial discrimination were scourges that had a long history. They had been practised with unprecedented savagery by a regime that had seized power in his country some 50 years earlier. Hence, the people and Government of the Federal Republic of Germany were particularly sensitive to racial discrimination and were determined to do their utmost to ensure that human dignity was respected and that racial discrimination was eliminated everywhere. That applied in particular to apartheid and the policy of Bantustanization and forced resettlement. His delegation noted with concern the violations of human rights ascertained by the Ad Hoc Working Group in its report (E/CN.4/1983/10) and supported continuation of the Working Group's mandate. He therefore hoped that common ground could be found, as at the previous session, to enable his country again to vote in favour of the relevant resolution.
12. While continuing to voice its strong opposition to apartheid in international forums as well as in bilateral contacts with the South African Government, his country was taking appropriate action to give effect to its anti-apartheid policy. It was making every effort to utilize its contacts to improve the economic and social situation of the victims of apartheid, which was also the aim of the Code of Conduct adopted by the European Community. The aim of all reforms must be the total elimination of apartheid through a process of rapid and substantial economic and social improvement, something that could be accomplished without the use of force by active co-operation between those of good will. His Government was firmly committed to the principle of non-violence, always a key element in the struggle for freedom and equal rights, and to a policy of respect for human rights and renunciation of force throughout the world.
13. The continued presence of South Africa in Namibia was incompatible with international law, and his country would continue to do everything in its power to enable the people of Namibia to exercise their right to self-determination. The United Nations plan endorsed in Security Council resolution 435 (1978) provided the only realistic basis for a peaceful transition to internationally recognized independence for Namibia in accordance with a precise and rapid timetable.
14. The basic ideas and the essence of the report of the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1982/10) were unacceptable. If the premises underlying the report were generally accepted, regular trade relations with a country would automatically amount to assistance to it and would signify approval of the country's policies. The exchanges between his own country and South Africa did not amount to assistance to South Africa or support for apartheid, and his Government had always strictly implemented Security Council resolution 418 (1977) with regard to military assistance. There was no collaboration whatsoever in the military and nuclear field between his country and South Africa. The compilation of the discriminatory and misleading list of banks, companies and other organizations given in the report was incompatible with basic legal principles and, as an annual exercise, had been identified as obsolete, marginally useful or ineffective in the special review of the ongoing work programme of the United Nations (A/36/658): his country shared that conclusion and hoped that it would be acted upon.
15. His delegation had been encouraged by the spirit of consensus displayed at the latest session of the General Assembly, when resolution 37/41, on the Second World Conference to Combat Racism and Racial Discrimination, had been adopted without a vote. It was to be hoped that the same constructive spirit would prevail in the work of the Preparatory Committee and the Conference itself. His country had supported the original resolution on the Decade for Action to Combat Racism and Racial Discrimination, which had rightly concentrated on the despicable institutionalization of racism in South Africa. It was regrettable that, at the previous World Conference,

a number of countries, including his own, had had either to dissociate themselves from the last stages of the Conference or to vote against the final documents. Joint efforts by the whole world community were required for success in the fight against racism and racial discrimination; the consensus which had prevailed at the outset of the Decade should be preserved so that the Second World Conference could help to achieve the Decade's objectives.

16. Mr. BLAIN (Gambia) congratulated the Ad Hoc Working Group of Experts on its comprehensive and thought-provoking report (E/CN.4/1983/10), whose recommendations commanded his delegation's full support. The system of institutionalized racial discrimination in South Africa, a system under which some 20 million non-whites were routinely and systematically denied the most fundamental of human freedoms, had rightly been condemned as a crime against humanity. Formally excluded from any participation in the political process, the black population was further subjected to a formidable number of repressive laws, to which the hundreds of patriots imprisoned on the infamous Robben Island and the many thousands more held in detention bore living testimony. Their economic and social conditions were no less appalling: compelled by law to accept wages which averaged only a quarter of those earned by the whites, they were ill-equipped to contend with spiralling domestic inflation which had aggravated the malnutrition long endemic in the black Community. Meanwhile, the Pretoria regime had resorted to the policy of Bantustanization as a final solution to the country's demographic realities. At the same time, it had resorted to repeated acts of aggression against the States in the region, in the form of covert operations in the case of Botswana, Mozambique, Zimbabwe and the Seychelles, as well as open invasion in the case of Angola, and also in Namibia, in order to delay the implementation of the United Nations plan for the independence of Namibia.

17. It was time for Governments to give practical effect to their commitment to eradicate apartheid. Economic self-interest and political expediency must be sacrificed in the higher interest of humanity, common justice and the other principles to which all signatories of the Charter of the United Nations had solemnly pledged themselves. South Africa had for too long been blatantly challenging the will of the international community, which bore the collective responsibility of taking effective action before it was too late.

18. Mr. HEREDIA (Cuba) reiterated his country's condemnation, in the United Nations and other international forums, of the massive violations of human rights committed every day by the South African Government. Despite the international community's efforts, little had been achieved in eliminating one of the most shameful and brutal regimes in the history of mankind, a regime that was an affront to the international community and a serious threat to world peace. A great effort was being made at the international level to secure the release of Nelson Mandela, as well as commutation of the death sentence imposed by a South African court on a number of South African patriots: his delegation wished to reiterate its vigorous rejection of those inhuman and unjust measures.

19. The peoples of southern Africa were still a prey to colonialism. After years of fruitless negotiations, reflecting the devious intentions of South Africa and its western allies, particularly the United States, the illegal occupation of Namibia still continued, and obstacles of all kinds were being placed in the way of its attaining independence in conformity with Security Council resolution 435 (1978). Needless to say, South Africa did not genuinely wish to grant independence to Namibia and South Africa and the United States were using the absurd and unacceptable pretext of relatively recent events alleged to constitute interference in the sovereign decisions of the Angolan Government; the Cuban presence in Angola was in keeping with the sovereign wish of the Angolan Government.

20. His country unshakably supported the people of Namibia and their legitimate representative, SWAPO, in their struggle for the independence of their entire territory, including Walvis Bay, as well as the black people of South Africa and their liberation movement, the African National Congress. South Africa's military occupation of Namibia not only flouted the Charter and resolutions of the United Nations but entailed constant aggression against the frontline States and other countries of the region. The Commission should strongly condemn South Africa's invasion and continued occupation of Angolan territory, which violated that country's sovereignty and represented a threat to international peace.
21. He vigorously condemned the South African regime's systematic violation of the most fundamental human rights, as well as the growing collaboration of all kinds with the Pretoria regime by a number of Western countries, particularly the United States, and by transnational corporations. The United States Government's moral and material support for the South African regime helped to maintain and encourage a hateful system that must be isolated once and for all. The Commission should consider the application of comprehensive mandatory sanctions against it and the United States and its allies should immediately desist from hindering the sanctions approved by the United Nations.
22. The International Convention on the Suppression and Punishment of the Crime of Apartheid was of enormous importance and he called upon States Parties to the Convention fully to implement its provisions. The Commission should urge all States to ratify or accede to the Convention as rapidly as possible and thereby participate in the struggle against apartheid. His delegation endorsed the conclusions and recommendations of the Group of Three set up under article IX of the Convention and also welcomed the report (E/CN.4/1983/10) submitted by the Ad Hoc Working Group of Experts, which continued to make a valuable contribution to United Nations efforts to combat the unceasing violations of human rights and fundamental freedoms in South Africa and Namibia.
23. The Second World Conference to Combat Racism and Racial Discrimination must play an effective role in helping to eliminate the odious regime of apartheid and other manifestations of racism and racial discrimination; in that connection, it should pay due attention to the situation in southern Africa and the factors that made for racial discrimination there and elsewhere in the world. His country fully supported the Conference, and called on all Member States to do likewise.
24. Mr. Barakat (Jordan) took the Chair.
25. Mr. KIS (Observer for Hungary) said that colonization, apartheid and massive violations of human rights in southern Africa were brutal crimes against humanity committed by the Pretoria regime and by the accomplices who rendered it political, economic and military support. The origin of the policy was the social system of exploitation and its aim was to reap profits at the expense of millions.
26. Every year the Commission was compelled to observe that the situation in southern Africa had changed for the worse. Despite the many resolutions of the United Nations, including those of the Security Council and the 1971 Advisory Opinion of the International Court of Justice, the Pretoria regime continued its illegal military occupation of Namibia. In defiance of the world community, it continued its massive violations of human rights both inside and outside South Africa, as was to be seen from the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10). Namibia was being used as a springboard for aggression against the frontline States, primarily Angola. As its recent aggression against Lesotho demonstrated, the regime was ready to use more military force to maintain its colonial oppression and policy of apartheid.

27. However, the regime could not defy the will of the international community without the help of its Western allies. That was why many General Assembly resolutions had called for comprehensive mandatory sanctions against South Africa. Unfortunately, the countries which maintained the most intensive economic, political and other forms of collaboration with South Africa had not joined the vast majority in favour of such sanctions; rather, they had intensified such collaboration in all fields, as the Special Rapporteur's report (E/CN.4/Sub.2/1982/10) showed. The Western economic giants were deeply interested in maintaining the current situation in Namibia, which served to protect their investments and to ensure continued exploitation of that country's resources. Because those States' policy towards South Africa and Namibia was fundamentally influenced by the economic interests of their financial and industrial corporations, the direct discussions in 1981 had failed, the so-called Contact Group was unable to make any progress, and the Pretoria regime could pursue its delaying tactics and its military build-up, thus gravely threatening the independent neighbouring States and world peace. It was the expressed will of the majority of the international community that decisive international pressure should be exerted on the South African regime: comprehensive mandatory sanctions were the only effective way of exerting such pressure, without which South Africa would never give independence to Namibia.

28. The system of apartheid and colonial oppression could not be reformed; it therefore had to be eliminated. Only a genuinely democratic society based on majority rule could be acceptable to the people of South Africa and could eradicate apartheid and racial discrimination. His country, among the first to become a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, had always followed with great sympathy the heroic struggle of the Namibian people for independence. As in the past, it would provide all possible political, moral and material support for Namibia in its just struggle for independence under the leadership of SWAPO, its sole legitimate representative.

29. Mr. KHERAD (Observer for Afghanistan) said that racism, racial discrimination and apartheid, which were the most abhorrent manifestations of colonial and imperialist ideology and practice and had been institutionalized by the South African regime, were still very wide-spread. They had been condemned in numerous resolutions of United Nations bodies as well as other international governmental and non-governmental organizations. The non-aligned countries systematically protested against racism and apartheid as gross violations of the Charter of the United Nations, the Universal Declaration of Human Rights and other international instruments. Despite the efforts of the international community, however, racism and racial discrimination continued to exist.

30. Apartheid was a class policy founded entirely on racial segregation. It remained unchanged in southern Africa, where human rights violations by the Pretoria regime ranged from inhuman exploitation of the population to political repression, arbitrary arrest, torture and persecution of trade unionists and students. Far from heeding the international community, the Pretoria regime was pursuing even more forcefully its racist domination, its policy of Bantustanization, and brutal repression and terror against the non-white population and the opponents of the regime, not only in South Africa but also in the occupied territory of Namibia. The regime went so far as to incite hostility among peoples, supply arms and mercenaries, and engage in acts of aggression against Angola and other frontline States. That aggression revealed once again the true face of racism, proving that decisive measures should urgently be taken and that the support to the national liberation movements in southern Africa should be increased.



31. The racist regime would not dare to behave so arrogantly if it was not sure of support from the United States and some other Western Powers which supplied it with economic, military, nuclear and political assistance. The close links between the United States and some other NATO countries and the South African regime were clearly based on a community of political, economic and strategic interests. South Africa provided them with a guaranteed supply of ores, a very profitable source of investments, a potentially important military partner, and a base for combating the independent African States and for operations in the South Atlantic and the Indian Ocean. They therefore continued to sabotage the United Nations decisions aimed at boycotting and isolating the racist regime, and refused to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

32. The problem of eliminating racism and racial discrimination was not confined to the apartheid system in southern Africa, although that was the most flagrant example. It existed in other countries and regions where imperialism reigned and vestiges of colonialism still remained. Zionism, which underpinned Israel's behaviour in the occupied Arab territories, including Palestine, was another form of racism, its principal victim being the sorely-afflicted population of Palestine. The regimes in Pretoria and Tel Aviv were twin brothers, supported by their protectors, particularly the United States. The resemblance lay not only in their domestic policies but also in their policies of expansion and aggression against neighbouring countries. The many forms of collaboration between the two regimes were not a coincidence but the natural outcome of their colonialist character and racist ideological unity.

33. The only effective means of bringing pressure to bear on the South African regime was to adopt comprehensive mandatory sanctions, in conformity with the will of the majority of the international community. The peoples of southern Africa could achieve national liberation and independence only by combating that regime under the leadership of their national liberation movements and with increased aid from the international community. The United Nations had a particular responsibility with regard to the oppressed peoples of South Africa and Namibia and should forthwith adopt measures to force South Africa to put an end to its policy of apartheid and its illegal occupation of Namibia, by imposing the comprehensive sanctions provided for in Chapter VII of the Charter.

34. His country firmly supported the Namibian people in their struggle under the leadership of their sole legitimate representative, SWAPO, and resolutely condemned the persistent aggression of the South African regime against Angola and other front-line States. It reaffirmed its full support for the measures taken to eliminate the last vestiges of colonialism and all forms of racial discrimination, and attached particular importance to the Second World Conference to Combat Racism and Racial Discrimination. The victory of the national liberation movements of the peoples of southern Africa and Namibia was historically inevitable and could not be prevented by repression or superficial reform.

35. Mr. TRINH VAN ANH (Observer for Viet Nam) said that the report of the Ad Hoc Working Group of Experts (E/CN.4/1983/10) afforded clear evidence that the human rights situation in southern Africa had not improved in any way. The racist authorities in Pretoria continued to deny civil, political and economic rights and dignity to the black majority, racial repression extended to all non-white people, the policy of Bantustanization further dispossessed the African majority, and black people were still being forcibly moved to barren wastelands. Again, the apartheid regime continued its illegal occupation of Namibia, where it was guilty of precisely the same crimes against the people of Namibia as against the people of South Africa itself.

36. As reaffirmed by the international community, apartheid was a crime against humanity, a brazen policy of institutionalized racism. Pretoria had turned Namibia into a military base for repeated acts of aggression against Mozambique, Angola, Lesotho and the other front-line countries, and exported destabilization and subversion against the peoples and Governments of the independent African States. Hence, apartheid was also a crime against peace. South Africa had arrogantly defied the international community for so long because of the complicity of certain Western Powers, primarily the United States, which had backed up the apartheid regime for political, economic and military reasons. The Special Rapporteur's report (E/CN.4/Sub.2/1980/10) indicated that those countries, along with Israel, had provided the racist regime with an enormous arsenal of military equipment and technology as well as assistance in its efforts to acquire a nuclear weapon capability, and had greatly increased their investments in and trade with South Africa.

37. As a leader of the African National Congress had declared, the present peril was posed by the Pretoria-Washington axis, visible in the concept of a new South Atlantic Alliance which, along the lines of NATO, constituted a threat to international peace and was a grave menace to Africa and the rest of the world. Furthermore, the countries in question had systematically misused the veto in the Security Council in order to protect the illegal racist regime and prevent the Council from assuming its full responsibilities, including the imposition of sanctions against South Africa. Thus, those Western Powers were morally and legally responsible for maintaining and encouraging the regime of apartheid in South Africa.

38. Apartheid must be totally eliminated, for it was a crime against humanity and peace. In keeping with its traditional policy of militant solidarity with all peoples fighting against imperialism, colonialism, racism, apartheid and zionism, his country strongly condemned the regime in South Africa and reiterated its unqualified support for the just struggle of the Namibian people under the leadership of SWAPO, and of the South African people under the leadership of the ANC. It also strongly condemned South Africa's acts of aggression, subversion, destabilization and terrorism against the independence, sovereignty and territorial integrity of the front-line and other African countries. It was high time for the international community to take more effective measures to help the Security Council apply comprehensive mandatory sanctions against South Africa in accordance with Chapter VII of the Charter. To that end, his delegation welcomed the convening of a Second World Conference to Combat Racism and Racial Discrimination.

39. Mrs. SLAMOVA (Observer for Czechoslovakia) drew attention to the definition of racial discrimination set forth in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which had been adopted by the General Assembly in 1965, and had entered into force in 1969. Prevention of racial discrimination was an inherent part of the principle of the observance of human rights as set forth in the Charter, and it was generally recognized in international law that observance of human rights was among the rules of international law that fell within jus cogens and was binding on all States. However, racial discrimination was still the cornerstone of the Pretoria regime. Racism, although condemned by international law and the international community as a crime against humanity, remained an obstacle to the final elimination of colonialism in Africa. The racist regime in Pretoria violated the Charter and countless United Nations resolutions. It continued to occupy the territory of Namibia illegally, to intensify its apartheid policy and to threaten the neighbouring States of Angola, Zimbabwe, Mozambique and Lesotho.

40. Apartheid and racism were a crime against humanity and a threat to international peace and security. Progressive forces throughout the world vigorously condemned the policy of the racist regime in southern Africa and supported the decision to isolate it with a view to completely eliminating apartheid and all forms of racial hatred and discrimination. The United Nations could achieve concrete results only through joint efforts by all Member States, but the endeavours of the majority, under Chapter VII of the Charter, to adopt effective measures to compel the South African Government to desist from its policy had long been paralysed by the obstacles raised by some Western States. The countries in question did not intend to change their policy. In their defence, they often laid the blame on private corporations, stating that they could not curtail free enterprise. However, it was not hard to find examples in which free enterprise had not prevented them from taking the requisite measures if they deemed the conduct of the private corporations to be incompatible with their interests. South Africa's racist and aggressive policy stemmed from the fact that the Pretoria regime knew full well that it could rely on the support of Western States.

41. Progressive forces throughout the world had repeatedly emphasized that the time had come to put an end to the human rights violations by the South African regime. Her country firmly condemned that regime and supported the people of Namibia in their struggle for freedom and independence under the uncompromising leadership of SWAPO. It would continue to provide aid to the peoples of southern Africa in their struggle and furnish political, material and moral support to their national liberation movements. In that connection, she expressed appreciation of the role played by the United Nations and its organs, including the Commission, in the struggle against racial discrimination, racism and apartheid. The forthcoming Second World Conference to Combat Racism should impart fresh impetus to the struggle against racism, the elimination of which would foster the development of relations among States and thus the solution to other major problems facing mankind.

42. In conclusion, she recalled some words from the Political Declaration adopted in January in Prague by the member States of the Warsaw Pact: to remove the seeds of many conflicts, what was required was the final eradication of all vestiges of colonialism and racism, and rejection of neo-colonialism and of the oppression and exploitation of other peoples.

43. Mr. HANAFI (Egypt) commended the report of the Ad hoc Working Group of Experts (E/CN.4/1983/10) and also report by Mr. Khalifa (E/CN.4/Sub.2/1982/10), containing the names of organizations trading with the racist regime in South Africa. The two documents drew a dismal picture of the situation in South Africa, whose Government was defying the international community by maintaining its racist policy of apartheid, which had been universally condemned as incompatible with the aspirations of peoples to peace, progress and justice. Such a situation would inevitably lead to a serious disruption of international relations. Discrimination on grounds of colour, race, religion or belief had been condemned by all divinely revealed religions and the need to respect human rights and freedoms was clearly laid down in modern national constitutions.

44. Racial discrimination was an international problem, since it jeopardized international security and posed the threat of war. Under the racist policy pursued by the Government of South Africa, the indigenous population was being intimidated, oppressed and denied the right to any form of participation in the political, economic, social and cultural life of the country. Moreover, legislative arrangements had been made for the practice of racial discrimination, in violation of the International Covenants on Human Rights and in defiance of numerous resolutions adopted by the General Assembly, the Security Council and the specialized agencies that were acting in co-operation with the Organization of African Unity. Many General Assembly resolutions had called upon Member States to impose a diplomatic and economic embargo on South Africa and the Security Council had expressed the view that South Africa's persistence in its racist policy was a threat to international peace and security. For their part, the specialized agencies had adopted a number of resolutions calling upon South Africa to abandon its policy of racism. In effect, there was an international consensus on the primary need to oppose racial discrimination as part of the universal endeavour to protect human rights and fundamental freedoms.

45. As one of the first States in the United Nations to raise the question of South Africa's racist practices, Egypt had called upon the international community to take action to put an end to the criminal policy and practices of apartheid. It fully supported all international resolutions calling for the imposition of sanctions against the Government of South Africa and believed that all countries should effectively apply such sanctions with a view to deterring South Africa from the further pursuit of its criminal policy, which, although doomed to failure, was perpetuating an explosive situation and impeding the establishment of a just and humanitarian order.

46. Furthermore, in spite of Security Council resolution 435 (1978) setting forth the United Nations plan for a peaceful settlement of the question of Namibia, South Africa's arrogant colonial policy was still denying independence to that territory. As the legitimate representative of the people of Namibia, SWAPO had gone to great lengths to achieve a peaceful settlement, despite South Africa's constant manoeuvres aimed at perpetuating its illegal occupation of Namibia, which was a source of bitter frustration not only to SWAPO but also to all other African States. Egypt therefore called upon the Western Contact Group to put pressure on South Africa in an effort to induce it to implement the United Nations plan, which it had in principle accepted in 1978. The Government and the people of Egypt once again emphasized their full support for the people of Namibia, under the leadership of SWAPO, in their heroic struggle for genuine independence in accordance with the principles and objectives agreed upon by the international community. His country also condemned the repeated acts of aggression launched against the frontline States by the regime in Pretoria.

47. In conclusion, despite the pessimistic and alarming situation it was his hope that joint international endeavours and solidarity would succeed in freeing the African continent from tension, violence, aggression and violation of human rights.

48. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that political, military, economic and other forms of assistance to colonial and racist regimes in southern Africa had been condemned by the General Assembly as contrary to the purposes and principles of the Charter and an obstacle to full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Some western countries, particularly the United States and some NATO countries, had considerable interests in southern Africa and

continued to provide financial as well as political support to the racist regime. Their action must be viewed as deliberate sabotage of the international community's efforts to isolate and boycott South Africa. The military aspect of such co-operation was particularly dangerous, as the military equipment and technology provided was being used against the national liberation movements and for acts of aggression against neighbouring frontline States. Another source of concern was the co-operation in the nuclear field. All such assistance and co-operation enabled the Pretoria regime to carry out its mass repression of the black population of South Africa and Namibia, as indeed did the connivance concealed by endless talk of dialogue.

49. The progressive community throughout the world was concerned about imperialism's readiness to use force to hold on to its African source of enormous profits and cheap labour, for South Africa's partners displayed greater interest in those matters than in the rights and interests of the victims of racism. It was precisely on account of the barbarous exploitation of the natural and human resources of South Africa by the transnational corporations that the Western Powers, which condemned apartheid verbally, in fact came to the support of the racist regime in Pretoria.

50. Furthermore, South Africa's co-operation with Israel in the development of nuclear weapons had been rightly identified as a threat to world peace and security in the Declaration of the World Conference to Combat Racism and Racial Discrimination. South Africa was not a signatory of the treaties aimed at curtailing nuclear-weapon testing and proliferation, and co-operation with the regime in its feverish efforts to develop its nuclear capability was thus a serious menace to the world.

51. Despite the enormous support received from western countries, the apartheid regime was undergoing a severe economic, political and social crisis. The struggle of the black population for its rights was widening, as events in Soweto and other suburbs of South African cities illustrated. As a result of despair at inhuman living conditions and with 62 per cent of the black urban population below the official poverty line, the number of strikes had increased enormously. The activities of the transnational corporations in South Africa should be brought to a halt, as should all assistance and support to the Pretoria regime, which should be the object of a complete international boycott. His delegation fully supported the view expressed in many General Assembly resolutions that States providing assistance to colonial and racist regimes in South Africa were accomplices in their inhuman practices. His country would continue to play an active part in international efforts aimed at the elimination of racism, apartheid and of racial discrimination as speedily as possible.

52. Mr. RATHORE (Representative of the Special Committee Against Apartheid) said that the Special Committee had been giving particular attention to some points which had arisen in the course of the discussion. Mention had been made of the Code of Conduct for companies operating in South Africa. That Code was purely recommendatory, however, and its effect had been negligible so far as the black workers were concerned. Even the Organization of African Trade Union Unity and the black workers' South African Congress of Trade Unions (SACTU) had declared at the latest International Labour Conference that the Code should be considered a dead letter. Any collaboration with Pretoria merely strengthened the regime and, consequently, the system of apartheid. Similar criticisms applied to the Sullivan Principles, to which reference had also been made.

53. With regard to sanctions, the Special Committee believed that "constructive engagement" would not bring down the divided house of South Africa but simply prolong its internal divisions, something which would inevitably lead to violence. Comprehensive mandatory sanctions against South Africa were the most effective peaceful measures which the international community could and must take to secure the total elimination of apartheid. In that connection, he welcomed the oil embargo applied by the Organization of Arab Oil-Exporting Countries, and the fact that the Netherlands Government was in favour of increasing pressure on South Africa and was envisaging economic measures: it was to be hoped that that policy would lead to a total cessation of trade with and investment in South Africa, in keeping with the terms of General Assembly resolutions.

54. The various reports on torture presented to the Commission, in addition to the Special Committee's report on torture and detention in South Africa in 1982, afforded increasing evidence of torture, cruelty and other repression by the apartheid regime. There was an urgent need to develop a campaign for the release of political prisoners, and to collate names of persons suspected of having committed the crime of apartheid, so as to circulate them separately to States Parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid for appropriate action.

55. Mr. CATO (Chairman/Rapporteur of the Ad Hoc Working Group of Experts on southern Africa) said that the discussion had served once again to highlight the Commission's concern about the inhuman system of apartheid in South Africa and Namibia. The full weight of the Commission and of the international community as a whole must be brought to bear in the legitimate struggle of the oppressed people of those countries. The report of the Special Rapporteur (E/CN.4/Sub.2/1982/10) in many ways complemented the concerns of the Ad Hoc Working Group of Experts, whose successive reports had shown that multinational corporations in South Africa operating under immoral laws that specifically discriminated against the non-white population had not brought benefits to the oppressed workers with respect to conditions of employment or the lack of health safeguards. Consequently, and because the EEC Code of Conduct did not provide machinery for monitoring compliance with its provisions, the Ad Hoc Working Group had reached the conclusion that the Code had brought no rewards for African workers. Further information substantiating that view could be found in paragraphs 238 to 308 of the Group's report (E/CN.4/1983/10). It was gratifying for the Ad Hoc Working Group to hear such encouraging remarks on its reports and it would continue to carry out its mandate conscientiously and objectively.

The meeting rose at 8.25 p.m.