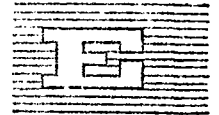


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Fortieth session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva  
on Tuesday, 14 February 1984, at 10 a.m.

Chairman: Mr. KOOLJMAN (Netherlands)

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GE.84-15224

The meeting was called to order at 10.25 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.1-2; 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;
- (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. BEAULNE (Canada) said that the Commission's discussions of apartheid, a regime that everybody rightly condemned, often aroused passion and made the search for solutions more difficult. However, at the present session the discussion had taken a more constructive turn as a result of some statements, more particularly that of the Bulgarian delegation at the 8th meeting.

2. Unlike a number of delegations which had spoken on the subject, his country recommended a policy of peaceful change in conformity with the Charter of the United Nations. The use of force should not be contemplated. The United Nations should strive to promote structural change and assist and encourage the black majority in South Africa to organize itself and to assert its rights, since change must obviously come from within, and not from violence fanned from outside. With that in mind, his Government, while taking various steps to manifest its opposition to the racist policies applied in South Africa, engaged in a programme of humanitarian assistance and community aid for the non-white majority in southern Africa, participated in the activities of many non-governmental organizations that sought to assist the under-privileged groups and the organizations of black workers, which had become the principal instrument of change and the expression of the political will of the majority, and contributed, inter alia, to the United Nations Trust Fund for South Africa and the United Nations Educational and Training Programme for Southern Africa. Furthermore, by ratifying the International Convention on the Elimination of All Forms of Racial Discrimination and by endorsing the objectives of the Second Decade for Action to Combat Racism and Racial Discrimination, his Government had demonstrated its opposition to racial discrimination of every kind. He hoped that the Commission would endeavour to explore new ways and means to enhance the effectiveness of the machinery and bodies aiming to eradicate that scourge. To that end, it would be useful to encourage stricter implementation of the International Convention, and particularly article 2 thereof.

3. His Government was anxious to assist the victims of violations of human rights to assert themselves and to make headway and hence did not seek to isolate South Africa completely. Indeed, the diplomatic relations it maintained with the Government of the white minority enabled it to seize every opportunity to induce that minority to respect the basic rights of the non-white majority; and through its presence and its contacts with that majority, it could encourage them and assure them that the Canadian Government was concerned about their fate.

4. Again, peaceful change would not come from economic sanctions, which would be contrary to the interests of the non-white population. South Africa was economically indivisible, but if the international community tried to apply sanctions to only one segment of the population, the other segment would be affected even more harshly. Account must also be taken of the vulnerability of the neighbouring countries, which depended to a large extent on South Africa's economy. His Government had always experienced doubts about the effectiveness of economic sanctions against South Africa, but it never doubted the ability of the South African Government to take reprisals against neighbouring countries.

5. As for the so-called independent "homelands", which were puppet inventions, his Government maintained no relations with their administrations and also condemned the violations of human rights committed there, violations for which it held the South African Government responsible.

6. He pointed out that it was on an initiative by his Government that South Africa had been compelled to leave the Commonwealth in 1960, that his Government had halted the sale of arms to South Africa well before the Security Council had made such a step mandatory, and that it had decided in 1977, of its own accord, that public funds should no longer be used to further trade relations with South Africa. Even Canadian private companies, which maintained business relations with South Africa at their own risk, had to observe certain rules of conduct aimed at eliminating racial discrimination and at improving working conditions. His delegation did not claim that those measures were the most effective conceivable. Nevertheless, contrary to the assumption that appeared to serve as a basis for the report by the Special Rapporteur for studying the adverse consequences for the enjoyment of human rights of political, military, economic and other assistance given to colonial and racist regimes in southern Africa (E/CN.4/Sub.2/1983/6 and Add.1-2), his Government did not accept that, because some of its nationals engaged in private trade with South African undertakings, it should therefore be accused of providing economic assistance to the Government which had invented the regime of apartheid.

7. The South African Government had recently, by means of constitutional amendments, opened the way to effective limited participation by coloured persons and Asians in the activity of the country, from which the blacks were none the less still excluded. At that pace, centuries would have to elapse before emancipation, extending from light brown to ebony, spread to the whole of the population. Such gradualism exacerbated tensions instead of relieving them, since it prolonged the humiliation suffered by the majority for generation after generation under the yoke of the whites. How could the whites fail to realize that occasional superficial improvements in the plight of the despised masses were mere window dressing a vain show and a pointless subterfuge? There was only one way in which the South African Government could exonerate itself from censure throughout the world:

give up apartheid, forswear the racist heresy that it alone sordidly championed, and recognize at last that one human being was neither better nor worse than another simply because of the colour of his skin.

8. He wished to avail himself of the present opportunity to invite the Commission to make an appeal to Mr. Banda, President of Malawi, for clemency on behalf of Mr. and Mrs. Chirwa, who had been sentenced to death. He suggested that the Commission should adopt without a vote a draft decision, the operative paragraph of which would constitute a telegram to be sent to the President of Malawi. The draft decision would read:

The Commission on Human Rights

Having been made aware that the Malawi National Traditional Court of Appeal has recently turned down the appeal of Orton Chirwa, former Minister of Justice and Attorney-General in Malawi, and his wife Vera against the death sentence passed on them for a capital charge of treason;

Understanding that the President of Malawi, Dr. Kamuzu Banda, is the last recourse of appeal having the power to grant clemency;

Having received information that the execution of Mr. and Mrs. Chirwa may be imminent;

Acting purely from humanitarian motives in recognition of the singular importance of the right to life and without intending to interfere in any way in the internal affairs of Malawi;

Decides to transmit immediately the following text to President Banda appealing respectfully and strongly that clemency be granted to Orton Chirwa and his wife Vera:

"The Commission on Human Rights has learned that the Malawi National Traditional Court of Appeal has turned down the appeal of Orton Chirwa and his wife Vera against the death sentence passed on them. Being seized by a purely humanitarian concern deriving from its recognition of the singular importance of the right to life, the Commission appeals most respectfully and strongly that clemency be granted to Mr. Chirwa and his wife."

9. The CHAIRMAN said that, if there was no objection, he would take it that the Commission adopted the draft decision without a vote.

9 bis. It was so decided.

10. The CHAIRMAN announced that the telegram would be sent immediately to the President of Malawi.

11. Mr. KLENNER (German Democratic Republic) said that his delegation had been willing to accept the text that had just been adopted but had done so with some reluctance. As a matter of principle, he considered that such a decision should not create a precedent.

12. Mr. CHERNICHENKO (Union of Soviet Socialist Republics) said that his delegation, having regard to the practice established by the Charter of the United Nations, felt that the Commission should not concern itself with individual cases. In the circumstances, however, the Group of African States had raised no objection to the adoption of the decision without a vote, and he too had therefore deemed it possible to agree to it as well.

13. His delegation, like that of the German Democratic Republic, thought that such a step should in no sense constitute a precedent.

14. Mr. HILALY (Pakistan) said that the international community could not remain indifferent for much longer to the sufferings still being endured by the Azanian and Namibian peoples. It must help those peoples in their heroic resistance to persecution and oppression and in their struggle for freedom and the restoration of their inalienable national rights, a struggle to which the Government and people of Pakistan firmly committed their support.

15. The Second World Conference to Combat Racism and Racial Discrimination had provided an opportunity to review the progress made in attaining the objectives of the Decade for Action to Combat Racism and Racial Discrimination. The participants had recognized that racism could be combated only by comprehensive and concerted efforts that took account of the complex aspects of the problem: historical, cultural, social, economic, psychological and moral. They had also recognized that the advent of a more humane world required the elimination of racist policies and practices and the abolition of apartheid. His delegation hoped that the recommendations and directives of the Conference would be implemented in all sincerity, for the racist regime in Pretoria was still pursuing its inhuman policy, one which, according to United Nations studies, bordered on genocide.

16. Despite the mandatory embargo on deliveries of arms, the racist regime of South Africa had increased its military capacity and, according to some information, certain States were even continuing to collaborate with it on matters of nuclear technology. Its massive militarization made it an unparalleled instrument of terror and instability in the region. It had committed acts of aggression against independent African States, particularly Lesotho and Angola, so as to destabilize them. The reach of its terrorism went as far as the Seychelles. Pretoria had turned Namibia into a **veritable** military garrison, to which it had despatched an occupation force of more than 100,000 men. It was deplorable that certain Western countries were still maintaining important links with the racist regime and thus providing support that had not only brought much suffering to the population but also had obvious consequences for peace and international security.

17. Pretoria was adamant in refusing to transfer power peacefully to the Namibian people. The Contact Group which had devised the independence plan for Namibia in Security Council resolution 435 (1978) had a duty to ensure application of the plan and to thwart the policy of intransigence and obstruction followed by Pretoria in order to keep on delaying independence. In that connection, the General Assembly and the Movement of the **Non-Aligned Countries**, together with the International Conference in Support of the People of Namibia, who were fighting for independence, had categorically rejected any linkage between the independence of Namibia and the presence of Cuban soldiers in Angola.

18. The United Nations must take effective steps, including the imposition of mandatory economic sanctions against South Africa, to hasten the accession of Namibia to independence and the exercise by the Azanian people of their inherent right to self-rule. The international community must give more moral and material support to those peoples and their national liberation movements, as well as to the front-line States, which were under constant threat from Pretoria.

19. Lastly, he reaffirmed his country's unswerving support for the Azanian and Namibian peoples. Pakistan had contributed to the United Nations Trust Fund for Southern Africa, to the United Nations Fund for Namibia and to the Non-aligned Solidarity Fund for Namibia. As a founder member of the United Nations Council for Namibia, it was working to advance the Namibian cause and would continue to do so.

20. Mr. ZORIN (Union of Soviet Socialist Republics) said that South Africa was the only country in the world where racism and racial discrimination had been raised to the status of official policy. The South African regime had for decades been applying a shameful political and legal system, based on terror and repression that had reached a degree of sophistication similar to that of the Nazi regime. In that regard the conclusions of the Ad Hoc Working Group of Experts on Southern Africa, in document E/CN.4/1983/37, paragraph 45, were very clear. The racist regime of South Africa was stubbornly committing acts of massive repression which brought to mind the crimes and tortures of the Nazi concentration camps. The apartheid regime was now going through a social, political and economic crisis and the South African leaders were endeavouring to solve matters by police repression. Morally and politically isolated from the world, it had adopted parliamentary reforms, but they failed to deceive world opinion and confirmed the conclusions reached by the General Assembly in resolution 37/69 A, of 9 December 1982. The apartheid regime, amongst others, was acting in breach of the provisions of the Charter of the United Nations and was a threat to international peace.

21. The first question was the unconditional liberation of Namibia, which the United Nations had been demanding for over 17 years, after it had terminated South Africa's mandate over that territory. South Africa, however, supported by the United States and other NATO countries, disregarded United Nations resolutions and pursued a policy of aggression towards independent neighbouring States. The Pretoria regime was waging an undeclared war against Angola, Mozambique and other African countries, and its allies were protecting it against sanctions adopted in conformity with the Charter. In the five years since the adoption of Security Council resolution 435 (1978), various Western Powers had repeatedly made reassuring statements, but they no longer misled anybody: the "constructive" policy for co-operation between Washington and Pretoria was being stepped up, and the United States, along with other Western Powers, claimed to be acting as the mediator. The imperialistic and hegemonic aims of Washington's policy were now all too clear: they consisted in obstructing Namibia's accession to independence, weakening Angola and depriving the African States of their sovereign rights, in breach of Article 51 of the Charter. At the Conference of Heads of State and Government of the Non-Aligned Countries, held at New Delhi in March 1983, the policy of the United States had been roundly condemned, together with any interference in the internal affairs of independent African States. In fact, only increasing pressure on South Africa and

its allies could make the colonizers give way. The inalienable rights of Namibia to freedom and independence were still being violated and the Namibians could only go on with their heroic armed struggle. The USSR called for complete and unconditional withdrawal by South African troops, under the supervision of SWAPO, in keeping with the right of the Namibian people to independence and self-determination and respect for the territorial integrity of Namibia.

22. South Africa was pursuing its policy of armed aggression in Angola. The South African troops had recently received an order to advance as far as possible in the north, centre and west of Angola in order to occupy all the important strategic points. Mobile South African units were burning harvests, destroying hospitals, schools and villages and exterminating thousands of civilians, in collaboration with the United States and with NATO countries, so as to wipe out the democratic structures in Angola. Those acts were a grave threat to international peace and security, and the collaboration by the United States was an obstacle to adoption by the Security Council of measures to secure the immediate and unconditional withdrawal of South African troops from Angola.

23. The South African apartheid regime could not have indulged in those criminal activities and would long since have been eliminated if it had not benefited from external political, economic and military aid, particularly from the United States, which had invested \$14.6 billion in South Africa in 1982, and also from the transnational corporations which were co-operating with South Africa and were listed in the report of the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1983/6/Add.1). In particular, 50 companies were co-operating with South Africa in the nuclear field, something that amply explained the threat to which the national liberation movements were exposed. To remedy that situation, comprehensive sanctions had to be taken, but the United States and other Western States were constantly intervening against the adoption of such sanctions.

24. His Government unreservedly condemned the South African regime of apartheid. All peoples subjected to colonial domination had the right to fight for their freedom by every means, including armed struggle, and sanctions should be taken and applied in accordance with Chapter VII of the Charter. In its foreign policy, the Soviet Government had always upheld the principle of solidarity with peoples fighting against imperialism, for development, independence and the defence of their legitimate aspirations, in the interests of world peace.

25. Mr. MATHANJUKI (Kenya) said that the Government of his country had always condemned the regime in South Africa for its brutal repression, systematic torture, indiscriminate arrests and the degrading treatment inflicted on the peoples of South Africa and Namibia. The report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) showed that the South African regime was not only intensifying its acts of repression, but was also trying to deceive the international community through so-called reforms. As long as the people of South Africa were deprived of the right to self-determination, and hence majority rule, it was not possible for the international community to believe that all races participated in the Government of that country. Kenya once again denounced the policy of forced removals to Bantu homelands, and supported the South African people in their struggle.

26. His Government was deeply concerned about the massive violations of human rights in South Africa and considered that the South African regime must put an end to its illegal occupation of Namibia, which must be able to exercise its right to self-determination in accordance with Security Council resolution 435 (1978) and with other resolutions of the United Nations. The international community had a duty to ensure the independence of Namibia. His country deplored the constant attacks launched by the Pretoria regime against the countries bordering on South Africa, in breach of the provisions of the Charter and the principle of the independence and territorial integrity of those countries. Such a state of affairs should cease, in the interest of international peace and security.

27. Kenya remained committed to the liberation of Namibia and South Africa. The international community should not allow itself to be thwarted by the actions of the Pretoria regime.

28. Mr. MTINGO (United Republic of Tanzania) said that the Ad Hoc Working Group's report in document E/CN.4/1984/8 revealed that shocking atrocities were being committed by the South African Administration in utter disregard of all the human rights instruments and of many resolutions by the General Assembly, the Security Council, the Commission on Human Rights and other United Nations bodies: murders in prisons, torture, persecution and general denial of basic human rights, including the right to citizenship of the country of one's birth or ancestry, removals of populations and demolition of homes under the system of Bantustanization and many other acts of oppression. With such a situation it was not enough to pronounce a ritual condemnation while South Africa went on with its atrocities, taking advantage of the friendship of the entire Western world, which would continue to expand trade relations and increase its investments and make no effort to curb the flow of immigrants. Technology, including military technology, would continue to flow to South Africa, the arms embargo imposed by the Security Council would still be broken hypocritically, and opposition to more effective sanctions would persist.

29. The Commission must have the courage to tell South Africa that the system of collective slavery had to stop and that enough was enough. Comprehensive economic sanctions had to be imposed against South Africa; if they were widely applied, they would have a devastating effect on the regime. The International Conference held at London in 1964 had already concluded that sanctions were not only possible but necessary. Unfortunately, comprehensive sanctions had not proved possible so far because South Africa's Western allies used their veto powers and their international influence to obstruct the action of the Security Council. All countries should seriously reconsider their position on that matter and also consider the moral justification for unilateral economic sanctions pending a decision by the Security Council. Prevarication and equivocation must come to an end, for they could only contribute to the outbreak of a racial conflagration in southern Africa.

30. It was astonishing that the West, which had fought Nazi racism, not only accepted apartheid but also agreed to trade with the regime and even spread its propaganda, when the system was even more rigid and evil than Nazism. The extent of the collaboration of transnational corporations with Pretoria could be seen from the report of the Special Rapporteur (E/CN.4/Sub.2/1983/6 and Add.1-2).



31. The Western countries were committed, under Security Council resolution 435 (1978), to work for the independence of Namibia, but unfortunately that independence was continually being obstructed by South Africa, which, in particular, linked the matter in with withdrawal of Cuban troops from Angola. Such an attitude was unacceptable, for the Namibian people had an unqualified right to independence, and, moreover, Cuban troops were in Angola at the invitation of the sovereign Government.

32. His country called on the international community to reject those manoeuvres aimed at depriving the Namibian people of their right to self-determination and also to use all available means to stop South Africa's campaign of destabilizing neighbouring countries: Lesotho, Zambia, Zimbabwe, Botswana, the Seychelles and especially Mozambique and Angola. Angola had again been attacked by an invasion force of 10 to 15,000 men who had penetrated 350 km inside its territory. South Africa's actions impeded development and the enjoyment of human rights in the neighbouring countries.

33. His country had acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid and it called for the speedy creation of international machinery - in particular an International Penal Tribunal - to punish that crime. Countries which were not already parties to the Convention should accede to it, and countries which already were parties should take the necessary legislative measures to ensure full implementation of its provisions. Lastly, his delegation welcomed the fact that the General Assembly had proclaimed the Second Decade for Action to Combat Racism and Racial Discrimination. It hoped that all Governments would endorse the Programme of Action of the new Decade and also support the work of UNESCO, which had adopted the Declaration on Race and Racial Prejudice in 1978.

34. Mr. OULD-ROUIS (Observer for Algeria), after having drawn attention to the many similarities between the policies pursued by South Africa and by Israel, stressed that apartheid was being maintained in South Africa and in Namibia by repression that grew stronger as it encountered resistance. The harsher repression was reflected in the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8): arrests of thousands of Africans, summary executions, denial of South African nationality, brutal repression in the Bantustans, and torture as an everyday practice.

35. For a long time an international consensus had emerged that apartheid was a crime against the conscience and dignity of mankind. It also recognized that apartheid involved the risk of a racial explosion fraught with dangers for international peace and security. South Africa none the less continued to defy the international community. An inevitable conclusion was that, one of the major obstacles to the elimination of the system was the growing assistance afforded to South Africa by some Western States. Western assistance had also enabled South Africa to increase its military potential and to acquire a nuclear capability. The Western Powers acting in that way were thus helping to perpetuate apartheid and destabilize southern Africa. Their justification was that their co-operation improved the living conditions of the African populations and thus helped to "humanize" the regime. Consequently, they believed that they could detect a positive trend in the so-called constitutional reforms. In actual fact, the reforms simply meant a more sophisticated assortment of laws designed to perpetuate discrimination. The new constitution was intended above all to conceal the fact that the black population was still excluded from the exercise of power.

36. The United Nations had already adopted a number of measures, including a mandatory arms embargo, but those steps had not been adhered to by the countries which could make the South African regime give way. At the present time, the most effective way of impelling South Africa to apply United Nations decisions, was the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter, a recommendation which had also been made by the Second World Conference to Combat Racism and Racial Discrimination, held in Geneva in August 1983.

37. In a strong position because of the complicity of others, South Africa also refused to implement Security Council resolution 435 (1978), which set out the process that should lead to the independence of Namibia. It put obstacles in the way of the implementation of the settlement plan contained in that resolution and wrongly established a linkage between independence for Namibia and matters which lay within the sovereignty of other States in the region. Unfortunately, certain allies of the Pretoria regime endorsed those demands by refusing to view the Namibian question other than through the distortions of the looking glass of East-West confrontation. In the past year the Security Council had denounced the obstacles set up to block the settlement plan and declared that South Africa's conditions were inadmissible. The peace plan in resolution 435 (1978) remained the only possible basis for accession of Namibia to independence and any attempt to replace it with a neo-colonial solution was doomed to failure. The Commission must help to eradicate apartheid by bringing its moral weight to bear alongside all the forces that were combating the regime.

38. Mr. TRINH VAN ANH (Observer for Viet Nam) said that in South Africa the apartheid regime was continuing to violate the human rights of the non-white population and escalating its repression from year to year. Millions of Africans were forcibly removed from the lands of their ancestors and resettled in barren areas without infrastructure or the barest means of livelihood; they were then deprived of their citizenship and subjected to merciless exploitation. Measures such as legislation on the "pass laws" and on terrorism had further increased the brutality of the apartheid regime.

39. With United States help, South Africa was being armed with the most sophisticated weapons and even provided with the capability to manufacture nuclear weapons. That alarming fact posed a threat to international peace and security. The so-called "constructive engagement" policy of the United States had neither brought about peaceful changes in South Africa, nor had it improved the human rights situation in that country and in Namibia; on the contrary, it had merely encouraged repression and violence.

40. The report of the Ad Hoc Working Group (E/CN.4/1984/8) indicated the many violations of human rights also perpetrated by South Africa in Namibia: massacres, executions, forced relocation of the population and many other crimes. Furthermore, South Africa attacked neighbouring States from Namibian territory and continued to occupy part of Angola. Mozambique, Zimbabwe, Zambia, Lesotho and Botswana were also victims of its acts of destabilization. South Africa, with the complicity of the United States, was obstructing the implementation of Security Council resolution 435 (1978) by artificially linking the independence of Namibia with the question of the withdrawal of Cuban forces from Angola. Yet the presence of those forces was the result of an agreement between two sovereign States; moreover, the Cuban contribution to the defence of Angola had been greatly appreciated at the fifth Summit Conference of the Non-Aligned Countries, held at Colombo.

41. The report by Mr. Khalifa (E/CN.4/Sub.2/1983/6 and Add.1-2) provided a very long list of banks, firms and transnational corporations that were plundering the natural resources of South Africa and Namibia and collaborating with the apartheid regime. Added to that economic collaboration were the strategic interests of the alliance between South Africa and the United States and the plan for the establishment of a South Atlantic Organization, which would be a serious threat to Africa and to the world at large. Again, some Western powers had abused their right of veto so as to prevent the Security Council from adopting sanctions against South Africa.
42. Apartheid was a crime against humanity and a threat to international peace and security, and hence the international community must provide moral and material assistance to the ANC and to SWAPO. His Government demanded that South Africa release all freedom fighters belonging to those two liberation movements. It firmly supported the Declaration and the Programme of Action for the Second Decade for Action to Combat Racism and Racial Discrimination and fully backed the struggle being waged by the peoples of South Africa, Namibia and the front-line States.
43. Mr. SKALLI (Observer for Morocco) said it was deplorable that, despite condemnation by the United Nations and other international organizations, the policy of apartheid in South Africa was reaching such alarming proportions that it was a threat to international peace and security. The so-called constitutional reforms recently drawn up and approved exclusively by the white minority left no political role for the black majority. Three chambers had been created, one for the whites, one for the coloureds and one for the Asians but, under the implacable logic of the system, the white parliament alone had legislative powers, and the whites by themselves had an automatic majority in the electoral college to appoint the head of State.
44. In a report in 1983 the ILO had stated that the ultimate objective of the South African authorities was South Africa without a single black. The report by the Ad Hoc Working Group of Experts (E/CN.4/1984/8) said that about two million people were being threatened with forcible removals. The Experts had collected evidence of torture, arbitrary arrests and massacres. FAO, in a study published in 1982, had revealed the consequences of apartheid on the family consequences which had led among other things to the severing of social links and the break-up of households.
45. The international community must react vigorously so as to put an end to the day to day oppression of the indigenous populations. A whole range of legal and normative instruments existed for that purpose. They included the Universal Declaration of Human Rights, 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; unfortunately South Africa still took no account of those texts. The Security Council had adopted forceful measures to try and change the attitude of the South African authorities. Under resolution 418 (1977) the prohibition on any military and nuclear collaboration with the racist South African regime had become mandatory. Only effective application of that resolution and other decisions would make it possible to carry on a real fight against apartheid.
46. In Namibia the racist regime was trying to thwart the initiatives of the United Nations to speed up the independence process, something that could be seen from the report of the Ad Hoc Working Group of Experts and from other documents. The dishonest manoeuvres of the South African authorities

to arrive at a so-called "domestic settlement" had failed, but South Africa was perpetuating its illegal occupation as part of a strategy to destabilize the African countries in the region. Accordingly, the international community must make every possible effort to ensure that Security Council resolutions 435 and 439 (1978) were implemented. His country would continue to give complete support to the just cause of the peoples of South Africa and Namibia.

47. Mr. ALFARARGI (Observer for Egypt) said that because of its geographical situation and its historical role, his country took a special interest in questions of human rights violations in southern Africa. After having examined the relevant documents, his delegation deplored the fact that the racist South African regime was following its policy of discrimination, despite unanimous condemnation. From the report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) and the annual reports on racial discrimination submitted by the International Labour Organisation and by UNESCO (E/CN.4/1984/37 and 38 respectively) it could be seen that the racist regime was carrying on its policy and was trying to rid itself of the indigenous population by relegating them to Bantustans, in other words, to ostensibly independent entities. Considerable information was also available about the lamentable situation of the population in the Bantustans.

48. His country condemned the policy of the racist regime in southern Africa, which it regarded as a threat to peace and security in the region. It also condemned the racist regime's aggression against the front-line States, whose concerns it shared fully. In view of the situation, the struggle against the Pretoria regime must be intensified and comprehensive mandatory sanctions must be applied under chapter VII of the Charter.

49. Furthermore, his country unequivocally condemned any complicity with the racist regime, which was receiving political support as well as other assistance, particularly in the nuclear field, from certain quarters. As the General Assembly had recently reaffirmed in resolution 38/181 B, the racist regime was able to remain in existence thanks to such assistance.

50. His country condemned just as categorically the policy pursued by the racist regime in Namibia. At its Ninth Special Session, in 1978, the General Assembly had adopted the Declaration on Namibia and Programme of Action in Support of Self-Determination and National Independence for Namibia and in the same year the Security Council had adopted resolution 435 for a peaceful settlement of the problem, yet Namibian territory remained under occupation because of the opposition by the racist regime. His country had already had the occasion to draw attention to the fact that the United Nations plan for Namibia contained all the elements necessary to arrive at a moderate solution. Any other attempt at settlement would be equivalent to attacks on the rights of the African peoples. It would be desirable, in that regard, to remind the five members of the Contact Group of their responsibilities regarding the application of the plan.

51. In view of South Africa's attitude, efforts must be redoubled. The Second World Conference to Combat Racism and Racial Discrimination, held at Geneva in August 1983, had made it possible to study all aspects of the struggle, to assess the effectiveness of the measures taken so far and to pinpoint more clearly the obstacles still in the way of the elimination of those scourges.

The Declaration and Programme of Action adopted by the Conference formed a prelude to the Second Decade for Action to Combat Racism and Racial Discrimination, in the course of which efforts would have to be made to achieve the objectives which it had proved impossible to attain during the First Decade.

52. For its part, Egypt had always supported the peoples of South Africa and Namibia in their struggle. To start with, it had severed all relations with the South African regime, had implemented all the resolutions adopted by the United Nations in that field and had always proclaimed its solidarity with all the national liberation movements recognized by OAU. The President of the Arab Republic of Egypt had stated at the United Nations General Assembly in September 1983 that, at a time when the African peoples were struggling against the consequences of colonialism and were seeking to assimilate modern sciences and technologies in order to solve their economic problems, some regions of Africa were still victims of human rights violations by a racist minority which was persecuting the African majority and continuing to occupy Namibia and plunder its natural resources. President Mubarak had added that South Africa was repeatedly attacking the front-line States and had expressed regret that the Security Council resolutions had not made for any change in the situation. Hence, more specific initiatives must be taken than had hitherto been the case.

53. Throughout its history, Egypt had never known racism or racial discrimination and had always offered refuge to those who were waging the struggle for peace. Egypt's population had always been tolerant and dignified and endorsed human values which left no room for racial discrimination or racist doctrines of any kind. The principle of the equality of everybody before the law had always been applied in his country, which had acceded to all conventions and relevant international instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the International Covenants on Human Rights and the conventions and agreements of UNESCO and ILO. Under the terms of article 151 of the Egyptian Constitution of 1971, all those international instruments had the force of law. Lastly, his country was co-operating with all bodies concerned with those problems, as could be seen from the report of the Group of Three (E/CN.4/1984/48), and the reports received from States parties pursuant to article VII of the Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1984/36/Add.8). It would continue to fight against racial discrimination and human rights violations in southern Africa.

54. Mr. MASUKU (Observer, Pan Africanist Congress of Azania) thanked all those who had already spoken on the question of the violation of human rights in southern Africa, in particular the International Organization for the Elimination of All Forms of Racial Discrimination and the International Commission of Jurists, as well as all the United Nations bodies which had submitted reports on the subject.

55. The latest report of the Ad Hoc Working Group of Experts (E/CN.4/1984/8) contained information which was so convincing that it gave the impression of having been collected directly in South Africa. However, as the Ad Hoc Working Group had only broached the question of the current constitutional crisis in South Africa indirectly, through the problems of the loss of citizenship (ibid., paras. 75-84) and forced removals of population (ibid., paras. 85-95), he would like to add some details as to the nature of the proposed constitution.

56. The Parliament would comprise three chambers: the House of Assembly for white representatives, the House of Representatives of the coloured population and the House of Deputies for Asians, who would separately elect 178, 85 and 45 members respectively. The House of Representatives and the House of Deputies might only consider what were termed their "own affairs", and even then with prior written authorization by the State President. In the event of a conflict between the three chambers, it would be for the President's Council to have the final say. The President's Council, appointed by the President, would not be accountable to anybody and would be inviolable during its term of office. The President would always be a member of the majority party, in other words, the National Party. The three chambers would also have joint standing committees, which would, in principle, "play an extremely important role in the legislative process and in the working of Parliament". The President's actions would be immune to correction by either Parliament or the courts. If necessary, the President could also reduce the numbers for the quorum as he wished. The President and the Speaker would be elected by an electoral college dominated by the majority party and made up of 50 whites, 25 "Coloureds" and 13 Asians. The 50 whites would be from the majority party in the House of Assembly. That new unequal system, which perpetuated apartheid, could not, as some claimed, be a step in the right direction.

57. The indigenous Blacks, who accounted for 73 per cent of the population, would automatically lose their citizenship when the proposed constitution came into force. They would then be forcibly placed in the labour reserves, the Bantustans, under the legislation known as the Group Areas Act and the Black Homelands Citizenship Act and the Orderly Movement and Settlement of Black Peoples Bill when it became law. Bishop Tutu, Secretary-General of the South African Council of Churches had recently compared the forced removals of the Mogopa people to the policy of extermination of the Jews during the Second World War and had said that it was the South African version of the "final solution", because people were transferred to places where there was no work and no food. The Governments which had condemned those measures were to be commended.

58. The Ad Hoc Working Group of Experts had failed to mention the trial of nine persons convicted in March 1983 for involvement in and revival of the Pan Africanist Congress of Azania, even though their case had been raised at the previous session of the Commission and the London office of the Pan Africanist Congress of Azania had information on that subject. He listed the names of the persons concerned and added that at the present stage he did not wish to accuse the Experts of bias.

59. It would also be desirable for the Commission and the Ad Hoc Working Group to take note of the decision of the Special Committee against apartheid to focus attention in 1984 on the plight of the six Pan Africanist Congress members - whose names he also gave - who had been serving a sentence of life imprisonment since 1963 on Robben Island.

60. According to the information supplied by Amnesty International to the Ad Hoc Working Group, there had been only one execution for political reasons since 1960 (ibid., para. 140). In fact, between 1962 and 1967, 69 members of the former military wing of the Pan Africanist Congress of Azania, PO QO had been hanged and 12 had been tortured to death. It was difficult to understand how Amnesty International had missed such vital information. On the other hand, he was pleased that the Ad Hoc Working Group had revealed in its report the slave-like conditions of agricultural workers that also prevailed in rural detention and education centres. In the field of education, according to recent information, only 50 per cent of Black children passed their school-leaving examination and only 11 per cent of those gained access to university. For the whites the figure was over 80 per cent. The authorities attributed such poor results to lack of

discipline among the Black pupils. Perhaps they meant that those pupils should turn the other cheek when they were wronged? The present generation was ready for anything, even to die, to assert its rights.

61. The racist regime would also like to limit births among the African population, for according to an article published in a Tanzanian paper in September 1983, the Minister of Health of the racist regime had stated that, in view of the population explosion among the Blacks, whereas population growth among the whites was almost zero, the Government had decided to embark on a population programme. The former racist Government of Rhodesia had done so with a sterilizing pill administered to African women that had since been prohibited in many countries.

62. Although South Africa was a relatively rich country, the rate of malnutrition was very high. According to FAO, 10-15 per cent of the children in rural areas suffered from kwashiorkor and 5 per cent from wasting. In the towns the rates were 4 per cent and 5 per cent respectively. According to the same source, malnutrition could lead to serious ocular lesions, to broncho-pneumonia and mental debility. Three generations of rural Africans were said to have been affected by those mental effects. Moreover, in 1976, 26,000 persons suffering from pellagra had become insane. In the so-called homelands, some 10-20 per cent of the population were said to be suffering from tuberculosis. What was that but genocide?

63. According to an article published the previous week in the International Herald Tribune, South Africa was about to start up a nuclear reactor at Koeberg and had committed itself to conducting its nuclear activities in conformity with the Non-Proliferation Treaty, one that it still refused to sign!

64. The report by Mr. Khalifa on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the colonialist and racist regimes in southern Africa (E/CN.4/Sub.2/1983/6 and Add.1-2) was also very disturbing. The list of countries which were directly or indirectly helping the racist regime seemed to be getting longer and longer. The traditional imperialists were well known, but why were some third world countries, such as Argentina, Bermuda, the Bahamas, Brazil, Malaysia and Singapore acting in such a hostile manner to the Azanian people? Equally disturbing was the case of Austria and Switzerland; one of these two countries was even supplying South Africa with nuclear fuel. In such circumstances what became of neutrality? It was to be hoped that the countries in question would make every effort to remove themselves from the list by the time the Commission came to meet again in 1985. As for the others they would not escape so easily.

65. It was equally shocking to discover, on reading the report of the Group of Three (E/CN.4/1984/48), that a large number of Member States of the United Nations and other countries had not ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid, for apartheid was regarded by the United Nations as a crime against humanity and a threat to world peace. Since the racist regime was following a policy of genocide of the African people, why did civilized countries shy away from that Convention? They would soon have to be considered as accomplices in the crimes against humanity and be denounced accordingly. The Pan Africanist Congress of Azania urged all States to ratify the Convention and to apply its provisions.

66. The Pan Africanist Congress of Azania had a number of proposals to make regarding the 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 on apartheid, racism and racial discrimination, but the proposals would come up against a veto as soon as they reached New York. It was therefore preferable for countries, on an individual basis, to give more help to liberation movements, so that the Azanian people might at last rid themselves of the racist regime, which would then see its friends disappear, as was the case in Lebanon.

67. He hoped that the Second World Conference's Programme for the Second Decade for Action to Combat Racism and Racial Discrimination would be applied successfully. The 1980s were the decade of revolution in Azania.

The meeting rose at 1.05 p.m.