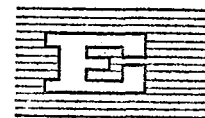


UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/SR.1596
16 February 1981
ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD OF THE 1596th MEETING

held at the Palais des Nations, Geneva,
on Wednesday, 11 February 1981, at 4.30 p.m.

Chairman: Mr. CALERO RODRIGUES (Brazil)

CONTENTS

Question of the violation of human rights in the occupied Arab territories, including Palestine (continued)

The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation (continued)

Violations of human rights in southern Africa: Report of the Ad hoc Working Group of Experts

The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

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

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

This record is subject to correction.

Participants wishing to make corrections should submit them in writing to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva, within one week of receiving the record in their working language.

Corrections to the records of the meetings of the Commission at this session will be consolidated in a single corrigendum to be issued shortly after the end of the session.

The meeting was called to order at 4.45 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/L.1549)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/L.1550)

1. The CHAIRMAN invited the members of the Commission, if they wished, to explain their vote on resolutions E/CN.4/L.1549 and L.1550, which had been adopted at the previous meeting.

2. Viscount COLVILLE of CULROSS (United Kingdom) reiterated his country's well-known position: Israel must withdraw from the Arab territories it had occupied since 1967, and the Geneva Conventions were applicable to these territories. Furthermore, the United Kingdom deplored the policy of establishing Israeli settlements and the expulsion of democratically-elected mayors from towns on the West Bank, contrary to the fourth Geneva Convention. As for the allegations of torture, if they were confirmed, they would constitute serious violations of those human rights which it was the Commission's duty to protect.

3. His delegation deplored the use of overcharged and heavily politicized language both in the debate and in the resolutions, and regretted that some of the serious accusations made lacked independent corroboration. It considered that the equation of zionism with racism in the eighth preambular paragraph of part A of resolution E/CN.4/L.1549 was uncalled-for, as was the introduction of elements extraneous to the United Nations Decade for Action to Combat Racism and the United Nations Decade for Women. For those reasons, his delegation had abstained in the vote on part A. It had also abstained on part B since, as in the previous year, it was unable to endorse the use in the fourth preambular paragraph of the language of Chapter VII of the Charter.

4. Resolution E/CN.4/L.1550 failed to establish a proper balance between the right of the Palestinians to self-determination and the need for a settlement which would guarantee the future of Israel. His delegation recognized that Security Council resolution 242 (1967) needed to be supplemented and acknowledged that the Camp David accords had failed to produce the anticipated results. It believed, however, that the accords had established the principle of withdrawal from the occupied territories and had shown that the confidence necessary for peace could be generated between Israel and an Arab State. For those reasons, it had voted against resolution E/CN.4/L.1550.

5. Mr. van der STOEL (Netherlands) stated that the position of his Government with regard to the Middle East was well known and consistent with the statements made on several occasions in 1980 on behalf of members of the European Community: it recognized the right of all States in the region to existence and security; on the other hand, the Palestinian people must be in a position to exercise fully their right to self-determination. The Israeli settlements on the West Bank constituted a serious obstacle to peace, as well as being illegal under international law. Furthermore, all parties must renounce the use of force or the threat of force in order to create the climate of confidence necessary for a settlement.

6. However, his delegation had serious reservations concerning the resolutions adopted. In particular, it rejected the equation of zionism with imperialism, colonialism and racism (eighth preambular paragraph of resolution E/CN.4/L.1549). It also regretted that resolution E/CN.4/L.1550 failed to take account of the progress towards a comprehensive settlement represented by the Camp David accords.
7. Mr. MARTINEZ CRUZ (Panama) stated that his country supported the struggle of the people of Palestine and the Palestine Liberation Organization (PLO), their sole legitimate representative, for a just and lasting solution to the Middle East problem. In that spirit, his delegation had voted in favour of both resolutions as a whole; however, it had abstained on paragraphs 5, 6, 7 and 8 of resolution E/CN.4/L.1549.
8. Mrs. de ARANA (Peru) said that her delegation had voted in favour of resolution E/CN.4/L.1549, in spite of reservations about the eighth preambular paragraph, in which there was a reference to paragraph 5 of the Programme of Action adopted by the World Conference of the United Nations Decade for Women. Her delegation had also voted in favour of resolution E/CN.4/L.1550 in the belief that that text contributed to the search for a lasting peace in the region. It had abstained, however, on paragraphs 4, 5, 6 and 7 of the text.
9. Mr. IVRAKIS (Greece) said that the fact that his delegation had abstained on resolution E/CN.4/L.1550 should not be interpreted as implying a change of position on the right of the Palestinian people freely to determine their future. Its abstention meant that Greece could not endorse the reference to Security Council resolution 242 (1967) in the seventh preambular paragraph. Neither was it able to endorse the references to the Camp David accords in paragraphs 4 to 7 since it considered that no initiative which could possibly assist in satisfying the aspirations of the Palestinian people should be rejected in that manner.
10. Mr. LAMB (Australia) stated that his delegation had had the same reservations as at the previous session concerning similar matters. In part A of resolution E/CN.4/L.1549, the reference in the eighth preambular paragraph appeared to him to debase the entire subject. The extreme language which had for years been directed against Israel was not likely to create an atmosphere of goodwill, and the text of the resolution was no better in that respect. It would have been better to consider practical measures of the kind that would permit consensus. In part B his delegation had been able to endorse the fourth preambular paragraph, with the amendment proposed by Mexico, but the wording of paragraph 3 seemed overcharged. Its position with regard to the content of paragraph 2 was the same as that of the United Kingdom.
11. Resolution E/CN.4/L.1550 perpetuated a ritualistic exercise in condemnation. His delegation had voted against paragraphs 4, 5, 6 and 7 since they were not likely to promote the progress of the Palestinian people towards self-determination.

12. Mr. RIBEIRO (Portugal) said that his delegation favoured a total withdrawal by Israel from the Arab territories occupied since 1967, including the Arab quarter of Jerusalem. However, it considered that the territorial sovereignty and integrity of all States must be guaranteed, and Israel's right to exist within secure and internationally-recognized frontiers must be protected. Portugal recognized the legitimate right of the Palestinian people to choose their political future and the right of Palestinian refugees to return; it also recognized that the Geneva Convention relative to the Protection of Civilian Persons in Time of War applied to the Arab territories occupied since 1967. On the other hand, the Camp David accords appeared to be an important positive step towards a final settlement of the conflict. Those considerations, together with the wording of several paragraphs, had prompted his delegation to vote against resolution E/CN.4/L.1550 and to abstain on part A of resolution E/CN.4/L.1549.

13. Mr. GIAMBRUNO (Uruguay) said that his delegation had voted in favour of resolution E/CN.4/L.1549, in spite of a reservation on the eighth preambular paragraph of part A. Although it subscribed to the basic concept of the right of the Palestinians to self-determination, Uruguay nevertheless considered that the Camp David accords were a useful step towards peace in the region. His delegation had therefore been unable to support those paragraphs of resolution E/CN.4/L.1550 which related to the accords.

14. Mr. JARDIM GAGLIARDI (Brazil) stated that his delegation would have abstained on paragraphs 1 and 7 of resolution E/CN.4/L.1550 had they been voted on separately.

15. Mr. RANIGA (Fiji) said that, in the opinion of his Government, Israel must withdraw from all the territories it had been occupying since 1967; the Palestinian people's right to self-determination must be recognized, as must the principle that the PLO should participate in all negotiations aimed at guaranteeing that right.

16. Furthermore, the right of all the States in the region, including Israel, to exist within secure and recognized frontiers must be defended. In that connection, the policy of establishing Israeli settlements and the change in the status of Jerusalem created impediments to peace and were unacceptable. In view of those considerations, his delegation had abstained in the separate votes on paragraph 4 of part A of resolution E/CN.4/L.1549, on part A as a whole and on resolution E/CN.4/L.1550. It had voted in favour of part B of resolution E/CN.4/L.1549.

17. Mr. SOYER (France) recalled that his Government had expressed disapproval of the colonization or annexation of the territories occupied by Israel, of the measures taken against the mayors of Hebron and Hallul, of Israel's refusal to recognize the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War to the occupied territories, including Jerusalem, and of the destruction of Kuneitra. Consequently, his delegation had felt that resolution E/CN.4/L.1549 contained positive elements and had voted in favour of part B, after the amendment to the fourth preambular paragraph made on the proposal of the Mexican delegation. However, it had abstained on part A since, in its opinion that part suffered from a lack of restraint in referring to the concept of war crimes, and a lack of balance in equating occupation with a violation of human rights. The expression of an opinion on that point was in any case a political matter and lay outside the Commission's competence.

18. His delegation was also unable to endorse the reference in the eighth preambular paragraph to paragraph 5 of the Programme of Action adopted by the World Conference on the United Nations Decade for Women. Its abstention did not signify a refusal to take sides; it simply reflected France's resolute stand in favour of the two peoples who had equal rights to existence and to a homeland. It had also abstained on resolution E/CN.4/L.1550; it recognized that the Palestinian people must regain all their rights by all means consistent with the purposes and principles of the Charter, but it could not support a wording which prejudged the decision which that people would take.

19. Mr. ZORIN (Union of Soviet Socialist Republics) said that in accordance with his country's policy of supporting all peoples fighting for their freedom and independence, his delegation had voted in favour of the two resolutions adopted and had endorsed all the paragraphs in the belief that those texts were consistent with the interests of peoples. Resolution E/CN.4/L.1549 condemned Israel's aggressive policy and resolution E/CN.4/L.1550 rejected the Camp David accords, which, in practice, did not resolve the Palestinian question and were a threat to Arab unity. The votes just taken indicated those who were willing to support the Palestinians through deeds. In that respect, it was remarkable that the delegation of the United States of America had been the only one to vote against all the paragraphs of those resolutions, and even against paragraph 3 of resolution E/CN.4/L.1550.

20. Mr. NOVAK (United States of America), speaking on a point of order, recalled that under rule 60 of the rules of procedure delegations were required to make brief statements consisting solely of explanation of their votes.

21. The CHAIRMAN confirmed that that interpretation was correct and asked the representative of the USSR to limit his remarks to his delegation's vote.

22. Mr. ZORIN (Union of Soviet Socialist Republics) said he merely wished to add that paragraph 3 of resolution E/CN.4/L.1550 referred only to the right of the Palestine people to regain their rights by all means in accordance with the purposes and principles of the Charter: it was surprising that a major Power should have opposed even that right.

23. Mr. SHOUFANI (Observer for the Palestine Liberation Organization), speaking at the invitation of the Chairman, thanked the delegations which had voted in favour of the draft resolutions and expressed regret at the loss of the votes of those which had voted against or abstained. Those delegations had thereby missed an opportunity to show their goodwill towards the Palestinian people and their concern for peace and stability in the region.

24. He was satisfied with the result of the votes, but emphasized that it was no great consolation for the Palestinians to see their case constantly on the Commission's agenda while the resolutions adopted remained ineffective, since nothing was done to implement them. The experience gained with Israel gave every reason to believe that the resolutions just adopted would be treated in the same way as those adopted on the question in the past.

25. Several United Nations bodies had condemned Israel's behaviour in the occupied Arab territories, including Palestine, but Israel persisted in its aggressive colonial policy. Why did it behave in that way and why was it allowed to get away with it? The PLO felt that Israel's behaviour could be explained by its nature: Israel was a colonial entity, and only the unconditional support provided by the United States, despite Israel's innumerable breaches of international and humanitarian law, enabled it to behave in that fashion.

26. It was a stark fact that Zionism had emerged and developed as a corollary to grand imperialist designs on the area. The Balfour Declaration dated from the era of the mandate system, which had been devised by the imperialist centres. In the wake of the Second World War, Israel had been established to threaten the newly acquired independence of the Arab States. The third phase of the implementation of the Zionist project had followed the war of October 1973 and the settlement process and had culminated in the Camp David accords and the Carter doctrine, which illustrated the neo-colonialist policy of the United States towards the Middle East for the 1980s. Within that policy Israel was now trying to secure a special position.

27. Mr. NOVAK (United States of America), speaking on a point of order, asked under which rule of the rules of procedure the observer for the PLO was entitled to intervene at the current stage of the deliberations.

28. The CHAIRMAN recalled that at the beginning of the Commission's session, he had stated that he intended to apply both the rules of procedure and the rules of common sense to the deliberations of the Commission. In the case in point, the observer for the PLO had been authorized to speak under rule 70 of the rules of procedure. In fact, since the matters dealt with in the resolution were of particular concern to it the PLO should be authorized to make a statement.

29. Mr. EL-PATTAL (Syrian Arab Republic) asked under which rule the representative of the United States had interrupted a member of the Commission who had far more reason to participate in the deliberations than the United States, since Palestine had existed before the United States.

30. Mr. SHOUPAHI (Observer Palestine Liberation Organization) said that the Zionist movement had always sought to strike up a partnership with one imperialist centre or another, but such a partnership was inevitably unbalanced and affected the nature of the Zionist project and its role in the area. While the Zionists had aspired to build a Jewish State, their imperialist partners had sought to turn it into a base for aggression against the Arab movement. The development of the Israeli military machine as compared with other State institutions, demonstrated the true nature of that State, and Israel's behaviour on the international scene was proof of its association with the most reactionary circles in the United States, particularly the military-industrial complex. Although Zionism had failed to solve the Jewish question, it had rendered tremendous services to the imperialist centres through the dual role of its military machine in defending and expanding Jewish settlement in Palestine and confronting the Arab movement in its struggle against imperialism.

31. A century of colonization in Palestine had failed to Judaize his country, but had succeeded in occupying it militarily and inflicting considerable damage on Palestinian society, which was currently existing in abnormal conditions. Thus the Palestinians found themselves colonized by Israel in the part of Palestine, occupied since 1948, subjected to military government in the territories occupied in 1967, or dispersed throughout the neighbouring Arab countries or elsewhere in the world. Where colonization had failed, the military machine had come to the rescue. For Israel, if the Judaization of Palestine was impossible, de-Arabization of the country was the second best option. Israeli practices were based on the Zionist claim to historical rights to that land, which had led to its annexation and then to the expatriation of its indigenous population.

32. Israel had rejected all the plans for a solution and had submitted counterplans, which, on examination, turned out to be by no means final but to have been designed in such a way as not to hinder the achievement of the ultimate aim of Zionism in Palestine, namely the creation of a Jewish state covering the entire territory and effectively to prevent the establishment of an independent Palestinian State. Such plans would not work and the Palestinians were determined to resist them.

33. Over seven years of negotiations had culminated in the Camp David agreements and the Egyptian-Israeli treaty concluded outside the Geneva Conference and with complete disregard for Security Council resolutions 538 and 242. In that context, he was surprised that the representative of the United States had mentioned the latter resolution, which was totally ignored by his Government. Those agreements and that treaty had done nothing to settle the conflict but had formed the nucleus of a political and military alliance under the aegis of the United States which would only increase instability in the region. They ignored the right of the Palestinians to self-determination, seeking to impose upon them a settlement which served only the interests of their enemy in defiance of all the United Nations resolutions. That was the reason why the PLO rejected those agreements.

34. The seven years of negotiation had demonstrated that Israel was both unwilling and unable to settle the problems involved. From the point of view of Israel, it was best to let matters ride, in the hope that time was on its side. However, the Palestinians were unable to accept that tactic and maintained that Israel should be forced to abide by what had become the collective will of the international community. It was high time that the traditional approach to the Palestine question was abandoned: Israel's disregard for United Nations resolutions and its violations of the norms of international behaviour placed it outside the community of nations; as a delinquent member of the United Nations it should be dealt with accordingly and subjected to the appropriate punishments and sanctions.

35. The Palestinians would not accept any settlement which did not grant them the right of return and self-determination, thus paving the way for the establishment of an independent State in Palestine. Furthermore, the population in the occupied territories; with the active support of the PLO, would continue to resist Israeli occupation and colonization, regardless of the cost.

36. Lastly, the Palestinians would appreciate the results of the voting, which demonstrated the support given to their freedom struggle inside and outside occupied Palestine alike and which was in the interest of all those concerned with world peace and progress.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (E/CN.4/1410; E/CN.4/1411; E/CN.4/1429; E/CN.4/1430; E/CN.4/NGO/290)

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) (A/RES.35/32)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 17) (E/CN.4/1415 and Add.1-9; E/CN.4/1416; E/CN.4/1417; E/CN.4/1426; E/CN.4/NGO/290; A/RES.35/39)

- (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 THE 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 21) (E/CN.4/1431; E/CN.4/1447 and Add.1; A/RES.34/24; A/RES.35/33; A/RES.35/34; ST/HR/SER.A/3; ST/HR/SER.A/5)

37. The CHAIRMAN recalled that it had been decided that agenda items 6, 7, 17 and 21 would be considered together.

38. Mr. NYAMEKYE (Assistant Director, Division of Human Rights), introducing agenda items 6, 7, 17 and 21, said with respect to agenda item 6 that, in accordance with the Commission's decision, Mr. Janković, the Vice-Chairman of the Ad Hoc Working Group of Experts, had been invited to introduce the three reports prepared by the Ad Hoc Working Group of Experts under the terms of Commission resolutions 12 (XXXV), 9 (XXXVI) and 12 (XXXVI). The Commission also had before it a telegram (E/CN.4/1410); dated 25 August 1980, from the Chairman of the Commission to the Minister for Foreign Affairs of the Republic of South Africa pertaining to urgent reports of serious violations of human rights in South Africa and Namibia. He also drew the Commission's attention to General Assembly resolution 35/206 II entitled "Women and children under apartheid".

39. Concerning agenda item 7, a question that the Commission would be considering for the fifth time since it had obtained approval from the Economic and Social Council of its request to authorize a Special Rapporteur to investigate the assistance given to the racist régimes in southern Africa, he recalled that in resolution 11 (XXXVI) the Commission had requested the Economic and Social Council to have the second report prepared by the Special Rapporteur appended to the original report and forwarded to the General Assembly, which had expressed its appreciation to the Special Rapporteur in resolution A/RES/35/32. The importance attached to the provisional general list of all those whose activities represented assistance to the colonialist and racist régimes in southern Africa was shown by the fact that, in resolution 11 (XXXVI), the Commission had requested the Sub-Commission to instruct the Special Rapporteur to continue to update the list annually, a task on which Mr. Khalifa was currently engaged. The annual appearance of updated lists of violators of United Nations resolutions, and their identification and exposure to the world community would help to ensure the elimination of apartheid.

40. A seminar would be held in 1981 on effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime of South Africa, which should provide an opportunity for an assessment of United Nations activities in that area.

41. With respect to agenda item 17, he informed the Commission that 58 States had ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. At the thirty-sixth session of the Commission, the representatives of Bulgaria, Cuba and Nigeria had been appointed members of the Group referred to in article VII of the Convention. The Secretary-General had brought to the attention of the States parties the relevant provisions of the Convention, Commission resolutions 12 (XXXVI) and 13 (XXXVI), and the recommendations made by the Group at its third session. He also referred to General Assembly resolution 35/39.

42. The Group of Three, appointed by the Chairman of the Commission, had met at Geneva from 26 to 30 January 1981, and the Chairman of the Group would introduce to the Commission the report on that session (E/CN.4/1417). He referred to resolution 12 (XXXVI), which had been adopted by the Commission to give effect to the provisions of article X of the Convention. The Secretary-General had made the necessary arrangements to bring to the attention of the competent United Nations organs the text of that resolution and the requests for information contained therein. In that connection, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had decided to ask the Administering Powers concerned to include such information in the annual reports they submitted to the Secretary-General under Article 73 (e) of the Charter.

43. The Secretary-General had arranged a number of meetings with the representatives of the United Nations Department of Public Information to examine the ways in which the list of persons allegedly guilty of the crime of apartheid might be published, as requested in paragraph 8 of Commission resolution 12 (XXXVI). It had been decided that the list would be made available to all United Nations Information Centres around the world and, through them, to the local news media. It had also been published in the Bulletin of Human Rights (issue No. 28), which was widely disseminated to a great number of individuals, institutions and libraries.

44. He then read out several provisions of General Assembly resolution 35/39 relating to agenda item 7 and informed the Commission that it also had before it a note by the Secretary-General (E/CN.4/1416) concerning the implementation of decisions of the Commission relevant to the discharge of its functions under article X of the Convention.

45. With respect to agenda item 21, it should be noted, in connection with paragraph (a) of the item, that the study to be conducted formed part of the four-year programme of activities designed to accelerate progress in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 34/24). By its resolution 4 D (XXXIII), the Sub-Commission had decided to consider, at its thirty-fourth session, the question of the preparation of that study. With respect to paragraph (b) of the item, he briefly recalled some of the decisions recently taken by various legislative

organs: Sub-Commission resolutions 3 (XXXVIII) and 4 A to E (XXXVIII), and General Assembly resolutions 35/33 and 35/34. On the basis of Commission resolution 14 B (XXXVI), a seminar on "Effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime of South Africa" was to be held in June 1981. Its results should provide an opportunity for putting forward proposals relating to the study referred to in paragraph 18 of the four-year programme of activities. In accordance with General Assembly resolutions 33/100 and 34/24, the Secretary-General had organized a regional seminar at Nairobi, from 19 to 30 May 1980, dealing with "Political, economic, cultural and other factors underlying situations leading to racism, including a survey of the increase or decline of racism and racial discrimination", the report of which was available to the Commission (ST/HR/SER.A/7). A regional seminar was envisaged for Latin America on recourse procedures, with special emphasis on the problem of indigenous populations. Another important event that had taken place in October 1980 was the UNITAR colloquium on "The prohibition of apartheid, racism and racial discrimination and achievement of self-determination in international law", held at the request of the General Assembly; the report of the colloquium was contained in document A/35/677-S/14281.

46. Mr. JANKOVIĆ (Vice-Chairman of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa) said that the Working Group, in carrying out its mandate, had undertaken a systematic analysis of large quantities of documentation from United Nations organs, non-governmental organizations, official journals and records of parliamentary debates, of publications, newspapers and magazines of various countries and of works on topics connected with its terms of reference. In August 1980, it had conducted missions of inquiry to the United Kingdom, the United Republic of Tanzania, Zambia and Angola, but it had not been able to visit South Africa, since the Government of that country persisted in its refusal to co-operate with the Working Group. It had met at Geneva to complete its reports to the Commission (E/CN.4/1426; E/CN.4/1429 and E/CN.4/1430).

47. As shown in document E/CN.4/1429, the Government of South Africa had pursued its policy of apartheid during the period in question and had continued to exercise repression against all those attempting to combat it: physical repression, detention without trial, mass removals of population, torture of political prisoners and detainees - some of whom had died in prison in mysterious circumstances, harassment of trade-union leaders and students; and imprisonment of women and of children under the age of 18, with regard to whom the General Assembly, by its resolution 35/206 N, had asked the Commission to conduct an investigation.

48. In Namibia, South Africa had continued to take steps to facilitate the accession to power of the Democratic Turnhalle Alliance, despite the wishes expressed by the United Nations, which was legally responsible for the administration of the Territory, and in violation of the proposals by the Security Council for the implementation of the proposed peaceful settlement set forth in its resolutions 435(1978) and 439(1978). South Africa had strengthened its military occupation and intensified its attacks, in the guise of hot-pursuit anti-insurrectional operations, on the territories of the neighbouring States of Angola and Zambia; it had continued to apply its policy of apartheid in the Territory.

49. He next introduced a study by the Ad Hoc Working Group of Experts of action taken to implement the recommendations it had made since 1967 on the situation in southern Africa (E/CN.4/1430), which would assist the Commission to assess the work which had still to be done to combat the system of apartheid and colonialization and racial discrimination in southern Africa.

50. Lastly, he submitted to the Commission, pursuant to its resolution 12 (XXXVI), in accordance with the annex to General Assembly resolution 34/24, an interim report by the Working Group on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention. In the report, the Working Group set out the problems involved in adopting an instrument creating an international penal system - which would not be an international criminal court in general, but an international criminal court dealing only with the crime of apartheid - and envisaged two possibilities: either a draft convention on the establishment of an international penal tribunal for the suppression and punishment of the crime of apartheid and other international crimes, or a draft additional protocol for the penal enforcement of the International Convention on the Suppression and Punishment of the Crime of Apartheid. In that connection, the Working Group recommended that the Commission should ask the States parties to the Convention to submit their views and observations, to enable the Group to continue that study if it were so desired.

51. In view of the situation, the Working Group recommended in particular that the Commission should: ask the General Assembly to study the problem of the legitimacy of the Government of South Africa, in the light of its policy of apartheid including its systematic rejection of the principles of the Charter of the United Nations and of the jus gentium; urge countries that still collaborated with South Africa in political, economic, cultural and other areas to end those relations; authorize the Working Group to continue investigating violations of human rights in South Africa, with particular attention to the ill-treatment of women and children; request the Special Committee against Apartheid to continue to co-operate with the Working Group; and, with particular respect to Namibia, make an urgent appeal to South Africa to cease its active aggression against Angola and Zambia and strongly condemn such acts, which had led to the massacre of a large part of the civilian population; and lastly, with particular respect to Namibia, declare that the right of the Namibian people to self-determination and independence could be legally exercised only in accordance with the directives given by the competent agencies of the United Nations, and that the Member States should help SWAPO to take all necessary steps to safeguard the Namibian heritage.

52. It was important that the international community should react and should take the necessary steps to combat apartheid more effectively.

The meeting rose at 6.40 p.m.