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COMMISSION ON HUMAN RIGHTS
Thirty-seventh session

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE
SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID

Reports submitted by States parties under
article VII of the Convention

Addendum

EGYPT

[12 November 1980]



Introduction

1. Egypt acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid on 13 June 1977, and also ratified the International Convention on the Elimination of All Forms of Racial Discrimination. This is considered to be a natural and logical extension of the position adopted by Egypt and the well-known efforts it has made to combat colonialism and all forms of racial discrimination, to uphold the right of peoples to self-determination and to support liberation movements and movements defending human rights and fundamental freedoms.
2. Egypt was one of the first countries to raise in the United Nations the question of the abominable racial practices of South Africa and to call upon the international community to adopt all possible measures to put an end to the criminal policy and practices of apartheid.
3. In fact, Egypt has participated enthusiastically in the discussions of the Commission on Human Rights and those of the United Nations generally as well as in the international efforts which resulted in the adoption by the General Assembly of the United Nations of the above-mentioned Convention, by resolution 3068 (XXVIII) of 30 November 1973.
4. The present report contains some background information on the position adopted and policies pursued by Egypt with regard to the crime of apartheid. Subsequent reports, that will be submitted in accordance with article VII of the Convention, will contain further information reflecting Egypt's implementation of the various clauses of the Convention.

I. Legislative provisions

A general account of Egypt's fulfilment of its commitments under the Convention is given below:

Article 151 of the Constitution of the Arab Republic of Egypt, promulgated on 11 September 1971, provides that the conventions to which the Republic accedes shall have the force of law once they have been signed, ratified and published in accordance with the prescribed conditions.

The constitutional and legislative provisions that are applied in the Arabic Republic of Egypt show that the constitutional structure and the general system of the State are strongly opposed to all forms of racial discrimination. For example, article 40 of the Constitution embodies the principle of the equality of all citizens before the law and establishes equal rights and duties without distinction as to sex, origin, language, religion or belief. Furthermore, Act No. 40 of 1977 outlaws political groupings established on a class, sectarian, ethnic or geographical basis or on the basis of discrimination as to sex, origin, religion or belief. The law provides for the punishment of any person who does not respect these prohibitions.

II. The support extended by Egypt to the African Liberation Movements

1. Egypt has supported and is still supporting materially, diplomatically and in other ways, within the context of its bilateral relations and its membership of regional and international organizations, the struggle of the peoples of South Africa and Namibia in accordance with the Charter and resolutions of the United Nations. In addition, Egypt is paying particular attention to the training of technical and scientific personnel by providing educational facilities and scholarships for many students from South Africa and Namibia. It is also extending assistance to refugees.

2. In his statement to the General Assembly at its thirty-fifth session, the Deputy Prime Minister and Minister for Foreign Affairs of Egypt explained his Government's attitude to the situation in the southern part of the African continent in the following manner:

"The situation in South Africa will remain explosive and will continue to threaten international peace and security as long as the racist regime of South Africa persists in its criminal policy of apartheid. Such a policy is doomed to failure and should be completely done away with to make possible the establishment of a just and humane order.

The situation in Namibia cannot continue in its present form. Effective and decisive steps should be taken in accordance with the Charter and resolutions of the United Nations with a view to compelling South Africa to accept and implement the resolutions adopted by the United Nations and to carry out the Nationhood Programme for Namibia.

Egypt fully supports the right of the peoples of Namibia and South Africa to self-determination."

III. Measures adopted by Egypt against South Africa

1. In accordance with Security Council resolutions nos. 418 (1977) and 473 (1980) on the steps to be taken by all countries against the racist regime of South Africa, the Arab Republic of Egypt informed the Secretary-General on 22 August 1980 that it

would like to re-affirm once again its unwavering policy of condemning and resisting apartheid, and that it does not have, and will not have, relations of any kind, direct or indirect, with the racist regime of South Africa.

Egypt would like also to express its full support for Security Council resolutions 418 (1977) and 473 (1980) and state that the competent Egyptian authorities and all its organizations apply strictly the provisions of these resolutions. Accordingly, Egypt has no licensing or any contractual agreements with that racist regime relating to manufacturing, maintenance or delivery of arms, ammunition of all types, military equipment or vehicles.¹

2. At the thirty-sixth session of the Commission on Human Rights (4 February-14 March 1980), the Egyptian delegation endorsed the recommendations made by the Ad Hoc Working Group of Experts on violations of human rights in southern Africa ^{1/} and those contained in the special report on the adverse consequences of assistance given to racist regimes in southern Africa. ^{2/} Egypt has also expressed full support for the right of the peoples of Namibia and Azania to self-determination, and will continue to extend every kind of assistance to those peoples and to their liberation movements. Likewise, Egypt has re-affirmed its support for the need to impose a comprehensive military and economic boycott on the Government of South Africa for the purpose of forcing it to abandon its racist policy and to grant the people of Azania their legitimate rights. Egypt has once again demanded the withdrawal of South African forces from Namibia and the implementation of Security Council resolution relating to Namibia.

IV. Information and education activities

1. Endeavours to expose the crime of apartheid and the related inhuman practices in South Africa and Namibia as well as other forms of racial discrimination play a predominant role in the various information activities and are designed to mobilize public opinion to fight against all forms of racial discrimination, to support liberation movements and to lend aid and support to the victims of such inhuman practices.

2. Hence, official quarters and non-governmental organizations celebrate the occasions set by the United Nations to express solidarity with the peoples of Namibia and South Africa and the victims of racial discrimination, and to organize weeks of solidarity with the African peoples. The various Egyptian mass media consistently highlight such activities.

^{1/} E/CN.4/1365.

^{2/} E/CN.4/Sub.2/415 and Corr.1 and Corr.2, and Add.1-6.

3. Egyptian newspapers, specialized periodicals, radio and television, as well as non-governmental organizations, closely monitor and regularly report events in southern Africa.

4. Educational institutions at all levels, including academic institutions, particularly emphasize the teaching of resolutions relating to human rights and the need to support the peoples struggling for the right to self-determination.

V. The penal tribunal

In response to the request made by the Commission on Human Rights for the submission of proposals on ways and means of setting up the penal tribunal referred to in article V of the Convention, the Arab Republic of Egypt would like to make the following comments:

1. Article V of the Convention provides that persons charged with the acts enumerated in article II may be tried by a competent national tribunal or by an international penal tribunal.

2. The jurisdiction of the international penal tribunal referred to in article V of the Convention applies only to those States parties which shall have accepted its jurisdiction.

3. Clearly, the establishment of a tribunal of this type will have various implications, particularly with regard to the sovereignty of each individual State. It is for this reason that many legal opinions have been expressed on the subject, which constitute two main streams of thought. The first calls for the establishment of an international penal tribunal along the lines of the Nuremberg Tribunal, established for the trial of Nazi war criminals, whereas the second advocates, in keeping with the need to respect the sovereignty of States, vesting such jurisdiction in a special domestic court linked with the national courts of the member State.

4. It is hoped that the study to be prepared by the Ad Hoc Working Group of Experts (mainly on South Africa) in co-operation with the Special Committee against Apartheid will help, through the implementation of such international instruments as the International Convention on the Suppression and Punishment of the Crime of Apartheid, States parties to the above-mentioned Convention to consider the question of establishing an international penal tribunal, as the most effective way of achieving the objectives of the Convention.

VI. Comments

1. Egypt affirms its desire to render the International Convention on the Suppression and Punishment of the Crime of Apartheid effective and welcomes the recommendation made by the "Group of Three" that the representatives of member States be invited to participate in the discussion of reports made by their Governments. It takes the view that such a discussion will make possible an exchange of views and a mutual understanding of the issues relating to efforts aiming at the suppression and punishment of the crime of apartheid.

2. The dissemination of the Convention by all available means and the explanation of its importance is of particular importance for the efforts of the international community to put an end to the crime of apartheid. A dissemination of this kind will undoubtedly help to encourage public opinion - particularly in those countries which have not acceded to the Convention, extend aid to the racist regime of South Africa, or allow their national and international corporations to have dealings with South Africa - to urge Governments to accede to the Convention, to ban collaboration with the racist regime of South Africa and to support the liberation movements in Namibia and South Africa.