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COMMISSION ON HUMAN RIGHTS

Forty-fifth session

SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 February 1989, at 3.00 p.m.

Chairman: Mr. BOSSUYT (Belgium)

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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.4/1989/8, 49 and 60)

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.4/1989/3, E/CN.4/1988/6 and Add.1; E/CN.4/Sub.2/1988/45 - chapter I, section A, draft resolution II)

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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 17 (a)) (continued) (E/CN.4/Sub.2/1985/6 and Corr.1 and E/CN.4/Sub.2/1985/7; E/CN.4/Sub.2/1988/5)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17 (b)) (continued) (E/CN.4/1989/34 and 35; E/1988/8, E/1988/9 and Add.1-2, and E/1988/10; A/43/631, 637 and 644; A/C.3/43/CRP.1)

1. Mr. BALANDA, Chairman/Rapporteur of the Ad Hoc Working Group of Experts on southern Africa, introducing the Working Group's report covering the period March 1988 to January 1989, said that the Working Group had been asked by the Commission to continue to investigate and study policies and practices violating human rights in South Africa and Namibia and to submit appropriate recommendations. In addition, the Economic and Social Council had requested it to study the situation with regard to trade-union rights in South Africa and to report thereon.

2. The current report was based on information gathered in the field during the Working Group's fact-finding mission in July and August 1988, and on the large volume of documentation provided by individuals or by bodies with which the Working Group had co-operated. He was grateful to all those that had assisted the Working Group and particularly to the Governments of Angola, Zambia, Zimbabwe and Tanzania, which had authorized it to carry out its research from their respective territories.

3. In the course of 24 meetings in the field, the Group had heard the record number of 59 witnesses, a number of whom had given their testimony in public meetings and had, thus, allowed their identity to be revealed.

4. Some innovations had been introduced with regard to presentation of the report, in the light of an evaluation of working methods. The Working Group had first drawn attention to the various international legal instruments applicable to the situations in question, emphasizing the fact that South Africa was not exempt from the obligation to observe all the international standards prohibiting any form of racial discrimination. It had

also pointed out that the provisions of the Universal Declaration of Human Rights should be recognized as general principles of international law since they had been accepted by a very large number of States and international organizations.

5. Next, it had decided that its reports should be distributed more widely in order to make the international community more aware of the realities of apartheid and its consequences and had, accordingly, suggested that its report should also be examined by the General Assembly in order to reach a wider audience.

6. Lastly, the current report differed from previous ones in that it referred to the question of refugees, in order to draw attention to another significant effect of apartheid.

7. With regard to South Africa, the period under consideration was marked by the extension of the state of emergency, which continued to give rise to further outbreaks of violence, and had involved numerous abuses of authority. Students and trade unionists had been subject to massive repression, while renewed application of the policy of forced population removals had resulted in clashes with the police and security forces. Freedom of expression had been further restricted, limiting the activities of both South African journalists and foreign correspondents. A growing number of arrests and detentions without trial of political prisoners had been reported, as had increasing use of torture and ill-treatment, particularly against children. In spite of indications that the South African Government might consider reviewing its policy, apartheid remained institutionalized in that country.

8. With regard to Namibia, acts of repression and massive and flagrant violations of basic human rights continued as a result of South Africa's illegal occupation of that territory. However, the Group welcomed recent developments and the efforts being made towards implementation of the United Nations Plan for the Independence of Namibia in accordance with Security Council resolution 435 (1978). The departure of the South African Government following independence would not, however, automatically bring an end to the various violations of human rights in that territory. It recommended, therefore, that it be authorized to visit Namibia to take stock of the situation.

9. The situation in South Africa was dealt with in four chapters, the first of which concerned South African authorities' failure to respect the right to life, and the question of detention without trial. It referred to cases of torture and ill-treatment, deaths in detention and in police custody, and the application of the death penalty. It also reviewed the administration of justice under the state of emergency, political trials, the treatment of children and adolescents, and disappearances. Chapter II dealt with apartheid, including Bantustanization and forced population removals, while chapter III considered violations of the right to education, freedom of expression, freedom of movement and the right to health. Lastly, chapter IV dealt with violations of the right to work and freedom of association, describing the conditions of black workers, trade-union activities and action against the trade-union movement. It also referred to the question of sanctions.

10. Five chapters were devoted to Namibia. They dealt, respectively, with violations of human rights affecting individuals, the right to work and freedom of association, other manifestations of policies and practices constituting a violation of human rights, refugees, and information concerning those suspected of being guilty of the crime of apartheid or of a serious violation of human rights.

11. Part Three of the report contained conclusions and recommendations. With regard to South Africa, the Working Group noted that apartheid persisted as a deep affront to human dignity and a violation of basic human rights, the effects of which extended beyond South Africa itself, undermining the economic and social development of the front-line States and, therefore, the prosperity of the whole of southern Africa. Furthermore, action by the Government of South Africa had resulted in a considerable loss of life and marred the region's development potential.

12. Organized resistance had created an unprecedented crisis of legitimacy for the South African Government, which had again resorted to the most brutal measures, using sweeping powers under the extended state of emergency. The emergency regulations and other apartheid legislation had undermined the administration of justice and the independence of the judiciary, while censorship and other media restrictions distorted reporting on the situation.

13. Torture and ill-treatment of children and young people had continued unabated, and the Group was convinced that the atrocities permitted under the apartheid system amounted to a form of State terrorism.

14. Low wages, poor working conditions and high unemployment persisted in the black community, the members of which could also be deprived, by the application of various apartheid regulations, of citizenship, land, access to education, job opportunities, social security benefits and housing. Furthermore, many of them were obliged to live in highly insanitary conditions, separated from their families, in order to work in urban centres.

15. Trade-union rights had been curtailed under the state of emergency and several terrorist attacks on trade-union leaders and premises had not been investigated by the police.

16. More determined action by the international community was urgently needed to compel the South African Government to abandon the policy of apartheid. The overwhelming majority of black South Africans viewed economic, diplomatic and other sanctions as the most effective means of bringing pressure to bear on the Government to eliminate apartheid. A peaceful solution called for talks between the Government and the genuine representatives of the black majority, following the lifting of the state of emergency, removal of the ban on anti-apartheid movements, and the freeing of all political prisoners.

17. The "homelands" system continued to be consolidated. Furthermore, repression in the areas concerned was becoming increasingly acute.

18. It was a matter of considerable concern that the Group Areas Amendment Bill had reversed the expressed intent to relax the application of the Group Areas Act and would remove existing safeguards against eviction and increase

the penalties for illegal tenants and their landlords. Another Bill was designed to control the influx of blacks into urban areas, undoing previous reforms and introducing a system even harsher than the one previously abolished.

19. The Ad Hoc Working Group of Experts recommended that the Commission on Human Rights should act as a catalyst for more effective international action aimed at bringing an end to the apartheid system and securing the establishment of a free, non-racial society in South Africa. The Security Council should be called upon to impose effective sanctions and bring other means of pressure to bear on the South African Government.

20. The Commission should request that recognition of the "homelands" continue to be withheld, and should urge Member States to pool their experiences with regard to the struggle against apartheid, and providing the victims thereof with all necessary assistance. Intergovernmental and non-governmental organizations should be asked to do likewise. Furthermore, the Commission should publicize as far as possible both the evils of apartheid and any action taken with a view to its eradication.

21. The Commission and the other bodies of the United Nations system should appeal for the commutation of sentences imposed on prisoners facing execution for their anti-apartheid activities.

22. The promotion of a negotiated solution to the South African problem should continue to be a fundamental objective of the Commission on Human Rights, and its Chairman should be asked to do his utmost to make the international community more aware of the important consequences of the policy and practice of apartheid. The mandate of the Ad Hoc Working Group of Experts should be extended, with greater co-operation between the Working Group and the Special Committee against Apartheid.

23. With regard to Namibia, the Working Group had concluded that the human-rights situation there was governed by the policy of apartheid, which was still applicable de facto. A state of emergency in force in the northern part of the country had led to massive and systematic violations of human rights and humanitarian law and the South African Government was directly responsible for the loss of human life and considerable damage to property resulting therefrom.

24. During the period 1987-1988, various South African security acts providing for the death penalty had unlawfully been made applicable in Namibia, though no new act restricting or broadening the scope of that penalty had been made applicable. Atrocities continued to be committed by "Koevoet", deaths in detention had occurred, a number of persons had been reported missing following arrest, and hundreds had been imprisoned for political reasons. Several members of SWAPO had been sentenced to long prison terms.

25. There were disparities in all areas of living conditions between the white population and the black population, and the situation with regard to health services had deteriorated. There had been no improvement in the employment situation and trade-union activities were under the indirect supervision of the South African Government. There had been many attacks on schools, churches and clergymen.

26. In the light of recent developments in the political situation, the Ad Hoc Working Group of Experts recommended that the Commission should urge the United Nations to maintain its position with regard to the agreed plan for the independence of Namibia and to remain vigilant with a view to ensuring that South Africa's illegal occupation of Namibia was brought to an end. The Commission should also call for the repeal, prior to the initiation of the electoral process in Namibia, of a number of significant proclamations and acts.

27. The Commission should adopt decisions calling for an amnesty to be proclaimed for all Namibian political prisoners, prior to the elections, and for an assessment of property damage to be carried out by the United Nations Council for Namibia to allow reports to be made by the South African Government as soon as possible. It should also authorize the Working Group to undertake a mission to Namibia in July and August 1989 in order to report on the human-rights situation there to the General Assembly and to the Economic and Social Council.

28. Mr. TJIRIANGE (Observer, South West Africa People's Organization) said that the current prospects for Namibia's independence had never been better, as a result of the heroic efforts of Angolan, Cuban and SWAPO forces which, following a major incursion by racist forces of South Africa, had by mid-1988 forced the latter to the negotiating table in the framework of what had come to be known as the quadripartite talks. During the talks, however, the situation in Namibia had remained tense; there had been unprecedented resistance by the people, during 1988, to the instruments of colonial exploitation and repression in the fields of education and employment.

29. Children, supported by parents and teachers, had boycotted classes in protest at the location of military bases near schools, and the labour movement had staged a two-day work stoppage in sympathy. The authorities, clearly alarmed, had introduced various repressive measures, ranging from an ill-fated state of emergency, exposed by Namibian investigative journalism to the introduction of the so-called Protection of Fundamental Rights Act, under which, on the pretext that large gatherings could undermine individual rights, students had been tried and imprisoned for alleged public order offences. The prevailing punitive detention laws had been used in a similar way.

30. Despite the diplomatic breakthrough in the direction of independence, the occupation régime had stepped up its acts of harassment against civilians and continued to strengthen its military presence in the northern part of the country, at a time when a reduction might have been expected. Those forces, indeed, had simply indulged in a reign of terror as troops were withdrawn from Angola in accordance with the cease-fire agreement. Reports from human-rights organizations and the churches testified to a significant increase in the number of atrocities.

31. It was a sad comment on the situation of human rights in Namibia that, in July 1988, a human-rights centre had had to be set up for the reporting of atrocities committed by so-called security agencies; however the centre should increase awareness of the conditions under the military occupation, and it was hoped that all human-rights organizations would tap that valuable source of information.

32. The human-rights situation was also affecting the health and welfare of victims and aggressors alike. Reports by medical and social workers indicated a deterioration in standards in all social fields but particularly with regard to education and health, with increasing evidence of psychological problems - not least among those who had taken part in committing atrocities - which boded ill for future rehabilitation efforts.

33. Another growing problem was the higher profile, in parts of the northern region, of UNITA bandits, who were able to maintain supply lines because of co-operation by the occupation troops in violation of the agreement for a cease-fire and a cessation of aid to UNITA; the latter was operating freely in the area, and the two border observation posts envisaged had not yet been set up.

34. There was also a worrying increase in the propaganda campaign to vilify SWAPO and the United Nations Peace Plan, as well as in repressive bodies such as hit squads and pseudo-cultural groups aimed at undermining the Namibians' freedom to decide their own destiny.

35. The international community's responsibility for Namibia could not end with the recent signature of agreements on southern Africa. There was a need for continued vigilance and the reporting of atrocities during the coming months, to guard against any relaxation and unfounded trust in a departing colonial Power, which would doubtless do its utmost to undermine the exercise of free choice, having been forced to acknowledge grudgingly the prospect of a victory for SWAPO.

36. He thus called upon the international community, through the Commission, to resist the temptation to view the current halt in hostilities as a justification for lessening critical inquiry into the apartheid régime's human-rights behaviour. Any unwitting acquiescence in that regard would not be easily forgotten by Namibians, who understood the true situation and had already paid a high price to attain the threshold of independence, especially since the evidence still pointed to an increase in violations.

37. His Organization welcomed the recommendations and conclusions of the Ad Hoc Working Group of Experts, as contained in its report (E/CN.4/1989/8), particularly the suggestion that the Working Group should carry out an on-the-spot investigation of the situation in Namibia. It endorsed the call made by the Nigerian delegation for a Commission to send a message to the Security Council requesting it not to reduce the size of UNTAG; such a message was urgently needed.

38. Ms. RAYNELL ANDREYCHUK (Canada) said she repeated Canada's condemnation of apartheid, a system which should have been reduced long ago to an unpleasant memory. Even the South African Government no longer pretended that apartheid, which it had created 40 years previously, was in any way defensible; yet the system continued to blight the lives of millions of South Africans and to harm many others in southern Africa.

39. South Africa was unique in having entrenched racial discrimination in the law and the Constitution. Race was the determining factor for economic and educational opportunity; most importantly, only a small racial minority enjoyed genuine political rights, the majority thus having no real opportunity

to bring about change. The result was what the Prime Minister of her country had described as the massive and institutionalized violation of human rights called apartheid.

40. In addition to its blatant inequity and brutality, apartheid was insidious in portraying racism as a normal and acceptable condition and attempting to undermine the principles set forth in the Universal Declaration of Human Rights and the International Covenants on Human Rights. Such a perverse belief, although rejected outright by the world, posed a direct threat to countries like her own which were built upon diversity. Apartheid could not be allowed to persist, not only because it involved suffering but also because it often served as a model for intolerance.

41. The South African Government no longer attempted to justify apartheid to the world or even to its own citizens but, instead of dismantling it, it pretended that it no longer existed, trying to hide the reality by measures such as stifling the media and other forms of expression and disseminating propaganda.

42. The violence bred by apartheid must end; there must be pressure for a peaceful transition towards a non-racial democratic future. As the Prime Minister of her country had said, the entire world found apartheid repugnant, and the whole world must join forces to bring it to an end. Canada had shared in the leading role played by the Commonwealth and had implemented every sanction it had agreed upon.

43. At the most recent meeting at Vancouver of Commonwealth Heads of Government, it had been agreed to widen, tighten and intensify the measures, and a Committee of Foreign Ministers on Southern Africa created accordingly, was currently holding its third session at Harare. The Committee had already concluded that South Africa was beginning to feel the impact of sanctions and that all countries, especially those having important economic relations with Pretoria, should be encouraged to adopt the Commonwealth packet of measures; a significant contribution could also be made by further tightening South Africa's international financial situation and strengthening the arms embargo.

44. Canada had been reviewing its measures of sanction, as part of the Commonwealth effort; in September 1988, its Foreign Minister had announced steps to tighten bans on high-technology trade and on Government contracts with companies having majority South African ownership. However, Canadian trade with South Africa in commodities not covered by sanctions had increased over the past year and the Foreign Minister had expressed concern about the increase and would be meeting with representatives of industry.

45. The impact of sanctions was psychological as well as economic; many black South Africans willingly accepted the sacrifices that sanctions imposed, because they showed that they were not alone and that there were grounds for hope. In the meantime, her Government had increased its assistance to the victims and opponents of apartheid; it had increased its material assistance, in the form of aid and education, to \$7.8 million in the year to March 1989 and had committed \$2.4 million to promoting dialogue in South Africa and countering censorship and propaganda.

46. It also contributed \$30 million annually to projects of the Southern African Co-ordination Conference (SADCC), in addition to over \$100 million per year in bilateral aid to individual SADCC member countries and the provision of non-lethal security assistance to protect infrastructure projects.

47. Within South Africa there was no sign of progress. The release of a few political prisoners served only to indicate how much more needed to be done. There seemed to be no willingness, as yet, to acknowledge that a small minority could not continue to deny a majority's basic human rights. The current debate provided a clear message to the South African Government that it must take more real action. As the Prime Minister of her country had recently said, there was no doubt that fundamental change would come to South Africa, but the international community must ensure that it came soon and peacefully.

48. Mrs. ZELNER GONCALVES (Brazil) said that racial discrimination did not necessarily vanish or abate where peace, freedom and prosperity prevailed, and it resisted morality and rationality. The integrated and cohesive multiracial society built in Brazil, although not a unique experiment, would be hard to match in similar circumstances and scale; the main ethnic sources had long blended in a tolerant society largely free from distinction or discrimination.

49. That was why the notion of so-called "separate development" - the root of apartheid - was unacceptable to her Government and to Brazilian society. Her delegation vehemently reiterated its repudiation of the South African régime's racist practices and called for their complete eradication. Her Government had welcomed the signing of the Protocol of Brazzaville on 13 December 1988, which had generated fresh momentum towards Namibia's independence in compliance with Security Council resolution 435 (1978); it hoped that all the parties involved would join in the effort to achieve the relevant objectives, which included complete independence for Namibia and respect for Angola's territorial integrity, and that the agreements would promote the elimination of apartheid, a source of instability for southern Africa in particular. Her Government wished to convey to the Government of Angola and the leaders of the future independent Namibia a message of hope for peace and prosperity.

50. Her delegation regretted being unable to comment on the report contained in document E/CN.4/1989/8, which had not been circulated in time, and reserved the right to speak about it at a later stage. It welcomed the General Assembly's adoption, without a vote, of resolution 43/134, which vigorously condemned the apartheid racist régime for the growth of detentions and inhuman treatment of children in South Africa and Namibia.

51. With regard to agenda subitem 17 (b), her delegation supported action to promote the Second Decade to Combat Racism and Racial Discrimination, and welcomed General Assembly resolution 43/91; it shared the conviction that the activities should give the highest priority to measures to combat apartheid. Her delegation was especially pleased that, as stated in paragraph 4 of the Secretary-General's report (E/CN.4/1989/34), the theme selected for consideration in 1990 would be "The human rights of individuals belonging to ethnic groups in countries of immigration", since the matter had become more urgent in recent years.

52. A Brazilian expert had played an active role in the Seminar, held at Geneva the previous month, on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States. The far-reaching recommendations adopted would require thorough evaluation. Brazil had also taken an active part in the Global Consultation on racism and racial discrimination held at Geneva in October 1988 as part of the Programme of Action for the Second Decade. As could be seen from document A/C.3/43/CRP.1, it had offered an excellent opportunity for valuable proposals aimed at strengthening international action against racism and racial discrimination.

53. Mr. ROMARE (Sweden), speaking on behalf of the five Nordic countries, said that, regrettably, racism existed in most countries of the world and that wherever it occurred, it constituted a violation of fundamental human rights and as such must be exposed and combated. Nowhere in the world, however, was racism as systematic, as massive and as institutionalized as in the Republic of South Africa. Apartheid was unique in that the minority Government had made racial discrimination part of the legal foundation of South African society. Apartheid thus stood out as the single most important issue for the international community in its struggle against racism and racial discrimination. It was true that there had been reforms in South Africa in recent years, but the fundamental pillars of the apartheid system remained unaffected. As long as the majority of South Africa's population was denied fundamental political rights, there would be no peace in southern Africa.

54. The international community had an obligation to speak up against apartheid and to continue to exert pressure on the South African Government to abolish it. While its victims were, of course, mainly the non-white population of South Africa, white South Africans should realize that they too were degraded by their daily collaboration, witting or not, with the system.

55. In that context, the Commission should not forget the immense suffering imposed upon millions of innocent civilians in neighbouring countries, such as Mozambique and Angola, where whole societies had been torn apart by strife and violence caused by South Africa's policy of destabilization. The Nordic countries pledged their continued solidarity and support to those countries and urged other Governments to assist in alleviating the dramatic plight of their peoples.

56. The situation in South Africa continued to be characterized by a systematic pattern of gross violations of human rights. The nation-wide state of emergency remained in force. Arbitrary arrests, detention without charge or trial, torture and ill-treatment of detainees, political trials, bannings, and other means of large-scale repression of opponents of apartheid continued unabated. Since the imposition of the state of emergency in June 1986, some 30,000 persons had been held in detention without charge or trial. More than 10,000 of them were children and adolescents, many of whom had suffered torture and other degrading treatment in detention.

57. There were two aspects of the current situation that deserved special mention. One was the increasing use of the death penalty. The Nordic countries were opposed to the death penalty as a matter of principle and found the situation in South Africa alarming. Executions there were more frequent than in most other countries and many of those hanged had been convicted of politically motivated offences.

58. The second aspect was the increasing use of censorship. The independent South African press was being muffled by the Government and foreign reporters were increasingly restricted in the exercise of their professional duties. It could only be concluded that the realities of the apartheid system had become so gruesome that the South African Government felt compelled to hide them. No censorship would, however, deceive the outside world into believing that the situation in South Africa was normal.

59. Referring to some of the atrocious consequences of apartheid, he said that, according to a survey of poverty in South Africa by two academics of the University of Cape Town, half of the entire population of South Africa, and more than 80 per cent in the so-called independent Bantustans, were living below the subsistence level and that, in a food-exporting country 2 million children were physically deformed for lack of calories. Thousands of children died from malnutrition every year and black children were 8 to 10 times more likely to die before their first birthday than were white children. All of that was taking place in a land of plenty which could easily provide a life of dignity and material satisfaction for all its inhabitants, were it not for the distorting and debasing system of apartheid.

60. The Nordic countries strongly condemned the apartheid system and demanded that it be abolished. They repeated their call for a democratic, non-racial South Africa with equal rights for all its people. Time was running out for peaceful change. It was not for them to present a blueprint for a post-apartheid South Africa. Only the South Africans themselves could do that. Nevertheless, they had a right and an obligation to exert pressure on the Government of South Africa to do away with apartheid while peaceful change might still be possible.

61. The Nordic countries believed that comprehensive mandatory sanctions adopted by the Security Council were the most effective means of exerting such pressure. Pending concerted action by the world community under chapter VII of the Charter, the Nordic Governments themselves had adopted a wide range of unilateral measures against apartheid, including a general ban on trade with South Africa. Their position was spelled out in the revised Nordic Programme of Action against Apartheid, adopted in March 1988.

62. The Nordic Governments hoped that other countries would follow their example and take unilateral action against apartheid. Moreover, the Security Council should not be crippled by the current deadlock over mandatory sanctions. There will still important steps that it could take to signal its rejection of apartheid. For example, the mandatory arms embargo of 1977 needed to be strengthened and made more effective. Furthermore, voluntary measures recommended by the Security Council could have significant effects on the situation in South Africa.

63. Sanctions against those who upheld the system of apartheid must always be coupled, however, with support for those who worked for peaceful change and relief for the victims of apartheid. Therefore, the Nordic countries - like many others - had considerably increased their humanitarian and other assistance in southern Africa in recent years. In addition to bilateral programmes and projects, they were major supporters of the SADCC regional projects. The international SARRED Conference held at Oslo in August 1988 had focused on the plight of refugees in southern Africa. It had also stressed,

inter alia, the need for emergency programmes, contingency plans and early warning systems. All members of the Commission should support the programme of action adopted at that Conference.

64. The Nordic countries were currently drawing up plans for substantial aid programmes for Namibia, both during the transition period - when they would lead strong support to UNTAG - and after independence, when they hoped to continue their co-operation with a sovereign and democratic Namibia.

65. The role of the United Nations had been strengthened by the new willingness of the great Powers to make use of the Organization for constructive purposes. In that climate of reason and reconciliation, even the most deep-rooted conflicts could be resolved by men and women who mustered enough good will, courage, wisdom and tenacity.

66. Mr. RODRIGUEZ (Peru) read out a statement by the people of South Africa, who informed the country and the entire world that South Africa belonged to those who lived there, blacks and whites, and that no Government could exercise power within it unless it could rely on the will of the people, that rights would be the same for all, without distinction as to race, colour or sex, that all apartheid legislation would be repealed, that the people would share in the wealth of the country, that all would be equal before the law and that they would fight together, throughout their lives, until they gained their freedom.

67. That programme summed up the aspiration of all freedom-loving people to make South Africa a democratic country and was in accordance with the freedom charter which, under the leadership of Nelson Mandela - whose immediate and unconditional release was demanded - had been adopted 29 years previously by the African National Congress. Despite the three decades that had elapsed, the freedom charter continued to be topical but so, unfortunately, was the reality of apartheid.

68. To oppose racism within the context of the historical development of human society was not just a political imperative. It was basically an ethical question, a matter which concerned the human condition, a moral imperative that had to do, in contemporary circumstances, with the material and spiritual capacity of peoples and Governments to reaffirm the universal significance of humanism and of the democratic principle according to which all human beings were born free and equal in dignity and rights.

69. The dilemma concerning racial discrimination and apartheid was clear. Either the full equality of human beings was affirmed and racial discrimination and apartheid combated, or distinction, exclusion, and restriction based on grounds of race, colour or ethnic origin were accepted and protected. While political reality could not be reduced to two exclusive options only, ethics did not allow of any other possibility. Dignity and the human condition could not be respected to a greater or lesser extent. They were respected or they were not. Therefore, the question of racism and apartheid did not allow of intermediate positions.

70. Since September 1952, when the question of apartheid had first been considered in the United Nations, more than 25 years had elapsed, a quarter of a century during which the fight against racial discrimination and apartheid

had won some significant victories, such as the establishment of the Special Committee against apartheid, the adoption of an arms embargo against South Africa, the oil embargo resolutions, the International Convention against Apartheid in Sports, the International Convention on the Elimination of All Forms of Racial Discrimination and, in particular, the International Convention on the Suppression and Punishment of the Crime of Apartheid. A universal conscience had been forged and an unprecedented international legal order had been created. Sanctions had been adopted and recommended, albeit in an unsatisfactory form, and political pressure had been brought to bear. The racist South African régime had been more or less isolated.

71. By and large, the discrimination that existed in the colonial world had been eliminated as well as the institutionalized racism remaining in some industrialized societies. Those achievements had been due essentially to the work of the anti-colonialist movement and the struggle of peoples against racial oppression inside and outside their frontiers. The United Nations had supported those struggles, correctly interpreting its historical role. However, the main participants in the anti-racist and anti-apartheid struggle had been and continued to be the peoples themselves in their liberation movements.

72. It was also clear that, in the international action against apartheid, there was not only an ethical obligation but also a legal obligation, to undertake joint action and to make every possible effort to eradicate apartheid. That implied a contrary legal obligation, namely, not to protect the South African racist régime either directly or indirectly. To do so implied a violation of international legal standards and, in particular, of imperative standards which formed the ethical principles of social co-existence in contemporary societies, irrespective of their socio-economic system and level of development.

73. In that respect, financial and commercial co-operation by some industrialized States with South Africa sabotaged the collective efforts made to liquidate apartheid and contributed to its maintenance. The attitude of those who resisted the imposition of compulsory and comprehensive sanctions against South Africa simply prolonged apartheid, and postponed the political and negotiated settlement of the South African problem.

74. By maintaining the apartheid system, the South African Government had set itself up as a State beyond the pale of international law. The legal perversion implied thereby was reflected in the fact that the South African domestic legal order was deliberately designed to affirm the rights of a minority on the basis of the generalized violation of the human rights of the majority. That was the only case in contemporary history in which human rights were violated systematically and globally by applying domestic legislation.

75. Over the past year, important developments had occurred in South Africa. On the one hand, thanks to the tripartite accord between Cuba, Angola and South Africa, an appropriate climate had been created for achieving the independence of Namibia. The people of that territory were on the threshold of a decisive phase that was to culminate in their genuine and complete independence, and the Government and people of Peru expressed their solidarity with the Namibians and with SWAPO, their legitimate representative.

76. However, the way to peace and national independence in Namibia, despite the agreement to apply Security Council resolution 435 (1978) was not clear of obstacles. It was essential that the United Nations presence in the independence process should not be limited or weakened. It was necessary that total amnesty for political prisoners should be declared before 1 April. The entire international community would have to adopt a vigilant attitude so that the necessary guarantees existed during the transitional period in Namibia to ensure its total, unconditional and genuine independence.

77. During the past few months, there had been an increase in the repression and the systematic violation of human rights in South Africa, including violations of the right to life, the right to freedom of expression, the right to work, the right to health and the right to education. Arbitrary detentions, the death of detainees and disappearances continued to take place. The full enjoyment of human rights in southern Africa was undoubtedly linked with the legitimacy and authenticity of Namibia's independence and, in particular, with the elimination of apartheid. His delegation hoped, therefore, that the positive trends in the current period of détente would not be confined to areas of conflict in East-West relations but would be extended to include the political, social, humanitarian and economic aspects of North-South relations and, in that context, the eradication of apartheid.

78. Ms. SINEGIORGIS (Ethiopia) said that the continued violation of the human rights of the African population in South Africa under the heinous practice of apartheid was one of the tragedies of modern times. The proclamation and adoption of the Universal Declaration of Human Rights had been a clear reaffirmation of mankind's determination to put an end to all forms of discrimination, including those based on race, colour, religion or sex.

79. The world community, through the United Nations, the Organization of African Unity and the Non-aligned Movement had delivered its verdict by condemning apartheid and declaring it to be a crime against humanity. However, despite that clear and firm stand by the community of nations and its concerted action to bring to an end the crime of apartheid, the struggle against it had not so far yielded the desired result.

80. Whatever assistance or support, overt or covert, was rendered to the racist Pretoria régime was tantamount to condoning apartheid and, indeed, was instrumental in prolonging South Africa's oppressive and cruel racist practice. In that connection, transnational corporations operating in South Africa and Namibia could not but be considered accomplices in the crime of apartheid, and it was most distressing to learn from the Special Rapporteur's updated report (E/CN.4/Sub.2/1988/6 and Add.1) that their number was increasing every year.

81. The situation in South Africa had continued to deteriorate, the state of emergency declared by the régime had entered its third year and with the dramatic escalation of the crime of apartheid under the emergency situation, the popular insurrections had been growing in scope and intensity. As a result, the African majority had been subjected to increasingly severe oppression through the tightening of the system of so-called security measures. According to press reports - themselves subject to very strict censorship, over 2,500 activists were in detention.

82. Of equal concern to her delegation was the situation regarding the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. She reiterated its belief that ratification of and accession to the Convention by as many States as possible was indispensable for its ultimate implementation.

83. Her delegation's optimism for Namibia's speedy and unimpeded accession to independence had been dampened by South Africa's continued manoeuvrings, which were contrary to the spirit of the Accords on Namibia. Atrocities were still occurring on a large scale, the curfew and martial law were still in force and the arrest and detention of SWAPO members and supporters still continued unabated. In that context, the decision of the permanent members of the Security Council to reduce the size of the proposed United Nations force in Namibia was of great concern to her Government, since that would give South Africa a free hand to disrupt the elections or to determine its outcome in a manner that would advance its racist objectives. She thus appealed to the permanent members of the Security Council to reconsider their position and discharge their historic and sacred trust to the people of Namibia by making available every possible assistance, including a United Nations force adequate to supervise the elections in the territory.

84. Mr. JEBARI (Morocco) said that the racist Pretoria régime was tightening its grip on the black population through kidnappings, murders, violence against demonstrators, torture of opponents and detention of adolescents. The international community must therefore make every effort to halt the South African régime's racist practices and affronts to human dignity through the imposition of comprehensive and mandatory sanctions in accordance with Chapter VII of the Charter of the United Nations, and the implementation of the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights.

85. The people of South Africa had the right to self-determination and to establish a Government which would guarantee freedom and equality. South Africa's so-called constitutional reforms were merely part of a propaganda campaign and in no way contributed to the lifting of the state of emergency or to the elimination of apartheid.

86. The conclusions contained in the report of the Ad Hoc Working Group of Experts (E/CN.4/1989/8) placed the policy of apartheid in its proper context, and his Government hoped that the Commission would adopt the Group's recommendations and renew its mandate. The Commission must appeal to South Africa to co-operate with the Group in order to enable it to continue its work.

87. The tripartite agreement between Cuba, Angola and South Africa stipulated that, in accordance with Security Council resolution 435 (1978), South Africa would end its occupation of Namibia. The international community should support the efforts being made to pursue a path to peace and to remove the obstacles standing in the way of Namibian independence.

88. South Africa's policy of political, economic and military destabilization in southern Africa was equivalent to an undeclared war against the neighbouring States. In spite of its non-aggression agreements with some of the front-line States, none of them had been safe from Pretoria's military operations and acts of terrorism against innocent civilians. South Africa's

attempts to weaken the economic capacities of neighbouring States and to render them economically dependent was at least as dangerous as its military operations and sabotage. In that regard, the international community should implement paragraph 21 of Commission on Human Rights resolution 1988/9.

89. The up-dated report prepared by the Special Rapporteur, (E/CN.4/Sub.2/1988/6 and Add.1) showed that the human-rights situation of the black population was a negative consequence of the economic power of the Pretoria régime, which was based on foreign capital and investments. His Government noted with satisfaction the international community's increasing awareness of the situation in South Africa, and the fact that some Western States were attempting to withdraw from South Africa. All States should comply with the Special Rapporteur's recommendations, and States with ties to the Pretoria régime should exert pressure on that régime to end its policy of apartheid.

90. Morocco was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid and had steadfastly sought to combat racism wherever it occurred. It had no diplomatic, political, economic or military relations with South Africa.

91. The international community should make every effort to achieve the objectives of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. Morocco commended the United Nations and its bodies and specialized agencies on their efforts to disseminate information about racial discrimination and to propose ways of combating that evil.

92. Mr. KAMAL (Pakistan) said that, despite the efforts of the United Nations to combat racism in general and to eliminate apartheid in South Africa in particular, the racist minority régime had chosen to persist in its abhorrent policy. The massacre of innocent people and gross violations of basic human rights continued unabated. In order to deflect criticism and pressure, the Pretoria régime had resorted to aggression against the front-line States and had tried to mislead the international community through vain gestures, such as the announcement of the so-called programmes of reforms to phase out apartheid, and the racially segregated municipal elections that had been held in 1988.

93. Such policies had neither succeeded in misleading the international community nor in shaking the indomitable spirit of the freedom-loving people of South Africa and Namibia. In fact, repression, intimidation and coercion had led to increased popular resistance and the intensification of the struggle for freedom. The morale of the liberation movements in Namibia and South Africa, under the inspiring leadership of the South West Africa People's Organization (SWAPO) and the African National Congress (ANC), remained as high as ever.

94. As a member of the United Nations and of the Council for Namibia, Pakistan had consistently supported all United Nations resolutions and activities aimed at the elimination of apartheid in South Africa and the liberation of Namibia. Apart from its solidarity with the oppressed peoples of South Africa and Namibia, his Government had also provided practical and material assistance to the victims of apartheid.

95. Pakistan maintained no diplomatic, political, economic, cultural, sports or air links with South Africa, and condemned the violence and gross violations of human rights taking place in that country. His Government had called for the immediate release of all political prisoners, including Nelson Mandela and Jeff Masemola, the repeal of all discriminatory laws, including the Labour Relations Act, and the removal of all restrictions on labour movements.

96. His delegation was pleased that spurious theories, such as "constructive engagement" were being discarded, and that the importance of comprehensive and mandatory sanctions and the policy of disengagement was increasingly being realized. Without such economic sanctions, an arms embargo alone could neither be fully implemented nor have the desired effects.

97. The tripartite agreement between Cuba, Angola and South Africa had paved the way for the long-overdue independence of Namibia, through the implementation of Security Council resolution 435 (1978). The denial of the Namibian people's inalienable right to self-determination and independence had resulted in heavy loss of life and incalculable damage to property in Namibia as well as the political and economic destabilization of the region.

98. The independence of Namibia and the elimination of apartheid were two fronts of a single struggle against a common enemy. Victory on one front should not be at the expense of reversals on the other. Instead, the struggle should continue on both fronts with equal intensity until apartheid was totally eliminated from the face of the earth.

99. Mr. KONATE (Senegal) said that the report of the Ad Hoc Working Group of Experts on violations of human rights in South Africa (E/CN.4/1989/8) contained a dramatic and pitiless description of the human-rights situation in South Africa, where the Pretoria régime continued to defy the international community through its acts of brutality and its contempt for the dignity of black people. The Commission should ponder the Group's conclusion that the South African Government was facing an "unprecedented crisis of legitimacy", since it had long ago lost all foundations for its authority, which was based on the negation of the principles of the Universal Declaration of Human Rights and the Charter of the United Nations.

100. The Pretoria régime's adoption of repressive laws under the state of emergency was the best excuse it could find for the imposition of measures which threatened the security of the black population and undermined the judiciary, which was no longer able to guarantee the legal protection of the individual. Arrests, imprisonment in inhuman conditions and torture were the best illustration of the brutality of the repressive Pretoria régime. Millions of black children had been subjected to torture for having demonstrated, together with their parents, their desire for liberty.

101. The apartheid system was also characterized by acts of aggression and sabotage against neighbouring States in order to nullify their efforts to achieve economic recovery. Such actions jeopardized the security and stability of the entire subregion.

102. The international community must take steps to impose comprehensive and mandatory sanctions against South Africa in accordance with Chapter VII of the Charter of the United Nations. Detailed surveys had shown that the members of the black population were convinced of the effectiveness of such sanctions and were prepared to endure the consequences, if that was the price to be paid for the recognition of their dignity. Moreover, the rigours of repression, far from weakening the determination of the black population, had led to the emergence of a new conscience in South Africa, even among the white citizens of that country.

103. A growing number of white South Africans had become convinced that apartheid had no future and that intercommunity dialogue was the only path of salvation for their country. That was the significance of the historic Dakar meeting between ANC representatives and liberal whites. His delegation had also taken note of the recent meeting at Harare between white lawyers and ANC militants, and his Government was planning to hold another meeting of the same kind in 1989. Nevertheless, in order to be effective, such initiatives should be accompanied by increasing solidarity on the part of the international community. The only alternative to negotiation was chaos, bloodshed and destruction.

104. His delegation regretted that some States had certain legislative and legal difficulties in acceding to the International Convention on the Suppression and Punishment of the Crime of Apartheid, as if the struggle against apartheid could be achieved through mere condemnation. His Government hoped that the international community would demonstrate the necessary political will to eliminate that scourge, thereby taking an important step in the defence of human dignity. It was clear that, once the political will existed, accession to the Convention was the surest indicator of the international community's degree of commitment and responsibility, and he appealed to all States which had not yet done so to accede to that Convention in order to hasten the elimination of apartheid.

105. As an institutionalized system of government, apartheid was the most complete form of racism, but the Commission should also remain alert to the survival of other more subtle forms of racial discrimination. All States, private groups, non-governmental organizations, political and religious leaders and intellectual and scientific communities should make every effort to disseminate information and provide instruction about racism and racial discrimination, and to ensure the success of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

The meeting rose at 6.05 p.m.