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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 14th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 February 1984, at 3 p.m.

Chairman: Mr. KOOLJMANS (Netherlands)
later Mr. BIANCHI (Argentina)

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The meeting was called to order at 3.20 p.m.

VIOLATION OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1984/8)

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.4/1984/11; E/CN.4/Sub.2/1983/6 and Add.1 and 2; E/CN.4/1984/NGO/13)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1984/36 and Add.1-8, E/CN.4/1984/48; E/CN.4/1983/24/Add.13 and 14)

(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 17) (continued) (E/CN.4/1984/37 and 38)

(b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17) (continued)

1. Mr. DOWEK (Observer for Israel), speaking in exercise of the right of reply, said that a number of delegations persisted in referring to Israel as the "Zionist entity", despite the Chairman's requests that member States should be referred to by their official designations. Although he had no objection to the term Zionist being applied to himself or to his country, he felt that respect for the Chairman should guide such delegations' conduct, even if they were customarily capricious in their regard for rules and international behaviour. His delegation appreciated the Chairman's patience with such delegations; whether they liked it or not, however, the State of Israel was a full Member of the United Nations.

2. The representatives of the Libyan Arab Jamahiriya and the League of Arab States had described Israel as racist because it was a Jewish State, ignoring the fact that over 600,000 Muslim and Christian Arabs had full Israeli citizenship. He strongly rejected their notion that there could be Muslim, Christian or Buddhist States, even though some States had constitutions which did not separate the State religion from secular legislation. There might be States in which religious Islamic law was the sole constitution, and there might be States in which Jews were denied citizenship, but in the view of those delegations, there could be no Jewish State, even if it granted the same rights and opportunities to all its citizens, Jews and non-Jews alike. For them a Jewish State was a racist State. He could only suggest to those delegations which had made such contemptible assertions that they should look in a mirror in order to know what a real racist looked like.

3. Mr. MASRESHA (Observer for Ethiopia) said that during the current century mankind had almost succeeded in ridding itself of colonialism and enslavement, but no one could truly claim to enjoy independence until the last vestiges of colonialism and racism had been eradicated. It was regrettable, therefore, that the Commission once again had before it its oldest agenda item, for which no solution was in sight.

4. Apartheid, South Africa's official policy, was one of the most abhorrent forms of colonialism and racial discrimination: it violated the Charter and all other United Nations instruments, threatened international peace and security, and challenged the usefulness of the United Nations. The Organization had been viewed, at one extreme, as the vanguard of emerging world government and, at the other, as a futile effort to foster co-operation among sovereign States. Although both views failed to do justice to the role of the United Nations, they were understandable; to the oppressed peoples of southern Africa, the United Nations had served, at best, to pass useless resolutions.

5. Apartheid, despite the condemnation embodied in the International Convention on the Suppression and Punishment of the Crime of Apartheid, was able to perpetuate itself only by means of the most inhuman and barbaric practices, typified nowhere more clearly than in the South African regime's "homeland" policy. Since the "independence" of the "homelands", the policy's true significance had become grimly apparent; families had been divided and social bonds broken. The Ad Hoc Working Group of Experts on southern Africa had rightly pointed out that those arbitrary measures were so designed that blacks, who had always been denied constitutional rights in South Africa, would be classified as foreigners. They would thus be prevented from enjoying any labour and social reforms through political and trade-union action, and forced to be tenants on their own soil, paupers in a land of plenty, aliens in their motherland. The measures clearly violated the right of self-determination and had been condemned by the Security Council. Nevertheless, some Western countries had referred to that gigantic hoax as a "step in the right direction". The so-called constitutional amendments served not only to strengthen white domination, but to deny the black majority the right to participate in their country's fate.

6. Human rights were also being flagrantly violated in other spheres. As the Ad Hoc Working Group of Experts had indicated in its previous report (E/CN.4/1983/38), the South African Government was carrying out a programme of forcible sterilization of the non-white population. It was high time the regime ceased its inhuman treatment, and the so-called champions of freedom and democracy helped to remove the yoke of slavery and enabled the Namibian people to attain freedom. While some States collaborated with it, the regime was committing acts of aggression against the front-line States, which, in response to the call by the United Nations and OAU and remembering their own history of colonial oppression, continued to help those still under colonial and foreign occupation to attain their inalienable right to self-determination.

7. The confrontation, it should be recalled, was of South Africa's choosing. As was shown in a joint publication by the United Nations Centre against Apartheid, the African Centre and the Anti-Apartheid Movement, South Africa had rejected dialogue during the early days of African independence and had turned down an invitation to attend the first conference of independent African States. Although all peaceful means had been tried during the past three decades, differences had widened to a degree where dialogue was no longer possible. The apartheid system was not, as its apologists asserted, a racial problem which could voluntarily be abandoned; it was an embodiment of social, cultural, economic and political relations in which a white minority lived at the expense of the black majority, heedless of peaceful pleas that it should abandon its policies. The United Nations had therefore been forced to adopt resolutions advocating armed struggle, whose legitimacy had been acknowledged by the General Assembly in 1977 and again in 1981, in resolution 36/9.

8. The history of the 1930s, when the world community had failed to halt the conquest of Manchuria, the occupation of the Rhineland and the seizure of Ethiopia, showed how inaction could whet the appetites of Fascist opportunists and how dangerous appeasement was. The failure of the League of Nations should be viewed as an example and a test of the effectiveness of the United Nations. As Ethiopia's Head of State had said when addressing the Second World Conference to Combat Racism and Racial Discrimination, mere condemnation would not bring South Africa to political and moral sanity unless it was followed by concrete actions aimed at eradicating the crime of apartheid.

9. All legal measures had been tried. The International Court of Justice, in an advisory opinion delivered in June 1971 at the Security Council's request, had stated that, South Africa's continued presence in Namibia being illegal, South Africa was under an obligation to withdraw its administration from Namibia immediately. The Court had also declared that States Members of the United Nations were obliged to recognize South Africa's presence in Namibia as illegal and its acts on behalf of or concerning Namibia as invalid. States were also required to refrain from acts which might support or assist the South African presence and administration. The Pretoria regime had failed to implement Security Council resolution 435 (1978), using pretexts such as the presence of Cuban troops in Angola to justify its continued occupation of Namibia. Repeated calls by the General Assembly and the front-line States to dissociate the two matters had fallen on deaf ears. As stated in the Ad Hoc Working Group's report, South Africa's approach had been denounced and rejected by various international bodies.

10. The obstacles to self-determination in South Africa stemmed chiefly from the delaying tactics of those who had economic and other interests in the region and sought to buy time for the regime in power. The double standards, audacity and hypocrisy shown by those who helped the colonizers testified to their disregard of world opinion and human rights.

11. His delegation warmly welcomed the proclamation of the Second Decade to Combat Racism and Racial Discrimination, and expressed its strong support for the associated Declaration and Programme of Action.

12. Ms. FLOREZ (Cuba) reiterated her delegation's denunciation, in the United Nations and other international forums, of the gross and flagrant violations of human rights constantly committed by the South African regime against the majority of the population, despite the international community's efforts to end the oppressive system of discrimination. Under the policy of apartheid, the catalogue of human rights violations continued: detention, torture, imprisonment without trial, mass population removals, action against trade-union leaders and students, massacres and ill-treatment on account of race, in utter disregard of basic human standards and General Assembly resolutions, and to an extent which shocked the international community and threatened world peace.

13. The progress report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) painted a grim picture of human rights violations in Africa, where the affront of colonialism persisted. Namibia was still illegally occupied, in defiance of Security Council resolution 435 (1978). As the front-line States and the President of SWAPO had stressed, the decolonization process in Namibia must be dissociated from the question of the presence of Cuban troops in Angola (E/CN.4/1984/8, paragraph 368). Cuba reiterated its solidarity with the Namibian people and their legitimate representative, SWAPO, and upheld their rights to independence and to sovereignty over their entire territory, including Walvis Bay

and the Penguin Islands. The South African racists, however, were bent on setting up a puppet government in order to prevent true independence, maintain a neo-colonialist regime and undermine the country's territorial integrity. Cuba also supported the ANC in its struggle for freedom in South Africa and the establishment of a representative government.

14. Cuba denounced South Africa's hostile acts against the front-line States as a violation of sovereignty and a threat to international peace and security. It also condemned the growing collaboration, in all forms, between the Pretoria regime, on the one hand, and the United States and certain Western countries, on the other, and the support of certain transnational corporations for that regime. Such collaboration encouraged the racists in their inhuman oppression of the majority peoples of southern Africa. It was the self-styled champions of democracy and human rights who were in fact responsible for the international community's inability to put an end to the detestable apartheid regime, the colonialist occupation of Namibia, and the aggressive acts against the front-line and other African States. The responsibility of the United States in that regard was obvious, and that country's policy and open recognition of the racist regime as a friend and ally had been denounced at the seventh Conference of Heads of State or Government of Non-Aligned Countries. The Reagan Administration, with its policy of force and blackmail, its "cold war" mentality and its doctrine of military superiority, had encouraged the South African regime in its aggressive designs against free African States. That regime was receiving assistance in defiance of General Assembly resolutions, and even IMF continued to grant loans to South Africa while withholding them from independent developing States.

15. There were no grounds for believing that the South African Government would relinquish its policies. The Pretoria racists must therefore be completely isolated, and the Commission should again heed the call for mandatory sanctions against a regime which deliberately flouted the international community and the purposes and principles of the United Nations. The United States and its allies must abandon their pretexts for continued assistance to the South African regime.

16. Cuba reiterated its support for the International Convention on the Suppression and Punishment of the Crime of Apartheid and called on all States which had not yet done so to ratify it. Cuba also supported the conclusions and recommendations of the Group of Three appointed in accordance with article IX of the Convention.

17. The Commission should express its support for the Second World Conference to Combat Racism and Racial Discrimination and, in particular, activities related to the Second Decade to Combat Racism and Racial Discrimination. That conference had made a valuable contribution to the work undertaken by the international community, and the Declaration and Programme of Action which it had adopted represented important steps. Although the desired consensus had not been achieved, a compromise had been reached, and the resultant Declaration had, inter alia, condemned the current links between Israel and South Africa, especially in the economic, military and nuclear spheres, and had expressed the international community's concern at the racial discrimination practised against the Palestinian people and other inhabitants of the occupied Arab territories. The Conference had thus reflected the hopes of those still suffering from racism, racial discrimination and apartheid in many parts of the world.

18. Mr. KEYES (United States of America) said that the apartheid system in South Africa rested upon the twin premises of absolute racial exclusivity and inherent white racial superiority. The Government and people of the United States rejected those false premises, abhorred the system of oppression erected upon them and condemned the denial of the fundamental rights of South Africa's black majority. The principles fundamental to the national identity of the United States were that all men were created equal, that they were endowed by their creator with certain inalienable rights, and that no Government could claim legitimacy if it denied that quality and systematically violated those rights. By virtue of their adherence to those principles, the American people were the enemies of apartheid and of any system that denied the dignity and rights of human beings.

19. The real issue before the Commission was how best to encourage practical movement away from the apartheid system. One approach to that issue was based on the assumptions that no forces existed in South Africa which offered effective levers for constructive peaceful change, that no white South Africans showed signs of decent human feeling and that black South Africans had no choice but violent struggle. Clearly, such an approach must lead to a tragic cataclysm.

20. His delegation questioned those assumptions. Righteous anger and abhorrence in the face of injustice did not excuse the Commission from cool and painstaking analysis of the complex situation in South Africa, aimed at identifying opportunities for promoting peaceful, positive change and devising practical steps to exploit those opportunities. While there were situations in which peoples must take up arms to defend or repossess their right to freedom and equal justice, the decision to do so should never be taken lightly. The advocates of a violent approach should bear in mind that it would not be their own children who would bear the consequences. In situations such as that of Afghanistan, where a ruthless invasion by a foreign Power forced a people to defend its freedom, the choice for war was made by the aggressors, and decent opinion could only applaud those with the courage to resist. The people of South Africa, however, were one people, and the policies of apartheid which sought to impose artificial and inequitable divisions upon them would never succeed in destroying that reality. South Africans, both black and white, lived in the same land, shared a common history and, despite racist prejudices and the anger engendered by oppression, faced an inescapable common future. In such a situation, the choice of violence had all the elements of an epic tragedy. Every effort must be made to avoid that tragedy.

21. The deliberate isolation of South Africa would only help to make violence more likely, widespread and destructive. Such a result might be the intention of those who hoped to transform southern Africa into yet another system of subjugated client States. Those who had no such imperial ambitions, however, could only lament an approach that would isolate South Africa's black population from effective international support in their legitimate struggle. The United States favoured an approach designed to help South African blacks build effective bases for the economic and political power they needed in order to pursue their rightful place in South African society, an approach which sought to encourage and reinforce the better nature of South Africa's whites so that they, too, would see the folly of attempting to maintain an unjust and oppressive political domination.

22. Actual and potential forces for economic, social and political change existed in South Africa. In the economic sphere, the apartheid regime, which systematically thwarted the development of the productive abilities, purchasing power and enterprise of South Africa's black majority, was incompatible with the needs of a modern industrial society. As South Africa's economy became increasingly diversified, the need for a more skilled and educated population would make the politically-motivated neglect of the black majority increasingly anachronistic and self-contradictory. Recognizing that fact, the United States had allocated \$US 4 million a year for a scholarship programme enabling black South Africans to study at American universities. The programme had been instituted prior to President Reagan's Administration and had been substantially increased under his leadership. In co-operation with AFL-CIO, training programmes for black South African trade unionists had been initiated, to which the Government would contribute more than \$US 1 million in 1984 and 1985. The Government was also supporting small business development in the black communities of South Africa, at a cost of some \$3 million over a two-year period, with a view to helping black South Africa high-school students improve their chances of entering professional schools. In addition, the United States Congress had authorized funding of \$1.5 million during 1984 and 1985 for projects to promote a just society, aid victims of apartheid and encourage non-violent change in South Africa.

23. Those steps were designed to ensure that South Africa's black people would be able to exploit the opportunities for change offered by the more diversified economic system developing in South Africa. However, that ability would be meaningless without the expanding presence in South Africa of enterprises offering the jobs, salaries and managerial opportunities that could be built into effective platforms of economic influence. Disinvestment in South Africa would undermine those platforms and return South Africa to a purely agricultural and mineral-based economy, more compatible with the apartheid mentality and more easily controlled. On moral and economic grounds, therefore, it was necessary to encourage greater involvement in South Africa's economy by foreign and domestic investors who adhered to strictly non-racial and equitable codes of conduct and were determined to give qualified South African blacks a leadership role in their enterprises.

24. Naturally, it should not be assumed that economic progress would lead automatically to a more equitable political role for South African blacks. However, it would help to remove the barriers that sustained the social aspects of apartheid. The United States believed that it had important insights to share with the South African whites about the advantages of a society which had freed itself of racial discrimination and about the danger of seeking to maintain an unjust system by means that undermined or disregarded respect for law and due legal process. The systematic violation of individual human rights by police or administrative officials affected the legal protections claimed by white, as well as black, South Africans. Human rights were indivisible and no community could long hope to maintain for a privileged few rights which it denied to the great majority of its people. That all-too-human emotions that helped to sustain the apartheid system could be eroded and discredited by human contacts that would persuade the white population to oppose practices which violated accepted norms of justice.

25. In the final analysis, the most difficult aspect of the South African dilemma was whether South African whites could choose, by peaceful means, to accord the black majority their political rights as human beings. If South African whites were strangers to the concept of such political justice, the situation might be hopeless. However, they were well aware of its meaning, for they applied it to themselves. They could understand from their own history the bitter indignity of political inequality and the unyielding persistence with which all human beings would struggle against it. They were human and, as their sympathy with the humanity of their black compatriots was aroused, so would their consciences urge them to establish a just system. The people of the United States would not despair of their humanity. Nor should the world despair of the courage, perseverance and ultimate vindication of South Africa's black majority. The people of the United States would not usurp that majority's choices in the struggle and would not abandon the people of South Africa, black or white, to the desperate exertions of a heedless conflagration. They would persevere in their efforts to help the people of South Africa find the courage, wisdom and practical means to fulfil the promise of their troubled land.

26. Mr. BIANCHI (Argentina) said that apartheid, by virtue of its legal and political institutionalization and the brutality with which it was maintained as a system, represented the most pernicious form of racial discrimination. The report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) confirmed that the South African regime employed increasingly repressive measures and escalated terror in order to sustain an unjust system. The report provided a complete and chilling picture of the human rights situation of the majority of the southern African population, together with a detailed catalogue of tortures, detentions and every kind of affront to human dignity committed by the ruling minority. The report spoke of the iniquity of the policy of bantustanization, whose sole objective was clearly to deny the black population any right to participate in the political, economic and social life of the country. It also referred to the violations by the Pretoria regime of the territorial integrity of the front-line States endeavouring to assist their oppressed fellow-Africans.

27. The situation in Namibia was made even worse than that prevailing in South Africa by the fact that the apartheid system was being used by the colonial Power to perpetuate its rule and to deny the Namibian people their right to self-determination. His delegation again resolutely condemned the South African regime for continuing to maintain the odious system of apartheid, for its policy of bantustanization, for its attacks against the front-line States and for the illegal occupation of Namibia.

28. Since its independence, Argentina had been free of racial and religious discrimination. The population was the product of the assimilation of migrants from all parts of the globe and their integration with the indigenous inhabitants. The various communities currently living in Argentina not only respected one another, but had intermingled. Argentina had been one of the first States to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination, which had been in force in Argentina for 15 years. During that time, the Government had consistently ensured compliance with its provisions. His delegation shared the belief expressed on many occasions by the Commission and the General Assembly that the ratification of, or universal accession to, all international instruments relating to the struggle against racism and racial discrimination represented a first effective step towards the eradication of those abhorrent crimes.

Accordingly, the Government of Argentina was considering the possibility of ratifying the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it had signed on 6 June 1975.

29. Argentina had voted in favour of the Declaration and Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination. The international consensus which had emerged from that Conference with regard to the categorical rejection of apartheid and the need to continue the struggle for the total elimination of all forms of racial discrimination augured well for the success of the Second Decade to Combat Racism and Racial Discrimination.

30. Mr. NICOLAIDES (Cyprus) said that, unfortunately, racial discrimination and the abhorrent policy of apartheid still formed the basis for the whole political, economic and social structure of South Africa. They constituted not only an unacceptable denial of the principle that all human beings were born free and equal in dignity, regardless of their race, colour, religion, sex or other criteria, but also an affront and open challenge to the world's conscience.

31. It was both sad and disturbing to note that once again the United Nations, despite tremendous systematic efforts, had thus far been unable to achieve practical results. Nevertheless, those efforts should be continued, not only for the benefit of the peoples of South Africa and Namibia, but also for the sake of world peace and security. The apartheid system, involving the continuous perpetration of injustice against the majority of the people of South Africa and Namibia, poisoned international relations and constituted a real threat to international peace and security.

32. The report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) showed that the situation regarding human rights and fundamental freedoms had deteriorated in both South Africa and Namibia. His Government had always strongly condemned racial discrimination and, in particular, the abhorrent policy of apartheid. It had supported all relevant United Nations resolutions and had never failed to support the imposition of sanctions against South Africa. Within its own limited resources, Cyprus had contributed to the various funds intended to support the struggle against racism and apartheid in all their manifestations. His delegation also condemned the apartheid regime in South Africa for its repeated acts of aggression against the front-line States.

33. His delegation's position regarding the question of Namibia and the right of its people to self-determination was well known. South Africa's continued illegal occupation of Namibia and persistent refusal to comply with the relevant United Nations resolutions constituted yet another crime against the African people in general, and the people of Namibia in particular. The people of Namibia were denied all human rights. The SWAPO freedom-fighters, in particular, were subjected to many kinds of torture and degrading treatment. In the circumstances, the Western contact group had a heavy moral and political responsibility to bring Namibia to speedy independence.

34. His delegation denounced the policy of bantustanization as a mockery of the principle of self-determination. Such a policy led, not to liberation from the colonial yoke, but to the subjugation of the majority of the population and constituted a further violation of the principle of territorial integrity by creating enclaves with puppet regimes.

35. There was widespread concern about increasing South African destabilization of neighbouring countries. Such destabilization had taken the form of ground and air strikes and the use of armed bandit groups. Armed attacks had also been directed against refugees. The main objective of such harassment and intimidation was to deter those countries from supporting opponents of South Africa's apartheid policy.

36. The time had come for the Commission to reaffirm its collective stand on the central problem of apartheid in South Africa itself and its appalling consequences for the people of southern Africa as a whole. South Africa's continued affront to the norms of civilized international behaviour had reached a stage where a more effective collective response by the international community could not be put off for much longer without highly damaging consequences.

37. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that the elimination of all forms of racial discrimination was an important aspect of the work of the United Nations which had been consistently supported by the Soviet Union. A major step in that area had been the proclamation of the Decade for Action to Combat Racism and Racial Discrimination in 1973. Since that time, numerous former colonial Territories had acceded to independence and the crimes of racists and their aiders and abettors had been universally condemned. The Declaration and Programme of Action adopted at the Second World Conference to Combat Racism and Racial Discrimination, held recently in Geneva, called for the intensification of international efforts to achieve a speedy elimination of racism and racial discrimination. The continued existence of racism, racial discrimination and colonialism constituted an affront to the conscience of mankind. The most abhorrent form of racism was the apartheid system prevailing in South Africa, where the majority of the population were subjected to racist and colonialist oppression.

38. The direct supporters of the apartheid regime, i.e. those States providing South Africa with political, economic and military assistance, were the United States, its NATO allies, a number of other Western States and Israel. The representative of the United States had said that his Government was opposed to an armed solution to the South African problem. Yet the United States helped to perpetuate the system prevailing in South Africa by providing support and material aid to the South African regime. Moreover, coercion in South Africa came from above, so that the only course open to the people of South Africa was to answer force with force. In that regard, it should be remembered that the emancipation of the black slaves in the United States had also been achieved through the use of force.

39. The governing circles in the United States and South Africa were united in their enmity towards peoples struggling for emancipation, at whose expense they were able to reap vast profits. Effective measures were needed to guarantee the complete isolation of the South African regime, which had placed itself outside the international community.

40. The International Convention on the Suppression and Punishment of the Crime of apartheid had a major role to play in the struggle against apartheid. One way to ensure the maximum effectiveness of that Convention would be through the implementation of the Programme of Action adopted by the Second World Conference. In that regard, his delegation took note of the report submitted by the Group of Three (E/CN.4/1984/48) and supported the conclusions and recommendations contained therein. Consideration should be given, in particular, to the section of that

report dealing with the application of article III of the International Convention to the activities of transnational corporations operating in South Africa. His delegation also supported the Group's conclusion regarding the need for the largest possible number of States to accede to the Convention.

41. In Palestine, the core of the Israeli policy of aggression, exploitation and violation of the rights of the Arab people was zionism, which had been condemned by the United Nations as a form of racism and racial discrimination. The massacres perpetrated at the refugee camps Sabra and Chatila and other acts of genocide were comparable to the actions of the Fascist regimes during the Second World War. The responsibility for those actions must be shared by those who provided assistance and political protection to Israel, thus creating obstacles to peace in the Middle-East.

42. The Second World Conference to Combat Racism and Racial Discrimination had called for the cessation of discrimination against the population of the occupied Arab territories. That appeal must be heeded without delay.

43. Racism, based on the exploitation of man by man, existed in many parts of the world. In that regard, his delegation noted that the United States had openly refused to participate in the Programme of the Decade for Action to Combat Racism and Racial Discrimination and had voted against its activities. Moreover, the United States and Israel refused to implement the Programme for the Second Decade. The fact that the United States had not yet ratified the International Convention on the Elimination of All Forms of Racial Discrimination and that not a single Western Power was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid demonstrated the unwillingness of those States to adopt genuine measures to eliminate racial discrimination and the practice of apartheid. At the Second World Conference, the policy of intensifying international efforts to eliminate racism and racial discrimination had prevailed, despite the persistent opposition of those who had endeavoured unsuccessfully to undermine the efforts of the Programme for the First Decade. His delegation had consistently supported the full implementation of the Programme for the First Decade and would participate fully in the implementation of the Programme for the Second Decade.

44. His delegation supported all recommendations and decisions designed to eliminate colonialism, racism and apartheid. That support was consistent with the socialist nature of the Soviet State, which was based on equality among all peoples, without discrimination.

45. Mr. Bianchi (Argentina) took the Chair.

46. Mr. MANALO (Philippines) said his delegation would like to be able to state that there had been progress towards establishing a partnership of races in equality and freedom in South Africa. The referendum on constitutional reform, which would allow the Coloured and Asian populations to participate in the political process, appeared encouraging on the surface, but the reform would in fact do little to eliminate apartheid. The Coloured and Asian populations were given merely token representation, with no real share in the decision-making process, while the black population was completely excluded and would continue to be kept separate in the artificial states known as bantustans. It had rightly been observed that racial discrimination was not only institutionalized but had become constitutionalized. The consequence of the constitutional reform could well be the total polarization of South African society, leading to an escalation of the violence that had begun in the aftermath of the Soweto massacre. If that occurred, Pretoria would have no one to blame but itself.

47. The opposition to apartheid had begun as a non-violent movement confined to passive resistance and civil disobedience. The older generation, with their endless patience, continued to believe in non-violent resistance, but they were steadily losing their influence to a younger generation with resentful memories of Sharpeville and Soweto and of the creation of the bantustans. All the opposition groups nevertheless had the same goal of establishing a non-racial society in which political and economic power was shared equally. That goal could be reached only if the black population exercised its right to self-determination.

48. The Pretoria regime was not insensible to the effects of diplomatic isolation, but its response was a tightening of its garrison mentality and an over-reaction to the events it had itself caused. Only the elimination of apartheid could improve South Africa's relations with the community of nations. Given its intransigence, the future was dubious for Pretoria, and tragic for the black population. Few would question the fact that as long as apartheid existed, South Africa would remain a destabilized society. It had, in fact, exported destabilization to the whole of southern Africa.

49. The related problem of Namibia represented an extension of the ill effects of apartheid. The illegal occupation of Namibia - a United Nations Trust Territory - was an act of outright defiance of the Organization and was all the more unfortunate in that the Secretary-General had secured South Africa's assent to most of the points in Security Council resolution 435(1978). The Secretary-General's efforts had foundered on a question that was outside the purview of the Security Council's terms of reference.

50. The Philippine Government shared the view of all other members of the Commission that the crime of apartheid was abhorrent. It would continue to support any measures to eradicate the last bastions of racism. It supported the arms embargo and the oil embargo against South Africa and would persevere in its efforts to expose the evils of racism. If it was not too late to do so, as his Government feared it might be, it would participate in the search for solutions through peaceful means. That search should involve dialogue not only with the Pretoria regime but also with the disenfranchised black majority.

51. In the Philippines itself, where racism did not exist, his Government had issued a decree making racism and racial discrimination a crime subject to penalties under the law. In addition, and pursuant to the International Convention on the Suppression and Punishment of the Crime of Apartheid, legislative, judicial and administrative measures were being studied with a view to making the implementation of the Convention more effective.

52. The Philippines had no diplomatic relations with South Africa and commercial relations were prohibited, as was participation in sports events that included South Africans. His Government supported the comprehensive and mandatory sanctions imposed on South Africa in the continuing effort to induce that country to avoid ruining itself by outdated policies that ran counter to the course of history.

53. Within its modest resources, the Philippines continued to contribute to specialized funds and activities, including the Support and Solidarity Fund for the Liberation of Southern Africa, the United Nations Fund for Namibia, the United Nations Institute for Namibia, the United Nations Fund for the Front-line States and the Trust Fund for Publicity against Apartheid.

54. Crimes of passion might be pardoned in certain circumstances but, as a deliberate crime, enshrined in law and ruthlessly applied, apartheid could not be condoned. It was repugnant in theory and impermissible in practice. His delegation continued to hope that the road to peaceful settlement remained open.

55. Mr. ADJOYI (Togo) said that, in its pursuit of the ideals of the Charter, the Commission should keep in mind the object of its activities: the individual human being, for whom the Universal Declaration recognized the right to a social and international order in which human rights and fundamental freedoms were fully respected. The Commission appeared to have lost sight of the kind of world that was desired and of the ultimate purpose of its activities. It was difficult to explain otherwise the renewed violations of human rights and fundamental freedoms, the increased tension among nations and peoples, the fact that certain Powers could display contempt for the elementary human rights of the people of southern Africa and elsewhere, or the fact of universal intolerance. It might well be asked how long the black population of South Africa and Namibia must continue to suffer the injustice, atrocities and torture to which they were subjected with complete disregard for their inalienable rights.

56. The facts described in the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) were profoundly disturbing. The report amply demonstrated that life in southern Africa continued to be characterized by intolerance and disregard for human rights. The Pretoria authorities continued to subjugate the black population, denying them their most elementary rights, and the policy of apartheid, which had been institutionalized since 1948, had been strengthened by laws aimed at further segregating the white and Coloured populations. The recent constitutional measures were nothing but an artifice to strengthen existing divisions. Racial segregation continued to be applied in various fields of public and private life, and particularly in employment, education, public health, sport and recreation. In the face of that intolerance, the only path open to the South African people had been to organize themselves under the banners of the ANC and the Pan Africanist Congress. No people could tolerate indefinitely the tyranny of another people, or passively acquiesce in its own destruction. In a desperate bid to maintain the privileged position of the white minority, the Pretoria regime was rigorously applying the so-called security laws under which it could detain indefinitely without trial any person suspected of disturbing the public order. Under those laws, many anti-apartheid militants had been executed and thousands more imprisoned, and families had been separated.

57. In pursuit of the policy of racial segregation, the racist regime had established the so-called "independent" bantustans, designed to control the blacks and deprive them of their South African nationality.

58. The situation was little better in Namibia, where the same atrocities were inflicted on a people simply because they desired to be free. South Africa was endeavouring to perpetuate its domination, which the international community had rejected. As the sole legitimate representative of the Namibian people and the heroic leader of the Namibian liberation struggle, SWAPO had become a target of large-scale South African military action. Under the pretext of pursuing SWAPO, South Africa was waging major offensives against Mozambique and Angola, and violating their sovereign rights. Angola had brought those violations to the Security Council's attention as recently as

December 1983. Meanwhile, South Africa had continued to attack neighbouring States, strengthened its military potential in Namibia, carried out further police operations, and pursued its policy of arrest and torture of freedom-fighters with renewed vigour, as if to demonstrate its refusal to seek a negotiated settlement of the Namibian question.

59. The adoption of Security Council resolution 435 (1978) had considerably raised the hopes of the international community. Those hopes had since been dashed, however, and his delegation feared that the Secretary-General's efforts might have been in vain. Resolution 435 (1978) clearly defined the various stages of the process that should lead to the establishment of an independent and sovereign Namibia, but by hypocritical delaying tactics, South Africa had consistently rejected its implementation and continued to defy the United Nations. It was even more unfortunate that some members of the Security Council which had voted unreservedly in favour of the resolution had since joined South Africa in its delaying tactics, the latest of which had been an attempt to link Namibia's independence with the unilateral abrogation of international agreements concluded by sovereign States.

60. The problem of Namibia was clearly a problem of decolonization. He wondered how long the international community could continue to resign itself to the challenge posed by South Africa's apartheid policy and its refusal to leave Namibia. There was every reason to believe that the South African regime would continue to defy the international community so long as it could rely on the "understanding" of certain countries which refused to take the necessary steps against it. The United Nations resolutions calling on States to end all diplomatic, military, economic and other relations with South Africa had never been implemented by South Africa's partners, which took refuge behind their national public opinion as if the peoples of those States were incapable of understanding the meaning of human suffering. An Afrikaner poet had rightly observed that the apartheid regime existed only because the world allowed it to exist and that it flourished and was accepted, encouraged, nourished and armed because it worked for the benefit of its commercial partners and investors.

61. It was too often forgotten that mankind, regardless of race, was the ultimate object of all activities, and that, on behalf of mankind, the Universal Declaration recognized the right to an international social order in which human rights and fundamental freedoms were respected. States too often forgot that, in signing and acceding to the Charter, they had proclaimed their faith in fundamental human rights and in the dignity and value of the human being, and that human rights were universal and inherent in the human race and could not change with the colour of a person's skin.

62. The President of Togo had stated that his country could not associate itself with the situation of injustice and oppression currently prevailing in southern Africa, where a regime unworthy of mankind perpetrated acts of violence against people because of the colour of their skin.

63. The time had come for States which maintained direct or indirect relations with the Pretoria regime to understand that they were responsible for supporting and encouraging apartheid in defiance of the Charter and the Universal Declaration, oblivious to human dignity in South Africa and independence in Namibia.

64. His delegation remained convinced that, if States so wished, the death knell of apartheid could sound in South Africa, and Namibia's independence could shortly be achieved. He hoped all States would assume their responsibility in that regard.

65. Mr. KOKERAI (Zimbabwe) said that the reports before the Commission were self-explanatory. His delegation, however, intended to indicate the reasons for the international community's apparent inability to eradicate the apartheid system despite the apparently unanimous global consensus on the duty of every member State to work tirelessly to that end.

66. The report of the Ad Hoc Working Group (E/CN.4/1984/8) showed that the internal situation in South Africa was characterized by social, political and economic contradictions of the worst order, and that the apartheid regime was more determined than ever to deny the blacks any status in their own country. A campaign to prevent any participation by the black majority in the political process of the country was being waged with increased intensity. In the light of that overwhelming evidence, it was irrational and immoral to suggest that there had been any change for the better in the policies of the apartheid regime. The only realistic position from which to deal with the internal crisis in South Africa and the regional crisis in southern Africa was to realize that the architects of apartheid had no intention of moving away from their firmly entrenched position of racial bigotry and that apartheid could not be modified but must be destroyed.

67. On the question of procedure, his delegation differed with Western Governments which, either voluntarily or for ill-defined reasons of national interest, continued to embrace apartheid. Various Governments had repeatedly stated that they could not see the wisdom of isolating South Africa militarily, economically or otherwise, since that could only erode their influence on Pretoria. His delegation, on the other hand, had consistently argued that the more accommodation they extended to Pretoria, the more arrogant and destructive the apartheid system became. The facts spoke for themselves.

68. During the past three years, not only had such ill-advised accommodation to Pretoria been extended, but the countries concerned had been increasingly unable to restrain the Pretoria regime's aggressiveness and regional terrorism. Those countries, particularly the United States, had decided to pursue a policy of constructive engagement with Pretoria while urging the need for all democratic-minded nations, peoples and institutions to stamp out international terrorism. It could well be asked what worse form of terrorism existed than the State-organized violence and disregard for basic humanitarian law found in South Africa and Namibia.

69. Apartheid survived on terror, oppression and violence. The argument advanced by some Western countries that maintaining economic ties was beneficial was grossly offensive, as were the unenforceable codes of conduct for corporations. Economic ties provided a lifeline for apartheid and the means by which the regime unleashed terror on the black masses of Azania and neighbouring States.

70. The fact that the independent States bordering South Africa had eliminated all forms of discrimination did not please the regime. Those States' success in creating stability within their borders was perceived by South Africa as a threat to apartheid. It was quite clear that those who suffered the effects of apartheid had no choice but to seek its destruction.

71. The liberation movements were the manifestation of the people's decision to eradicate that crime against humanity. The world community should do everything in its power to avoid aiding the forces of reaction in South Africa, which were determined to thwart any moves to democratize the political situation in southern Africa. Yet there was no doubt that freedom would ultimately prevail in South Africa and Namibia, if not through negotiation then through armed struggle.

72. Zimbabwe strongly objected to efforts to degrade the liberation movements in the form of blanket condemnations of violence by either side. It was immoral to equate the aggressive violence of apartheid with the defensive military activities of the liberation movements. Decolonization should be supported by all nations. Namibia was an international responsibility. The people of Namibia were being held to ransom by those who sought to trade off Namibian independence for Angola. What was involved was not linkage, but an insidious campaign of blackmail. The Namibian people should not be held hostage for the pernicious purpose of protecting the strategic interests of Powers external to the region. Zimbabwe congratulated those members of the contact group, in particular France, which had dissociated themselves from linkage. His delegation called for strict adherence to the provisions of Security Council resolutions 435 (1978) and 439 (1978).

73. His Government was amazed at the manner in which the principle of self-determination was selectively applied. The readiness of some members of the contact group to impose punitive economic measures against Argentina and to sacrifice their citizens in defence of the principle of self-determination had recently been demonstrated. If the right of self-determination for some 2,000 people in the Falkland Islands could be so jealously guarded, why did those same countries find it impossible to take the same approach towards the 20 million blacks in South Africa and Namibia? Millions of lives were at stake. The plight of the black majority could not be reduced to a sterile academic debate.

74. Mr. SOLEY SOLER (Costa Rica) said that the South African Government had initiated its obnoxious racial policies to maintain minority domination over millions of people, who were deprived of their fundamental rights. Year after year the racist Pretoria Government imposed restrictions on its citizens which contravened the basic principles accepted by the international community. The situation had been aggravated by the policy of bantustanization, which involved the removal of thousands of people to arid territories. The policy should be universally condemned and repudiated.

75. Costa Rica had consistently complied with General Assembly resolution 1761 (XVII), which had called upon Member States to break off diplomatic relations with South Africa and to adopt other measures to isolate that country in order to constrain it to end apartheid. His country had repeatedly stated its rejection of racial discrimination at international gatherings.

76. The occupation of Namibia should be ended, in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples and the relevant resolutions of the United Nations and decisions of the International Court of Justice. South Africa should withdraw from the Territory, allowing it to attain independence with complete enjoyment of its territorial integrity.

77. Mr. CHILOVICH (Observer for the Byelorussian Soviet Socialist Republic) said that all delegations, with one exception, had stressed the dangerous developments in South Africa, where the racists, with the support of imperialist circles, were keeping the population of that country in servitude, and were engaged in an illegal occupation of Namibia and acts of aggression against their neighbours. It was clear from various United Nations decisions that the activities of foreign economic and other interests in South Africa were the main obstacle to ending colonialism and apartheid.

78. The Special Rapporteur's report gave an objective view of the involvement of transnational corporations in the South African economy. By making huge investments in South Africa they gained tremendous profits and exploited the people of that country, hence United States support for the South African regime. Information provided by the United Nations Centre on Transnational Corporations indicated that more than 2,000 foreign firms were active in South Africa, of which almost 900 were based in the United States. The United States policy of constructive engagement had led to additional investments of some \$7 billion over the past two years.

79. The United States sought to hide the extent of its investments in South Africa, which were many times larger than the Government stated. United States companies dominated key areas of the economy, such as mining. The investments enabled the South African Government to finance its military spending. Business circles had an interest in sustaining the racist regime, which was why the United States Government supported South Africa's military development while seeking to disarm those who sought to promote human rights. United States foreign policy reflected the interests of United States corporations. The political conspiracy between the two countries was inspired by United States imperialist circles, to the detriment of the peoples of South Africa. Other countries were also involved. For example, over 40 per cent of South African imports came from the countries of the European Economic Community, which also had major investments in the country.

80. In Namibia Western corporations were dominant in the key sector of mining, which accounted for two thirds of the Territory's exports and more than half its gross national product. The bulk of the profits from mining were exported by Western monopolies, so that more than 90 per cent of the population were left with less than 10 per cent of the gross national product. The per capita income of the African population was some 20 per cent less than that of whites, while conditions for Africans were horrendous.

81. The 1983 International Conference on the Alliance between Israel and South Africa had condemned the aggressive nature of that alliance. Co-operation between the two countries was against the interests of the peoples of South Africa and Palestine. The links between South Africa and Israel in the military and nuclear spheres represented a danger to the entire world, as did the United States policies of strategic co-operation with Israel and constructive engagement towards South Africa. The Commission should condemn the activities of foreign and other economic interests in South Africa as being the major obstacle to the elimination of colonialism and racial discrimination in that country.

82. Mr. ABBY (Somalia) said that the documents before the Commission laid bare the heinous crime of apartheid. It was clear that the practice of that abhorrent system had continued unabated since the Commission's previous session. Use had been made of capital punishment, torture and ill-treatment of political prisoners. The Commission should take immediate steps to end those naked violations of human rights.

83. The South African authorities were continuing to abuse trade union rights, preserve jobs for a small group, and execute the divisive homelands policy, which denied the sacred right of citizenship to the majority black population of South Africa and Namibia. Furthermore, the South African regime had recently adopted negative constitutional reforms to consolidate white domination.

84. South Africa's continual violation of the integrity of neighbouring States, especially Mozambique, Lesotho and Angola, reflected a deliberate attempt to destabilize them. The South African Government was trying to reduce Lesotho to the status of a so-called independent homeland, while the Pretoria Government had similar plans for Botswana, Swaziland, Zimbabwe and Mozambique. Such plans, and the illegal occupation of Namibia, bore witness to the racist regime's utter disregard of the Charter and international law, and thus endangered world peace and security.

85. There was general agreement that apartheid was a crime against humanity and an affront to mankind. One reason why the system endured was the external political, military, economic and other assistance given to the South African colonial, racist regime. Such external forces must be exposed if the crime of apartheid was to be ended. The Special Rapporteur's reports served a useful purpose in that respect.

86. His delegation was concerned that many important States had not signed the International Convention on the Suppression and Punishment of the Crime of Apartheid. Ratification by those States could prove a catalyst in action against apartheid and should be speedily forthcoming.

87. It was high time the ritualistic condemnation of the criminal South African system was translated into action. With the necessary political will, the international community could bring apartheid to its knees; but to do that the existing instruments must be implemented. The proclamation of the Second Decade to Combat Racism and Racial Discrimination should strengthen the international community's resolve to eradicate the evil system of apartheid.

The meeting rose at 6 p.m.