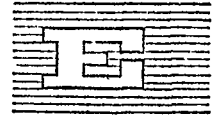


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COMMISSION ON HUMAN RIGHTS

Fortieth session

SUMMARY RECORD OF THE 13th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 February 1984, at 10 a.m.

Chairman: Mr. KOOLJMAN (Netherlands)

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The meeting was called to order at 10.30 a.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1984/8; E/CN.4/1984/NGO/21 and 22)

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)

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- (a) STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 17) (continued)
- (b) IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17) (continued) (E/CN.4/1984/37 and 38; A/CONF.119/26)

1. Mr. CORRAL (Spain) said that his country attached great importance to the efforts being made by the United Nations to eliminate racism, racial discrimination and apartheid and associated itself with those efforts. Racism was evidently still very much alive, as the Second World Conference to Combat Racism and Racial Discrimination had had to recommend a new Decade for Action. Far from being discouraged, however, the international community should intensify its efforts to eliminate discrimination based on race or any other motive. By proclaiming, in resolution 38/14, the Second Decade for Action to Combat Racism and Racial Discrimination, the General Assembly had shown that it wanted to eliminate a scourge that did, it must be admitted, affect most countries in the world. Accordingly, Spain had taken an active part in the work of the Conference and had approved the resolution in question.

2. That was, however, not enough; it was the responsibility of Member States to act individually in their own sphere of competence. Article 14 of the Spanish Constitution proclaimed the principle that all Spanish citizens were equal before the law without discrimination of any kind, including race. The ordinary courts, the constitutional court and the Parliamentary Commissioner ensured that the principle was applied. In accordance with those provisions and the international commitments it had undertaken in that regard, Spain had presented, as agreed, periodic reports to the Committee on the Elimination of Racial Discrimination.

3. Despite everything, however, South Africa continued to maintain the shameful system of apartheid, which, far from combating racism, institutionalized it. Spain had on many occasions condemned apartheid and had noted with regret, from the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8), that human rights continued to be violated in South Africa. The indifference of the South African Government to appeals by the international community to put an end to its policy, which had led to a massive influx of persons to African countries already faced with serious refugee problems, could not but arouse indignation.

4. Although the constitutional reforms approved on 2 November 1983 provided that a number of ethnic groups would be allowed to take part in elections for the first time, they were not decisive enough to bring about the total elimination of apartheid. The South African Government had to understand that more radical reforms were urgently needed. It was also a matter of concern that, despite protests by the United Nations, the South African Government was continuing, and even intended to intensify, its policy of establishing bantustans.
5. Of equal concern were the violations of human rights committed by the South African Government in Namibia and, in particular, the denial to the Namibian people of the exercise of its right to self-determination. His own country again drew attention to the need to apply Security Council resolutions 385 (1976), 435 (1978) and 532 (1983) and rejected South African manoeuvres to delay the implementation of the United Nations plan for the independence of Namibia by raising extraneous issues.
6. Spain once again condemned the policy of apartheid and the resulting massive violations of human rights not only as an affront to human dignity and a challenge to the international community, but also as a serious threat to the stability of the region and to relations among neighbouring States.
7. Mr. EL FERJANI (Libyan Arab Jamahiriya) said that, throughout history, mankind had fought against injustice and persecution and had made sacrifices in order to eliminate poverty and hunger and to guarantee freedom of expression and belief. Those principles had been solemnly proclaimed in the United Nations Charter and the Universal Declaration of Human Rights.
8. At present, however, the racist regime was pursuing its policy of the oppression of the African majority in South Africa and the people of Namibia. In its progress report (E/CN.4/1984/8), the Ad Hoc Working Group of Experts had clearly shown what the white racist minority's policy of apartheid involved and how it violated all of the most fundamental principles of human rights and flouted the will of the international community. The racist regime did not hesitate to imprison, torture or murder persons who were merely asserting their right to dignity. Hundreds of freedom fighters belonging to liberation movements and, in particular, to SWAPO were being held in South African prisons. Moreover, on 13 February, it had been learned that some 15 black students had recently been massacred by the South African authorities.
9. The white minority controlled all sectors of the economy, while black workers were exploited and unable to benefit from their own country's wealth. Their wages were on average no more than 16 per cent of those of white workers. It was because of the apartheid regime that transnational corporations operating in southern Africa were able to earn enormous profits. The so-called constitutional reforms that had recently been adopted were no more than a manoeuvre to perpetuate the apartheid system; the two chambers to be elected by coloureds and Asians, respectively, would, moreover, have no real power. The aim of the South African Government was to deceive international public opinion and isolate the black majority.

10. At its most recent session, the General Assembly had once more unequivocally condemned such machinations, which were not limited to South Africa and Namibia, for the racist regime had launched attacks on the front-line States, was murdering innocent civilians on the pretext of pursuing freedom fighters beyond its borders, occupying part of Angola and engaging in sabotage in neighbouring countries.

11. Despite numerous condemnations by the United Nations, many western countries and, in particular, the United States were assisting the racist regime and encouraging their firms to invest in South Africa. In 1983, 3,350 transnational corporations had been engaged in business in South Africa - 10 times as many as in 1978. The racist regime had, with United States assistance, succeeded in obtaining a \$1.7 billion loan from the International Monetary Fund - an amount equivalent to its military expenditure in Namibia. It had subsequently been found that the loan had not really been necessary and that it had, rather, been an act of defiance against the international community. The United States had energetically defended the racist regime in international organizations and specialized agencies, prevented the application of the sanctions provided for in the Charter, violated the embargo on arms supplies to South Africa decided on by the United Nations, strengthened its economic co-operation with that country and concluded agreements to provide it with the services of military advisers.

12. The racist regime had another ally in the Middle East with which it maintained close links and which gave it the benefit of its own experience of violations of human rights, aggression against neighbouring States and the denial of the exercise of the right to self-determination. That was hardly surprising, as the racist and zionist regimes were both based on dogmas that were unequivocally condemned by the United Nations. The black population of South Africa and the Namibian people were being deprived of their fundamental rights, as was the Palestinian people, and South Africa continued to occupy Namibia and part of Angola, just as the zionist State occupied Palestine and part of the territory of three other States. The racist regime wished to link the settlement of the Namibian problem to the withdrawal of forces whose presence in Angola was entirely legitimate, just as the zionist regime wished to establish a correlation between its departure from Lebanon and the withdrawal of Arab forces whose presence in that country was equally legitimate. South Africa carried out raids in Angola, and Israel did the same in Lebanon, and both regimes committed acts of aggression against neighbouring countries on the pretext of pursuing freedom fighters.

13. As the Ad Hoc Working Group of Experts had pointed out, two unpopular regimes had through their alliance, been able to strengthen not only their military, but also their nuclear capacity. Co-operation between the zionist and racist regimes was not limited to arms sales; it also involved exchanges of technology and technical and scientific experts and the export of raw materials and, since March 1983, it had taken the form of collaboration in the field of electronics. The ministers of finance of the South African and zionist Governments had signed agreements to expand their economic relations and, in particular, to strengthen co-operation in the agricultural and technical fields. It should also be recalled that Israel, unlike any other country in the world did not grant Israeli nationality to persons who were not Jewish.

14. His country supported the boycott of the South African regime in all fields and upheld the cause of the South African and Namibian peoples who were fighting against apartheid and occupation and for recognition of their right to adopt a system of government of their choice. It also supported the front-line States which were under attack by the racist regime and believed that it was essential to deny the regime military and economic assistance of any kind and to support the national liberation movements in South Africa and Namibia.

15. Mrs. BARRINGTON (Ireland) said that the Commission must ask whether there had been any improvement in the situation in southern Africa or whether the South African Government had at least shown any tendency towards undoing the injustice of its policy of apartheid. Her delegation had noted with regret that the South African Government was implementing its policy of apartheid more vigorously than ever and was rigorously suppressing any protest by the people of southern Africa. The institutionalization and legalization of a political, social and economic system based on the colour of a person's skin were an insult to the intrinsic dignity and value of every human being. No mere tinkering with the apartheid system would be sufficient to rectify the wrongs that had been and continued to be perpetrated. That system would have to be eliminated before a society based on the value and worth of every human being could emerge.

16. In accordance with those principles and in an effort to influence the Government of South Africa, her country had taken measures to discourage any official economic, cultural or sporting relations with that country. It supported the arms embargo imposed by the Security Council and would also support the imposition by the Security Council of graduated sanctions which would be implemented fully and by all and might include an oil embargo and an end to loans and new investments. Her country did not have diplomatic relations with South Africa and contributed to United Nations funds to promote the establishment in southern Africa of a society without apartheid.

17. In its progress report (E/CN.4/1984/8), the Ad Hoc Working Group of Experts had concluded that repression in South Africa had increased in every respect. For example, with regard to what had been termed "separate development", the South African Government's objective was to create a "constellation of independent States" grouping people by colour and language. The end result would be that 70 per cent of South African land would remain in the hands of the white community, while the remaining 30 per cent would be allocated to the so-called "independent States". The aim of the policy of "separate development" was to deprive the black population of its South African citizenship. Even the term "separate development" was fundamentally misleading. In her Government's view, the human person was at the centre of the development process and development implied not only the physical and economic well being of the human person, but also the capacity for intellectual, cultural and social growth. Good government should allow all under its care to share in the responsibilities and benefits of society. The South African Government was, however, attempting to reap those benefits for a small group and deny them to the majority of the population.

18. Since 1965, more than 3.5 million black South Africans had been reported to have been removed from their homes and compelled to settle in areas unknown to them. Over 2 million more were now being threatened with removal. The South African Government had redrawn the map of South Africa and designated a number of areas for

blacks, largely on the basis of the language they spoke. By removing unwanted or so-called "surplus" black people from designated white areas, the South African authorities were denying blacks their fundamental economic, social, political and civil rights, depriving them of their right to citizenship and making them illegal aliens in their own country. That was what was being termed "separate development" and those were the objectives and methods which her Government categorically condemned. The South African Government must put an end to its policy, which was also causing social and family disintegration, and, in its place, establish a system which would allow every individual to develop in harmony with the community.

19. Recent events in South Africa offered no hope. The death penalty, torture, the destabilization of neighbouring countries, deportations to so-called independent bantustans, influx control measures, bannings and denials of freedom of expression were some of the tools that continued to be used. While there was one hospital bed for every 337 persons in the bantustans, the proportion was one for every 61 white persons. In 1981, black persons in the mining sector had earned 201 rand, as against 1,197 rand for whites. The new Constitution adopted in 1983 merely reinforced the denial of human rights to black South Africans and the violent suppression of protests in the Ciskei was further evidence of the brutality of the apartheid system.

20. Her delegation wished to join the International Commission of Jurists in appealing to the international community for increased political will to influence the South African Government to end apartheid. By continuing to occupy Namibia illegally, South Africa was flouting that territory's right to self-determination and using the methods of apartheid to further its aims. Her country had on many occasions condemned that illegal occupation and the resulting denials of human rights. It supported Security Council resolutions 385 (1976) and 435 (1978) and urged that they should be implemented fully and without delay. It was in favour of the imposition of graduated sanctions which would result from Security Council resolutions. With regard to Mr. Khalifa's report and the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in southern Africa (E/CN.4/Sub.2/1983/6 and Add. 1 and 2), however, it did not believe that trade relations as such inhibited the enjoyment of human rights in South Africa and did not understand why the report named some countries which traded with South Africa and failed to name others.

21. Her Government continued to have some reservations concerning the International Convention on the Suppression and Punishment of the Crime of Apartheid. However, although it considered that the Convention was unnecessary, its unequivocal condemnation of the policies and practices of apartheid could not be questioned in that context. Lastly, she thanked Mr. Jonah, Secretary-General of the Second World Conference to Combat Racism and Racial Discrimination. Her delegation had supported the Programme of Action, on which the Conference had reached a heartening consensus.

22. Mr. COLLIARD (France) said that, since the Commission's last session, there had been a number of important developments with regard to action to combat racism and racial discrimination. The Second World Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1983, and the most recent session of the General Assembly had made it possible once again to reach an international consensus.

on the problem and its most abhorrent form, apartheid. His country had taken part in the Conference in the hope that it would once again rally the international community, as at the beginning of the first Decade for Action to Combat Racism and Racial Discrimination, and resolve the differences of opinion that had emerged since then. Even though that expectation had been only partially met, fresh impetus had been gained when the participants had unanimously recommended the proclamation of a new Decade. The Conference had also been satisfactory in substance: it had aroused interest in the measures to be taken to combat racism, since nearly the entire Programme of Action had been adopted by consensus. In autumn 1983, a further step towards effective action had been taken in a spirit of constructive co-operation when, on the basis of the new-found consensus, the General Assembly had adopted resolution 38/14 launching the second Decade.

23. That result, which was primarily to the credit of the African countries, was certainly one of the most important that the Commission had achieved in a long time. It was all the more timely in that racism was still all too prevalent in every part of the world, either in institutionalized form in South Africa or, unfortunately, only too frequently in the individual or collective subconscious of mankind. Racism was not only a matter of a difference of skin colour and it did not exist only in particular regions. It existed everywhere in varying degrees and in multiple and concealed forms. Various realistic means that were adapted to each case therefore had to be used to combat it wherever it existed. As the President of the Second World Conference had stressed, the eradication of the prejudices, myths and irrational attitudes that led to racism called for total energy and will. Constant vigilance was required on the part of everyone - individuals, groups and States - in their efforts to combat racism.

24. It might occur to some to ask those who had welcomed the consensus reached and who had denounced the different forms of racism what they were doing to honour their commitments under the International Convention on the Elimination of All Forms of Racial Discrimination, to implement the Programme of Action for the Decade and to combat apartheid. Through its highest authorities, France categorically condemned South Africa's policy of apartheid, which was the worst form of racism, since its aim was to institutionalize discriminatory, unacceptable and abhorrent practices. Action to combat it had rightly been given the highest priority in the Programme of Action adopted by the Second World Conference. The Commission must pursue its efforts to protect and defend the dignity of the victims of racism and discrimination. France, for its part, was working for the benefit of the victims of apartheid and was providing development assistance to South Africa's neighbours. It also intended to inform the South African leaders of its strong disapproval.

25. France was strictly implementing Security Council resolution 418 (1977) relating to the arms embargo imposed on South Africa, but, unlike some countries, it was of the opinion that the adoption of global economic sanctions would not have the desired effect and would, in the long run, further isolate the victims of apartheid. France had adopted a similar attitude for the same reasons in cases other than that of South Africa. The French Government nevertheless condemned apartheid in all areas and had requested French sports federations to forbid their teams to participate in sporting events in South Africa. Such a measure had a definite impact on public opinion in the countries concerned.

26. The French Government considered that South Africa was occupying Namibia illegally and had spared no effort at the diplomatic level to ensure the realization of the Namibian people's right to self-determination. It supported the peace plan contained in Security Council resolution 435 (1978), as well as the conditions and procedures for which it provided, and had high hopes that it would be implemented.

27. Mrs. MAIRIE (Republic of Cameroon) said it was a matter of deep regret that violence and war, accompanied as ever by massive violations of human rights, had again broken out in various parts of the world. That was particularly true in the Middle East, with both the tragedy of the Lebanese people, the horror of which seemed to know no bounds, and the plight of the Palestinian people, which had been driven from its homeland and was doomed to wander and be exterminated.

28. In southern Africa, apartheid, the one contemporary example of an institutionalized policy of racial discrimination, continued and grew stronger, leaving in its wake a trail of misfortune, violence and atrocity. That was a matter of deep concern to the Government and people of Cameroon. Apartheid led to the systematic and absolute denial of the fundamental rights of over 23 million persons. The white minority's apartheid regime continued to hold the unfortunate record for violations of the right of peoples to self-determination, of the rights of individuals subjected to any form of detention or imprisonment, torture, cruel, inhuman or degrading treatment and in connection with involuntary disappearances, arbitrary arrests and summary executions - all of which were items on the agenda of the Commission's current session. The 7 million persons who had been arrested in South Africa between 1960 and 1979 for breaking the pass laws, the deportation of 2 million blacks and the confiscation of their land for the benefit of the whites, the murder of hundreds of thousands of Africans, including old people, women and children, the massacres in Sharpeville in March 1960, in Soweto in 1970 and in Nyanga in 1976, the murder of Steve Biko, the fate of Nelson Mandela and the brutal incursions by South African troops into neighbouring countries, particularly Angola, were all evidence of the inhuman nature of the apartheid system, which was ruining an entire people's prospects for the future and was an affront to human dignity.

29. After the elimination of slavery and the victory over colonialism, which had been another unacceptable form of oppression, the challenge of apartheid still had to be met. The heroic struggle being waged by the freedom fighters, who were inflicting increasingly serious reverses on the South African forces of repression, must be welcomed with respect. The Government and people of Cameroon continued to support their South African brothers and would go on working without respite for the establishment of a multiracial, egalitarian, just and democratic society in South Africa. In that spirit, they welcomed the universal condemnation of the so-called "constitutional reform", which had been adopted by the white minority and would give Asians and coloureds only the semblance of participation in legislative power, while excluding blacks, who were still being deprived of their most basic rights. The reform could not, as some had claimed, be regarded as a constructive measure.

30. The Pretoria regime was so arrogant and showed such contempt for the many resolutions in which the General Assembly and Security Council had urged it to put an end to its abhorrent policy because it was sure that certain Powers, and not the least important would continue to turn a blind eye to the situation and to give priority to their own interests at the expense of the freedom and dignity of blacks

in southern Africa. It was urgently necessary to remind those who encouraged apartheid by collaborating with the racist Pretoria regime, while, at the same time, affirming their belief in a humanist approach to civilization, that human dignity and freedom were indivisible and could not be flouted in one region of the world without adverse effects for human society as a whole.

31. Her delegation would fully support any resolutions the Commission might adopt with a view to eliminating the policy of apartheid.

32. Mr. EKAR (Special Committee against Apartheid) said that the Special Committee against Apartheid had always benefited immensely from its co-operation with the Commission. It had taken note with interest of the progress report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) and the report by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonial and racist regime in southern Africa (E/CN.4/Sub.2/1983/6 and Add.1 and 2), which should be updated every year so that the Governments named would take effective measures to put an end to collaboration with the apartheid regime.

33. The Special Committee against Apartheid looked forward to co-operating with the Commission in the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid and welcomed the Programme of Action adopted for the Second Decade for Action to Combat Racism and Racial Discrimination.

34. The fact was that the human rights situation in South Africa continued to deteriorate year after year. The bantustan policy, under which 9 million black South Africans had, in the eyes of white South Africans, already lost South African citizenship, remained in effect and would even be extended. Yet it was heartening to note that not one member of the international community had recognized the bantustans. Savage repression was being stepped up and the Ad Hoc Working Group had been right to include in its report to the Commission a list of persons who were suspected of having committed the crime of apartheid - a crime against humanity - and who, if found guilty, would be punished. The South African regime's so-called "constitutional reform" had been unanimously condemned and it would not deceive the international community.

35. South Africa's policy of aggression, which it carried out with the support of its allies, applied to Angola, Mozambique, Lesotho, Zambia and other countries. South Africa also persisted in its illegal occupation of Namibia. There was only one other State which could transgress the borders of other countries without paying the penalty, and that was Israel. The alliance between Israel and South Africa had been the subject of repeated studies by the Special Committee against Apartheid; the latest had appeared as documents A/38/22/Add.1 and S/16101/Add.1: Israel and South Africa would not be able to continue on the path they had chosen without the direct assistance of some powerful countries, which stood shoulder to shoulder with them, even if they pretended otherwise.

36. The national liberation movement would undoubtedly play a decisive role in the struggle against apartheid - a struggle whose legitimacy had been recognized in many General Assembly resolutions, which must be regarded as rules of international law in the matter.

37. The Special Committee against Apartheid had taken note of the reservations which Mr. Cato, the Chairman of the Ad Hoc Working Group of Experts, had expressed in introducing the report of the Ad Hoc Working Group at the Commission's 9th meeting and which related to the letter from the Government of South Africa, dated 9 January 1984, and the excerpt from the investigation by the Medical Association of South Africa (MASA) into conditions of detention and the treatment of detainees. It might be possible to issue Mr. Cato's statement as an official document similar to the report of the Ad Hoc Working Group. The Special Committee supported that statement and, in particular, endorsed the suggestion that the Commission should request the World Health Organization to examine the MASA report and give an opinion in the matter.

38. He also fully agreed with Mr. Cato's observations concerning South Africa's insinuation about the Red Cross.

39. The Special Committee against Apartheid regretted that the representatives of the Netherlands and the United Kingdom should speak of the virtues of the European Economic Community Code of Conduct for Companies with Subsidiaries, Branches or Representation in South Africa. The workers directly concerned, namely, the South African trade unions, the Organization of African Trade Union Unity and the ILO Workers' Group had torn the Code to pieces. It was a voluntary Code and there was no reporting to Governments by the corporations concerned. The most recent International Labour Conference had left no doubt on that point. Similarly, the argument that the maintenance of relations with South Africa, especially through transnational corporations, did no harm did not stand up to analysis. The South African Government, which had created and relentlessly and openly maintained apartheid, was impervious to good influence. How long would the South African people have to endure the suffering inflicted by that benighted minority regime before it was able to benefit from the good intentions of the Netherlands, the United Kingdom, Canada and other countries?

40. It was by means of compulsion that apartheid would be eradicated - by means of peaceful compulsion, which was what sanctions were all about and all the General Assembly had asked for in demanding an end to economic relations with South Africa. The Special Committee against Apartheid hoped that the countries which were seeking short-term profits in South Africa would comply with that demand. One day apartheid would end and justice-loving countries in Africa and other parts of the world would not forget who the friends of apartheid had been. To illustrate the grim reality of the medieval situation that now prevailed in South Africa, he drew the Commission's attention to an article from the London Times of the previous week which had reported that over 700 persons had been racially reclassified: over two thirds of them were coloureds who had become whites, while others were whites who had become coloureds. Where was human dignity in all that? Black dignity was certainly being abused, but there could hardly be much white dignity left in a system that was so corrupt. Was that the type of system that would change by itself, by gentle remonstrations on the part of Canada and other countries? Peaceful change was what was needed, but that change must be induced and sanctions were the way to induce it. When sanctions had suited Western interests, they had been applied and had yielded the intended results. However, even the mandatory arms embargo was being flouted. In February 1984, for example, the American Friends Service Committee in Philadelphia had reported that the United States had authorized \$28.3 million in sales of military equipment to South Africa for 1981-1983. Humanitarian claims must be supported by humane policies and the fulfilment of international obligations. Sanctions would work if they were applied in that spirit. The argument against sanctions

served only to disguise the will not to impose them. Even if there was some truth in the argument that the blacks and neighbouring front-line States must also suffer, there was no reason not to listen to them when they said that they were prepared to pay the price. It should not necessarily be assumed that sanctions would lead to a long war of attrition. In the Special Committee's opinion, they were intended as a sharp, unpleasant medicine that would bring about an early cure. At the 11th meeting of the current session, the representative of Canada had stated that, in his Government's view, the black majority should be helped and encouraged to organize itself and assert its rights. Had it not asserted its rights in Sharpeville and Soweto? And with what result? Did the South African police need further opportunities to practise shooting down men, women and children?

41. Western aid to black South Africa had been referred to in the Commission's discussions, but it was far outweighed by the assistance given to the apartheid system by the investors listed in the report contained in document E/CN.4/Sub.2/1983/6 and Add.1 and 2. Assistance was far outweighed by profits.

42. The Special Committee against Apartheid hoped that good sense would prevail and that those who were frustrating the liberation struggle would join the mainstream at last and bring peace and humanity to southern Africa.

43. Mr. KHERAD (Observer for Afghanistan) said that racism, racial discrimination and its most odious manifestation, apartheid, were still widespread anachronisms that gave rise to serious concern. These colonial practices were not only a serious obstacle to the economic and social equality of peoples, but also a flagrant violation of the Charter and the main international instruments on human rights, a serious threat to international peace and security and an affront to human dignity. The proclamation of the Second Decade for Action to Combat Racism and Racial Discrimination showed that the United Nations was determined to bring an end once and for all to those detestable manifestations of colonial ideology and policy, which had been institutionalized by the South African apartheid regime.

44. Despite the measures already taken by the international community, millions of human beings in South Africa continued to suffer oppression and persecution solely because of the colour of their skin. Inhuman exploitation, political repression, arbitrary detention, torture, summary executions, reprisals, forced removals under the bantustan policy, the persecution of trade unions and students spared no member of the indigenous population. South Africa had thus become an enormous prison where the black population was subjected to Nazi-style methods and, contrary to some claims, the South African regime had no intention of making changes of any kind in its criminal system. The so-called constitutional reform, which had been adopted by the white minority alone, was only a stratagem that had been devised in order to concentrate power in the hands of the minority so that it could crush the opposition and safeguard the apartheid system.

45. The same racist and segregationist policies and practices were being applied in Namibia, which South Africa was occupying illegally in defiance of United Nations resolutions and, in particular, Security Council resolution 435 (1978). The Pretoria regime, which did not hesitate to attack independent African countries and especially the territorial sovereignty and integrity of Angola and other front-line States, whose security was seriously endangered, was a genuine threat to national liberation movements, to neighbouring African States, to Africa as a whole and to international peace and security.

46. The regime was able to remain in power because it had the support and assistance of the United States, a number of other NATO States and Israel. Without those countries' unconditional economic, military, nuclear and political assistance and the assistance of Western transnational corporations, which was obviously based on common political, economic and strategic interests, South Africa would not have been able to acquire the military strength that enabled it to defy the United Nations by pursuing its policy of terror. The refusal by some countries to boycott and isolate the racist regime and the veto they exercised in the Security Council to oppose the application of economic and political sanctions against South Africa were no more than a diplomatic manoeuvre to safeguard their position in the region and continue their systematic exploitation of human and natural resources in South Africa and Namibia. Those countries refused to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid so that they could continue to co-operate with South Africa. They were prompt to condemn the racist South African regime in word, but not in deed.

47. The multifaceted collaboration or complicity that existed between the twin brothers, Israel and the Pretoria regime, was no mere coincidence; it was the natural result of their colonial nature and the racist ideology they shared. The similarity between them could be seen not only in their domestic policies, but also in their external policy of expansion and aggression against neighbouring countries. Zionism and apartheid both gave free rein to State terrorism. They both benefited from the same political support and the same complicity on the part of their protectors, who assured them complete impunity and, by exercising their right of veto, placed them out of reach of the sanctions provided for in Chapter VII of the United Nations Charter.

48. Mankind would not have a clear conscience until racism, racial discrimination and apartheid had been eradicated and the only means of achieving that end was to put pressure on the South African regime by halting co-operation of any kind with it and applying compulsory, global sanctions against it.

49. His country fully supported the legitimate struggle being waged by the Namibian people under the leadership of SWAPO, its sole authentic representative. It reaffirmed its solidarity with the heroic South African people, its liberation movement and its spearhead, the African National Congress (ANC), and strongly condemned the South African regime. It also gave full support to the measures taken to suppress the last vestiges of colonialism and to abolish racism and all forms of racial discrimination.

50. Mr. SENE (Senegal) said that racism, racial discrimination and apartheid were the most abhorrent human rights violations in modern history. He had no intention of going into the question in detail or of making accusations against South Africa because apartheid had already been defined in article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid as a crime against humanity which violated the principles of international law, in particular the purposes and principles of the Charter of the United Nations, and constituted a serious threat to international peace and security. The policy of apartheid was an affront to the conscience of mankind because it was incompatible with respect for human rights and the dignity of the individual.

51. Although it was true, as those who championed apartheid liked to point out, that human rights were being violated in many parts of the world, the situation in South Africa was one of a kind. South Africa had a State ideology based on racial inequality and, in South African society, the colour of a person's skin still determined whether he was entitled to civil, political, economic, social and cultural rights. Apartheid was thus a perversion of the democratic, Christian values of Western civilization from which it claimed to derive. For that reason, his delegation must once again express its indignation at the fact that a question on which there had been unanimous agreement for decades had not yet been permanently resolved.

52. The report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) gave a poignant account of the day-to-day existence of patriots and freedom fighters in southern Africa. According to the peculiar logic of a system based on a policy of concentration of power and racial domination, the apartheid regime had, on 2 November 1983, had an exclusively white electorate adopt "constitutional proposals" to allow coloureds and persons of Asian origin to participate in the political life of the country. What the Pretoria regime, which faced growing resistance both nationally and internationally, was in fact attempting to do was to create an illusion while keeping power in the hands of the white minority. Under the proposals in question, each racial group, except, of course, for the 23 million Africans, would administer its own affairs, which were to be determined exclusively by the State president. That so-called reform would grant persons in a particular population group second-class citizenship allowing them to exercise only certain rights under supervision by the white minority. The coloureds and Asians would, moreover, be liable for compulsory military service and that might mean that they would have to take part in acts of repression against the black population or in attacks on neighbouring States. It was hardly surprising that the proponents of apartheid should welcome the results of the so-called referendum that had been held because the new system of constitutional representation would only perpetuate the white minority's supremacy and prevent recognition of the black majority's right to vote.

53. The aim of the white minority regime in South Africa was to transform two-thirds of the territory into a white-owned area. As a result of the Bantu homelands policy, the 23 million blacks in the country now held only 13 per cent of the land, whereas 87 per cent belonged to the 5 million whites. The Pretoria Government claimed that the homelands were sovereign States where blacks were able to exercise their right to self-determination, but its real aim in implementing the diabolical homelands policy was to destroy the unity of the South African people in order to prevent any awakening of national consciousness and to obtain cheap labour. Under the policy, coloureds and Asians, who did not have their own homelands, had to be included in the white community. If they allowed themselves to be manipulated, however, the goals which had always been shared by blacks, coloureds and Asians would be seriously threatened. The coloureds and Indians must not be allowed to fall into the trap of that conspiracy. The population of Asian origin had been at the forefront of the struggle against racism in South Africa, particularly under the leadership of Mahatma Gandhi. It had, moreover, been at the request of the Government of India that, in 1946, the United Nations had begun to consider the problem of racism and India had been the first country to apply voluntary global sanctions against South Africa.

54. The so-called constitutional reform had been condemned by a large majority at the thirty-eighth session of the General Assembly, just as it had been by whites, coloureds and Asians in South Africa who were in sympathy with the blacks.

55. With regard to the question of the illegal occupation of Namibia, which was a threat to international peace and security, the General Assembly, the International Court of Justice and the Security Council had devised a plan to ensure that country's independence, sovereignty and integrity, but, for the past five years, the international community's hopes had been disappointed, less because of South African resistance than because the substantive issue, namely, decolonization and the Namibian people's right to self-determination, dignity and independence, had been distorted and even shelved. There were those who had tried to place the problem in the context of the East-West confrontation and to introduce extraneous ideological elements, thereby heightening tensions and delaying the process of decolonization provided for in the United Nations transitional plan for Namibia. South Africa had taken advantage of the stalemate to strengthen its system of domination, which was based on a policy of oppression taking the form of arbitrary arrests, the ill-treatment of detainees, torture and the use of repression against SWAPO fighters, as shown in the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8). By applying its apartheid and Bantu homelands policy, the occupying Power was ensuring that Namibia's most fertile land and natural resources remained in the hands of the whites, who were exploiting them illegally. In such circumstances, action must be taken without delay. The South African Government must be made to understand that a complete stalemate might totally destabilize the region and make any further attempts to establish a climate of peace in South Africa even more difficult. A stalemate would, moreover, only add to the Namibians' problems.

56. In short, what was at stake in southern Africa was the freedom and independence of a people, the right of an entire region to develop in a context of stability and on the basis of peaceful relations among neighbouring countries and respect for the human rights, democratic principles and values recognized by the United Nations.

57. A tribute should be paid to the heroic Namibian people, which was fighting for its independence under the leadership of SWAPO, its sole authentic representative. At the International Conference in Support of the Struggle of the Namibian People for Independence, which had been held in Paris in April 1983, the international community had condemned violations of the human rights of the Namibian people and the acts of aggression committed by the racist South African regime against the independent States of the region. The Namibian people's struggle was inspired directly by the purposes and principles of the United Nations Charter and the Namibians' patience and wisdom was the best guarantee of the positive contribution they would make to the strengthening of the Organization. The way in which the Namibian question would be resolved would undoubtedly have a significant impact on the future of the Commission on Human Rights.

58. As a member of the United Nations Council for Namibia and in accordance with its traditions of justice and freedom, his country believed that it had now become essential to decide whether the application of the principle of the self-determination of the Namibian people and the proclamation of Namibia's independence required the consent of the South African authorities or whether the international community should exert more pressure so that South Africa would give up the apartheid system and halt

its occupation of Namibia. The South African regime drew its arrogance from the assistance so willingly provided by certain Powers. In his delegation's view only the application of the mandatory sanctions provided for in the Charter could deprive South Africa of the means on which it relied to persist in its attitude, for it was obvious that mere moral pressure would not be enough to make the South African regime mend its ways. It was, moreover, difficult to understand how those who claimed to support the cause of human rights in other parts of the world could show so little enthusiasm when it came to southern Africa. In the meantime, the threat to the security of African States had taken on a new dimension as a result of South Africa's acquisition of nuclear power.

59. Quite apart from geographical and historical considerations, the Arab and African peoples had always shown solidarity in their struggle to ensure respect for the human rights of the Palestinian, Namibian and South African peoples. There had been frequent reference to the three suffering peoples: the Arabs, the Jews and the blacks. Although he honoured the memory of all victims, he did not think that any people in the world had suffered as much as the blacks, first under slavery for over four centuries and then under the apartheid regime.

60. He paid a tribute to the Special Committee against Apartheid, the Centre against Apartheid, the United Nations Council for Namibia, the Ad Hoc Working Group of Experts, the Group of Three and specialized agencies such as UNESCO and the ILO, which were making an invaluable contribution to the struggle being waged. His delegation urged all States to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid and supported the proposal by the Ad Hoc Working Group of Experts for the establishment of an international penal tribunal, which would rule on crimes of apartheid. It also congratulated Mr. Khalifa, the Special Rapporteur, who had updated the list of corporations and other entities and persons whose activities assisted the Pretoria regime.

61. The international community must continue to support the struggle being waged by all peace-loving and justice-loving peoples in southern Africa, a region that was vital to world stability. Apartheid must be eliminated and the region's vast stock of natural and human resources and its considerable potential for fraternal action, which were essential for the development of Africa and the progress of mankind, must be safeguarded.

62. Mr. ZAWALONKA (Observer for Poland) said that the international community had long been denouncing apartheid as a racist doctrine that was contrary to the principles of the United Nations Charter and fundamental human rights. The South African regime was a constant threat to peace and security in the region. The occupation of Namibia and part of Angola, together with threats and acts of aggression against Mozambique and Lesotho, constituted gross and systematic violations of human rights, as confirmed in the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8).

63. Colonization continued to exist in some parts of the world, particularly in southern Africa, where the whites and their partners were exploiting the black majority and plundering Namibia's natural resources. His country had always been opposed to racism, racial discrimination and apartheid, as it had affirmed at the International Conference in Support of the Struggle of the Namibian People for Independence held in Paris in April 1983.

64. As the United Nations and the Commission on Human Rights had stated on many occasions, the activities of foreign economic and military interests were the main obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, a historic document which had profoundly changed the map of the world.

65. It was obvious that the South African regime would not be able to defy most United Nations resolutions unless it had the political, economic and military assistance of certain NATO countries, whose corporations accounted for most of those included in the list drawn up by Mr. Khalifa, the Special Rapporteur (E/CN.4/Sub.2/1983/6/Add.1). In that connection, the General Assembly had, in resolution 37/40 of 3 December 1982, expressed serious concern that "the principal Western and other trading partners of South Africa are continuing to collaborate with the racist regime" and that "their collaboration constitutes the main obstacle to the abolition of that regime and the elimination of the inhuman and criminal system of apartheid". The States in question could not claim that economic and financial assistance was granted to South Africa by private companies over which they had no control or that they were unable to apply sanctions, for there had been occasions on which they had found the means to do so.

66. His delegation was firmly convinced that the total isolation of the racist South African regime and the imposition of effective sanctions against it were the only means of putting an end to apartheid. Other effective steps would be to encourage more States to accede to international legal instruments condemning racism, racial discrimination and apartheid and to strengthen their implementation. It was unthinkable that some Member States had not yet acceded to or ratified the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. According to a note by the Secretary-General (E/CN.4/1984/36), only 77 Member States had acceded to the latter Convention.

67. Racism and racial discrimination could be eliminated only if all members of the international community condemned them both in deed and in word. The Second World Conference to Combat Racism and Racial Discrimination, held in August 1983, had been a good step in the right direction.

68. The existing situation could be changed only by the measures provided for in the relevant resolutions of the Security Council, the General Assembly and the Commission on Human Rights. His country would continue to give its full support to the just struggle of the South African peoples for emancipation. It was the responsibility of the international community to help those peoples eliminate apartheid. Mandatory sanctions under Chapter VII of the Charter should be applied without delay against the South African regime.

69. Mr. WIESNER (Observer for Austria) said that racism endangered human rights and that gross and systematic violations of human rights were a threat to peace. Accordingly, his country had endorsed the proclamation of the Second Decade for Action to Combat Racism and Racial Discrimination and had taken an active part in the Second World Conference to Combat Racism and Racial Discrimination, which had been held in 1983.

70. If decisions by the United Nations were to have a greater impact on the countries that still practised racism, they must be adopted by the largest possible

majority. In that connection, the adoption of the documents of the Second World Conference, for which his country had voted, had been a step in the right direction. The Commission should also continue to search for common denominators, even if it might appear to be making concessions to those who were massively violating human rights. What was important was concerted action, which was actually more effective than the seemingly stronger actions advocated by only a relatively small number of Member States. The proponents of racial discrimination would be only too happy to see the Commission divided and unable to take decisive action. As a member of the Economic and Social Council, his country would lend its support to any recommendations by the Commission that would, in its view, contribute to the achievement of the objectives of the Second World Conference. Austria was not bound by its neutrality when human rights were at stake; it respected international human rights instruments, as well as binding decisions against racism.

71. Mr. MARTÍ (Pax Romana) said that his organization, an international movement of Catholic students and intellectuals, wished to draw the Commission's attention to cases of arrest that showed how arbitrary the South African regime was. Father Mkhathshwa, Secretary of the Catholic Episcopal Conference of South Africa, had been arrested by the Ciskei authorities on 30 October 1983 after celebrating a mass at Fort Hare University in memory of students who had been killed following acts of repression. No formal charges had yet been brought against him. There was no assurance that he had not been tortured. Attempts to secure his release had been unsuccessful, as the authorities had maintained that the Ciskei was "independent". Demonstrations in support of his release had taken place both in Pretoria, South Africa and abroad, in front of the South African Embassy in Bonn and the South African Consulates in Hamburg, Frankfurt and Munich, as well as in Vienna and other Austrian cities. Those demonstrations had been organized by movements such as Amnesty International and Pax Cristi. A further request by the Catholic Episcopal Conference for Father Mkhathshwa's release had, however, been rejected and his trial had been postponed until 7 March, when he was to appear for having delivered a sermon of a "seditious nature". In view of the reputation of the Ciskei authorities, there was reason to fear for his safety and his life.

72. The South African authorities had also arrested the following members of Young Christian Students: Rapu Molokoane, 21 years old, Sello Seripe, 20 years old, and Sam Ratholo. Their names should be added to those which had been mentioned in the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8): Karl Niehaus, 23 years old, his fiancée Jansie Lourens, who had both been brought before the Rand Supreme Court on charges of high treason, and Katherin Hunter, 23 years old, who had been arrested on 7 September 1983 and denied legal assistance. Those persons were being detained under conditions which failed to ensure respect for human rights and they had no guarantee of a fair hearing by an impartial tribunal. Their detention was the result of a policy of the systematic repression of students who were opposed to an educational system based on segregation.

73. His organization condemned arbitrary imprisonment in South Africa and requested the Commission to bring the above-mentioned individual cases to the attention of the Economic and Social Council and other competent bodies so that the necessary measures could be taken to ensure that the detainees enjoyed all the guarantees provided for under the rule of law. He thanked the Ad Hoc Working Group of Experts for its excellent report and said he hoped that the Group's final conclusions would be submitted to the Commission at its forty-first session.

74. Mr. EL MAY (League of Arab States) said that his organization, which supported humanitarian causes and the principles of justice, freedom and peace, attached particular importance to the question of racial discrimination because the Arab peoples had suffered from it greatly during the colonial era and the Palestinians continued to be subject to it even now. The Arab peoples' solidarity with the African peoples thus reflected a firm belief. Racist practices were, moreover, a threat to international peace and security.

75. The Council of the League of Arab States had condemned South Africa after the Sharpeville massacre in 1967. It had also condemned the establishment of the South African Republic and had recommended that the Arab States should not recognize it, on the grounds that the racist regime did not represent the majority of the population.

76. The League of Arab States was providing material assistance to the African liberation movements that were opposed to the apartheid system, which was comparable to slavery. The solidarity of the League of Arab States with African countries and liberation movements had once more been reaffirmed at the meeting of the Permanent Ministerial Council for Co-operation between African and Arab States, which had been held in March 1983. The following declaration had been adopted at that meeting: "The Arab States are naturally on the side of the front-line African States, uphold their cause and support their just struggle against racism. They pay a tribute to the resistance of the freedom fighters in their heroic struggle against one of the last bastions of injustice and tyranny in war-torn Africa ... Their support for the struggle of the Namibian people, under the leadership of its prestigious organization, SWAPO, and their support for the struggle of the peoples of South Africa reflect their belief that, in view of the co-operation that has been established by the two racist entities, South Africa and Israel, in a variety of different fields, a triumph over either of them will weaken the other and make an effective contribution to its defeat ...".

77. The Pretoria and Tel Aviv regimes did maintain close relations of long standing as a result of their isolation and their defiance of the will of the international community. The similarity between the two regimes had been stressed by a number of commentators, including Henry Katzew, who had said that: "The Israelis base themselves on the Bible to explain why they do not wish to mix with other peoples. The Afrikaners do the same". Both used a similar vocabulary to describe themselves as a chosen people whose survival and security had to be ensured.

78. The report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) showed, for example, just how far the Pretoria regime had gone in its aggression against Angola. The international community could not allow such practices any more than it could allow the strengthening of relations between the Pretoria and Tel Aviv regimes. The League of Arab States therefore appealed to all peoples to take action against the scourge of South African and Israeli racism, which was a threat to the future of mankind.

79. Mrs. FATIO (International Baha'i Community), welcoming the results of the Second World Conference to Combat Racism and Racial Discrimination, said that her organization fully supported the Second Decade for Action to Combat Racism and Racial Discrimination which had been proclaimed by the General Assembly in its resolution 38/14. The Baha'is were working actively to eliminate racial prejudice and discrimination, on the basis of an essential belief in the fundamental unity of the entire human family. She noted that the authors of the Declaration and the Programme of Action adopted by the Second World Conference

had attached particular importance to the role of education and, in that connection, had proposed a set of measures to be taken by States in section B of the Programme of Action. Such educational efforts were essential, for everyone and, in particular, children, must be educated in the spirit and reality of the unity of mankind so that racial prejudice could be eradicated. The Baha'i point of view on that subject had been explained in a statement submitted to the Second World Conference (A/CONF.119/CRP.1) and in a statement made at the thirty-ninth session of the Commission (E/CN.4/1983/SR.14, paragraphs 56 and 57).

80. Her organization welcomed draft resolution III, which had been submitted to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1984/3, pp.2 and 3). The adoption of the school curricula referred to in that text would be a decisive step forward in the implementation of the provisions of the Programme of Action. In that connection, she said she had some suggestions to make with regard to measures which UNESCO might take.

81. First, UNESCO might prepare a bibliography of the documentation which it and other sources had published on the topics listed in paragraph 3 of draft resolution III and make the bibliography available to Governments, specialized agencies, non-governmental organizations, schools and universities.

82. Secondly, UNESCO might invite Governments, specialized agencies, non-governmental organizations, schools and universities to keep it informed of trends in the teaching of the topics recommended in the resolution and provide it with information on the importance attached to such instruction, the methods used and possible improvements. To that end, it might prepare a questionnaire that would be similar to the draft guidelines it had drawn up on the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, compile and summarize the replies to the questionnaire and make them available to Governments, specialized agencies, non-governmental organizations, schools and universities.

83. Thirdly, UNESCO might prepare a compilation of the main conclusions reached in studies of the topics referred to in draft resolution III. The compilation, which would also be transmitted to Governments and other bodies, might, for example, include scientific conclusions on the biological unity of all races, as well as the relevant provisions of the UNESCO Declaration on Race and Racial Prejudice. Such efforts by UNESCO would encourage schools and universities to adopt the curricula proposed in Sub-Commission draft resolution III.

The meeting rose at 1.20 p.m.