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COMMISSION ON HUMAN RIGHTS

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PROTECTION OF MINORITIES

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SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 1989, at 10 a.m.

Chairman: Mr. YIMER

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The meeting was called to order at 10.15 a.m.

ELIMINATION OF RACIAL DISCRIMINATION (agenda item 5) (continued)

(b) ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued) (E/CN.4/Sub.2/1989/9 and Add.1)

1. Ms. KSENTINI said that the report submitted annually to the Sub-Commission showed the extent to which collaboration and aid was still accorded to the apartheid régime of South Africa. The Special Rapporteur had not always been given the assistance he merited in his task, but she was glad to see that an economist had now been assigned to help him and she hoped that he would continue to be given the assistance he needed.
2. The updated report now before the Sub-Commission (E/CN.4/Sub.2/1989/9 and Add.1) showed the international community's lack of progress in isolating the Pretoria régime. It was clear from document E/CN.4/Sub.2/1989/9/Add.1 that more countries were added to than were deleted from the list of enterprises that collaborated with South Africa. The latest list showed barely 200 deleted against 500 added. A classification by country of origin showed the same countries and showed that in countries where more companies were added to the list, fewer were deleted. For example, there had been 126 additions and only 56 deletions for the United States of America, there had been 101 additions for Japan, 131 additions and only 16 deletions for the Federal Republic of Germany and 74 additions against 25 deletions for the United Kingdom. The number of new Swiss firms was increasing with 15 additions for the current year. On the other hand, however, there had been 4 additions against 11 deletions for Canada and 1 addition against 5 deletions for Sweden.
3. The information in the report on new forms of participation and new trends in collaboration was even more disturbing. The conclusions on disinvestment trends were not encouraging. It was clear that current disinvestment measures were not all necessarily positive; some companies devised new forms of collaboration, in order to avoid the political disadvantages of collaboration and the economic risks such as loss of potential markets. As stated in paragraph 13 of document E/CN.4/Sub.2/1989/9, it had been claimed that by mid-1988 some 46 per cent of foreign subsidiaries operating in South Africa had been disinvested, but it was not known to what extent they were actually cutting their economic links with South Africa when withdrawing their direct operations or selling their South African assets.
4. It was essential to ascertain how far and in what form a company maintained direct links after divesting itself of its participation in a South African subsidiary. The report indicated a variety of ways. In many cases countries which had stopped investing in South Africa concluded secret licence agreements or other contracts with former subsidiaries for the transfer of technology which was vital to South African industry. In all the different forms of disinvestment, most companies did not go the whole way but found means of continuing activities. The closing down of operations did not mean the end of commitment in South Africa. According to the report, companies were now finding new and even more lucrative ways of doing business in South Africa. The most recent data on new forms of participation in

South Africa by multinationals indicated that 85 out of 200 companies which had disinvested had in fact kept indirect links in one form or another with South African enterprises. The report concluded that, contrary to the impression given by statistics on disinvestment, only a few transnationals made a complete break in business relations with South Africa.

5. The situation could only be deplored and she was convinced that only total pressure by the international community - especially economic pressure - would rid South Africa of apartheid and meet the wishes of the majority population of that country. It was essential, therefore, to increase vigilance on the new forms of collaboration, especially the granting of credits, and she hoped that special attention would be given to that aspect in the report for 1990, so that international decisions calling for comprehensive and mandatory sanctions against South Africa were implemented. Disinvestment must continue, but measures must be real and produce results.

6. The argument about harmful consequences for the population and for neighbouring countries had been answered by the black population and the front-line States themselves which were prepared to make sacrifices. The international community could not solve the problems but it could help the people of South Africa to solve them; they were prepared, in their efforts for emancipation and self-determination, to make sacrifices and, if necessary, to engage in armed struggle. South Africa boasted that it was governed by the rule of law, but when the law was based on the denial of majority rights it could not be described as the rule of law: the international community called it a crime against humanity.

7. Mrs. BAUTISTA said that the report (E/CN.4/Sub.2/1989/9 and Add.1) showed that monitoring must continue so that it could be clearly demonstrated that sanctions and pressure, especially economic, had not been strictly applied and had therefore failed. Financial support had in fact been given to the immoral South African Government in disregard of the resolutions condemning its apartheid policies and of the victims of massive violations of human rights who continued to suffer discrimination in all its aspects. The Sub-Commission must therefore continue its pressure and consider other ways of effecting the necessary reforms that had been called for. Expressions of intent to legislate were not enough. The Sub-Commission must continue to condemn South Africa's apartheid policies and to support the victims of massive violations of human rights until there was clear evidence of change.

8. Mrs. DAES reminded members that the Security Council had repeatedly emphasized that apartheid and its continued intensification and expansion was a serious threat to international peace and security and also reminded them of the terms of article I of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

9. The updated report (E/CN.4/Sub.2/1989/9 and Add.1) before the Sub-Commission reflected recent disinvestment trends in South Africa and at the same time demonstrated that disinvestment by certain transnational corporations did not necessarily mean an end to their business ties with South Africa. In connection with the list in document E/CN.4/Sub.2/1989/9/Add.1 she drew attention to General Assembly resolution 43/92, which expressed regret that the request contained in General Assembly resolution 41/95 that two economists should be made available

to the Special Rapporteur had not been implemented, and noted that the General Assembly once again demanded that the Secretary-General, in accordance with Economic and Social Council decision 1986/145 should make those economists available to help the Special Rapporteur to develop his work of analysis and documentation. She would like to hear from the Deputy Director of the Centre for Human Rights why Council decision 1986/145 had not been implemented and why the services of only one economist had been made available for the preparation of the latest report.

10. Certain members of the Sub-Commission had referred to the changes that were beginning to take place in South Africa; those changes, however, were insignificant. A report in the International Herald Tribune of 12-13 August 1989 on the situation in South Africa gave a different picture, one of violence and repression throughout the country.

11. In her opinion the Sub-Commission should consider making the following recommendations to its parent body. The Special Rapporteur should be invited to continue updating the list of banks and other enterprises and individuals assisting the racist régime of South Africa and to intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre Against Apartheid with a view to consolidating mutual co-operation in updating his report and avoiding duplication of work. The Secretary-General should be requested to give the Special Rapporteur all the assistance he required in carrying out his task and provide him with two economists in accordance with operative paragraphs 10 and 11 of General Assembly resolution 43/92. The Sub-Commission should appeal to the Security Council, through its parent bodies, to consider the imposition of comprehensive and mandatory sanctions under Chapter VII of the Charter of the United Nations, against the racist régime of South Africa. International, regional and national measures should be taken to boycott cultural activities in South Africa. A request should be addressed through the Sub-Commission's parent bodies to all competent organs and committees of the United Nations system to provide technical co-operation to assist the national liberation movements recognized by the Organization of African Unity, the black workers and their independent trade unions, the students fighting against apartheid and the front-line and neighbouring States. Last, all possible assistance should be provided to all victims of apartheid and in particular to women.

12. Mr. DIACONU said that it was clear that there was a long way to go before achieving the elimination of apartheid. He supported the extension of the Special Rapporteur's mandate in accordance with General Assembly resolution 43/92.

13. It was regrettable, even astonishing, to see in document E/CN.4/Sub.2/1989/9/Add.1 that the list of enterprises which collaborated with South Africa continued to grow. Those enterprises were accomplices in the inhuman practice of racial discrimination, colonialism and apartheid perpetrated by the régime, as well as in acts of aggression against the liberation movements and neighbouring countries.

14. A decisive stage had been reached in the struggle against apartheid and the United Nations and its States Members must continue their action. They must not be content with cosmetic changes but must do everything possible to ensure the elimination of apartheid and all forms of racial discrimination.

The people of South Africa must have the right to choose their own system of development freely, in respect for the human rights of all citizens, including minorities.

15. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) pointed out that Israel maintained a close relationship with South Africa. According to the publication Israeli Foreign Affairs of May 1989 Israeli exports to South Africa had risen from under \$100 million in 1987 to \$137 million in 1988 and South Africa's exports to Israel had remained at around \$200 million. Those figures excluded military trade - estimated at between \$400 million and \$800 million a year in 1986 - and diamonds.

16. According to the July 1989 issue of that publication, South Africa had test-launched an intermediate-range ballistic missile, capable of carrying nuclear warheads, with help from Israel. That report, also carried by The Washington Times of 20 June 1989, confirmed an earlier article in the Israeli newspaper Yediot Ahronot of 27 November 1987, which had stated that Israel was developing an advanced version of its Jericho II missile in co-operation with South Africa and that South Africa was providing the Israelis with test sites in its deserts and on Marion Island near the South Pole.

17. Israeli Foreign Affairs had also reported that under agreements in force since 1976, South Africa underwrote Israeli military research and development in exchange for access to Israeli weapon technology. According to Mordechai Vanunu, the Israeli nuclear technician serving an 18-year sentence for disclosing details of Israeli nuclear weapons programme, South Africans were present at Israeli's secret nuclear weapons factory at Daimona.

18. It was well known that South Africa now had nuclear capability thanks to Israeli assistance. In 1987, Israel had stated its intention of signing no new contracts with South Africa, but Israel was reported to have begun collaborating with South Africa on an advanced fighter aircraft.

19. Attempting to persuade United States Jews to put pressure on Israel to sever its links with South Africa, Archbishop Desmond Tutu had said that the black people in South Africa could not understand how Jews could allow the Government of Israel to be involved in co-operation in nuclear matters, and in assisting the South African Government in the matter of techniques for suppressing uprisings, or how Jews could co-operate with a Government, many of whose members were Nazi sympathizers.

20. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) recalled that on 22 December 1988, the agreements signed by Angola, Cuba and South Africa cleared the way for Namibia's independence process. Security Council resolution 435 (1978) was now being implemented in Namibia although there were still obstacles in the way of its full implementation.

21. One of the obstacles was the fact that 1,500 out of the 1,800 members of the Namibian security force were members of death squads, empowered to torture and massacre the population. The death squads were trying to intimidate SWAPO activists in order to prevent them from taking part in the elections to the Constituent Assembly scheduled for November 1989. Another obstacle was that

South Africa had not fully abolished apartheid laws in Namibia. There was evidence of discrimination practised against black United Nations officials in Namibia, who had been refused admission to certain bars and restaurants there.

22. Mr. Khalifa's updated report (E/CN.4/Sub.2/1989/9 and Add.1) showed that progress had been made in disinvestment in South Africa by certain countries. He noted that countries like Finland, Ireland and Norway had completely divested themselves of their investments in South Africa. He hoped that countries like Spain, Luxembourg and Portugal would soon follow suit.

23. Other countries, however, including Austria, Belgium, Denmark, Italy and Japan had taken no such steps. The largest investor was Japan, which had not made the slightest effort at disinvestment.

24. It was, nevertheless, encouraging that large international banks like the Dresdner Bank in the German Democratic Republic and Chase Manhattan Bank in the United States had withdrawn from South Africa. He hoped that other transnational banks would follow their example.

24. Mr. Khalifa's report raised several questions. The first was the measures that should be taken against the countries which were taking advantage of the gap left by other countries' disinvestment. Moreover, since the object of disinvestment was to boycott the South African régime, the extent of the investment was not the point at issue. The reply of the Greek Government (page 12 of document E/CN.4/Sub.2/1989/9) was therefore not acceptable.

25. Another question that arose was the diplomatic, commercial and military assistance furnished by certain African countries. Despite the fact that on 22 May 1988, the Organization of African Unity had urged all African States to cease relations of any kind with South Africa, Equatorial Guinea was known to be providing military facilities to the racist régime of South Africa; Côte d'Ivoire and Zaïre were trying to end South Africa's diplomatic isolation; and Malawi had high-level relations with Pretoria.

26. The international community as a whole must apply comprehensive and mandatory sanctions against South Africa as the only non-violent way of ending apartheid.

27. As a result of the odious system of apartheid, it was becoming increasingly difficult to maintain cohesion among the different components of society in South Africa, where rich and poor societies lived side by side. South Africa was the only place in the world where the North-South division existed in the same country. To end that state of affairs there was only one remedy: the destruction of apartheid.

28. Mr. SKWEYIYA (Observer, African National Congress of South Africa) said that he wished to draw the effects of the gross violations of human rights perpetrated by the apartheid régime to the attention of the Sub-Commission.

29. Within South Africa, the struggle for the most basic of human rights continued to be met by systematic incarceration, detention, intimidation and repression. Outside South Africa, the atrocities of the Pretoria régime had extended far and wide, in the form of colonialism in Namibia, aggression in Angola and systematic economic destabilization and destruction of essential

infrastructure in the front-line States of southern Africa through the infiltration of mercenaries, through sabotage and through violations of national sovereignty and integrity. The foremost victims of that policy were women and children, especially in Angola and Mozambique. The total damage caused by the aggression of the apartheid régime in the front-line States was estimated at some \$9 billion.

30. In South Africa the racist régime was faced with an ever-deepening crisis rooted in many factors, of which the most decisive was the continuing mass struggle of the oppressed. The people of South Africa had weathered four years of martial law. Despite the detention of over 40,000 patriots under the emergency regulations, the régime had failed to blunt the people's militancy. That mass resistance was expected to increase in the next two months, culminating in a week of mass protest in the lead-up to the elections in September. That would demonstrate the people's rejection of the five-year Constitutional Plan, which simply rehashed old apartheid principles and attempted to perpetuate apartheid by dividing the people of South Africa into a cluster of minorities. As long as apartheid existed uncertainty and strife would persist in the whole region.

31. None the less, recent developments in the region could not be overlooked. The crushing blow dealt by Angolan, Cuban and SWAPO forces against the apartheid forces in Angola had considerably shifted the balance of forces against apartheid. The people of the region and the world at large were anxiously awaiting the birth of a free and independent Namibia, although expectations must be tempered with heightened vigilance. The Pretoria régime had often flouted solemn international agreements. He therefore called upon the international community to intensify its pressure on the régime, for only that would ensure that Namibia's independence was not stillborn.

32. The present situation had forced the Pretoria régime into a vulnerable position, in which increased pressure would contribute to reduce its capacity to maintain itself and to carry out its policies.

33. Further, the régime must not be allowed to distort the facts. Namibia's independence was not the product of apartheid goodwill but a result of its defeat in Angola and the mounting pressure of world opinion. Similarly, the reprieve of the Sharpeville Six was not an act of genuine clemency on the part of P.W. Botha, but capitulation before the world-wide storm of protest invoked by the original death sentence. Other prisoners had been released and Nelson Mandela had been given better accommodation for the same reasons. Far from showing signs of softening, the régime was intensifying its repression. As long as the apartheid system continued to exist peace and security in the whole region of southern Africa would be threatened.

34. Mr. ALFONSO MARTINEZ said that the report by Mr. Khalifa (E/CN.4/Sub.2/1989/9 and Add.1) was extremely useful in disclosing the complex trade and financial operations being carried out by transnational companies to disguise their links with South Africa.

35. Mr. Khalifa had also provided an updated list of firms trading with South Africa, from which he noted that although 16 firms in the Federal Republic of Germany had left South Africa, 131 new firms had established links

with it; that no Japanese companies had withdrawn from South Africa and that 93 were trading there; and that although 56 United States companies were reported to have withdrawn from South Africa, 79 were still maintaining their links with that country.

36. Clearly, trade and financial sanctions against South Africa had damaged the apartheid régime's capacity to continue its policy. Sanctions could have a decisive effect in ending some of the worst aspects of apartheid. The continued relations of the companies of certain countries was therefore of even greater concern than it had been 10 years previously, when the need for sanctions had not yet been generally acknowledged.

37. He welcomed the assistance provided by the Secretariat to Mr. Khalifa in the preparation of his report and urged that it should be continued at an adequate level.

38. Mr. MOTTAGHI-NEJAD (Observer for the Islamic Republic of Iran) said that it was a matter of great concern that despite the widespread condemnation it attracted in international gatherings and forums as a crime against humanity, the obnoxious system of apartheid continued to be official policy in South Africa and the system of government shamelessly advocated by the régime. There could be no doubt that apartheid would crumble if mandatory and comprehensive sanctions were collectively imposed on South Africa. Despite its limited scope, disinvestment and the resultant capital flight were already beginning to show their effectiveness.

39. His Government was a strong advocate of comprehensive sanctions, and refused to accept the view that sanctions would hurt blacks more than whites. It was illogical, indeed hypocritical, to condemn apartheid while seeking to maintain or defend continued economic links with the Pretoria régime. The oppressed people of South Africa would be prepared to accept the imposition of military, economic, cultural, sporting or any other form of sanctions.

40. The collaboration with South Africa by certain Western countries, and especially that of the Zionist régime, in the field of nuclear technology was particularly discouraging. Such assistance in strengthening the foundations of the racist South African régime by affluent, industrialized nations claiming to be champions of equality, freedom and human rights, was a vivid manifestation of their dual standards and hypocritical approach. He deplored the provision of economic and military support to the South African régime by certain Western States, and once again expressed his country's firm commitment to the position that all justice-loving people should unite in the struggle to combat all forms of racism and racial discrimination.

41. Ms. CHAALAN (Observer for the Syrian Arab Republic) said that she shared the concern expressed by the observer for the Islamic Republic of Iran regarding the absence of progress in destroying the apartheid system. She deplored the political protection of the Pretoria régime by a number of countries, and their provision of economic, military, nuclear and other support. Mr. Khalifa's report (E/CN.4/Sub.2/1989/9 and Add.1) unmasked the channels and the extent of support for the racist South African régime and its negative effects on human rights. The report also indicated ways of increasing the pressure on the Pretoria régime, and shed light on the realities of co-operation and the new forms it took.

42. It was a source of great concern that, in pursuance of their strategic and economic interests, the allies of apartheid had not abandoned South Africa. Bowing to public opinion, some countries had declared selective sanctions; but that gesture was merely symbolic. Her country had condemned the assistance provided to the régime by the United States and Western countries, in strengthening its military arsenal and nuclear capability with a view to furthering its policies of repression, aggression vis-à-vis its neighbours, the occupation of Namibia and hegemony in southern Africa. Under article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid, those engaging in such operations were regarded as accomplices in crime. Her country had always condemned the economic, political, military and nuclear links between the Pretoria and Tel Aviv régimes. It was well known that the purpose of such links was to intimidate and to impose hegemony over the African and Arab regions. According to the last report of the Special Committee against Apartheid (A/43/22), Israel was intensifying its military co-operation with South Africa and collaborating illicitly and secretly in arms manufacture, technology and research.

43. The report also referred to military consultations which had assisted the South African Air Force in its operations against Angola in 1988. According to The Observer, more than 70 military advisers had participated in that operation. The international community continued to be concerned at that violation of Security Council resolution 418 (1977), which constituted a flagrant challenge to the authority of the United Nations, a rejection of the role of the International Atomic Energy Authority, a refusal to co-operate by providing the international community with information; and also revealed the threats to southern Africa and the Middle East inherent in the struggle for independence and liberation.

44. Her country had been a member of the Special Committee against Apartheid since 1969 and it had acceded to all international conventions against racism. The international community was now called upon to impose the strongest possible sanctions against the racist régime, with a view to ending its crimes and aggression. The most effective means of eliminating apartheid was comprehensive sanctions under chapter VII of the Charter of the United Nations with a view to compelling the régime to abandon apartheid and unite with the black majority in bringing about a non-racist State based on equality.

45. MR. BHANDARE said that the special merit of Mr. Khalifa's report (E/CN.4/Sub.2/1989/9 and Add.1) was that, while painting an encouraging picture of trends in disinvestment, it also provided a fine analysis of the impact of those partial disinvestment measures and an indication of the means employed to ensure that the economies of South Africa and its trading partners continued to prosper. It was time for the Sub-Commission to take positive steps to eliminate those means of circumventing the anti-apartheid apparatus.

46. Of all violations of human rights, apartheid was the most abominable, the most inexcusable, and the most shameful. For him, as an Indian, the issue was a particularly emotional one, since Mahatma Gandhi, the founder of his nation, had linked the destinies of India and Africa. On arriving in South Africa to practise law in 1893, he had found that he had no rights as a man or as an Indian: he had no rights as a man, because he was an Indian. Today, blacks had no rights because they were black. Such blatant discrimination was a matter for universal shame.

47. Mahatma Gandhi's doctrine of non-violence was highly relevant to the question of apartheid for economic sanctions were themselves a non-violent means of eliminating apartheid. Bloodshed must be avoided; it was thus disappointing that not enough steps had been taken to impose complete, total and effective economic sanctions. A hundred years after Mahatma Gandhi's experience, there was still total isolation and a denial of equal rights. No further time must be lost. Alluding to the so-called "Japanese model", he appealed to Japan, whose industry, innovation and readiness to transfer technical and other expertise to other countries he admired, not to transfer that expertise to South Africa.

48. All attempts at persuasion had failed, but non-violence must not be renounced. And the only non-violent way to bring an end to apartheid was effective, total and comprehensive economic sanctions. If the human rights movement was to be supported, Mr. Khalifa's efforts should not be diluted in any way. He must thus be given all the resources he needed to complete his task, which became more and more relevant with each passing year.

49. Mr. LITTMAN (World Union for Progressive Judaism) said that he was the bearer of a message to the Sub-Commission from Mrs. Helen Suzman, a founder of South Africa's opposition Progressive Federal Party and one of its leading members. For the past 36 years, she had been an indefatigable and intrepid fighter for human dignity. Within the South African Parliament she had constantly fought apartheid, embodying the idea that a just society might yet evolve in South Africa.

50. Mrs. Suzman's present message to the Sub-Commission and to the international community should be understood against the current background of greater expectation in respect of a peaceful process of dialogue and political negotiations. It read as follows:

"The International community should hold its hand for the moment to give Mr. de Klerk the necessary encouragement to go forward with changes and to translate the enlightened speech he made at the beginning of the year into the practical reality of apartheid's dismantlement. A great deal will depend on the outcome of the 6 September elections. The changes over the past 10 years are not only cosmetic changes. They have come about mainly as a result of economic expansion within the country. This is not the time for further economic sanctions, but rather - as I stated in Parliament earlier this year - for: 'the massive injection of investment capital for economic development, and of funds for education and training which will benefit the post-apartheid society.' More moderate United Nations resolutions at this crucial moment might well help to encourage the South African Government along the road of reform to end apartheid. Changes in the attitudes of the outside world might thus contribute to the rebuilding of a divided society along those lines which, is to be hoped, could lead to a non-racial democratic system. South Africa is a country of tremendous human and economic potential. The saving of it is well worth an equally tremendous effort, from liberal forces within and without."

51. Mr. ILKAHANAF said that the object of the internal and international pressures against South Africa was to dismantle apartheid, no more and no less. The Sub-Commission must not be influenced by piecemeal measures, which some of his colleagues had described as "cosmetic", but which he himself

regarded as deceitful. The régime was not changing its attitudes, policies and actions: it was merely employing delaying tactics designed to deceive the world community. A change of leadership would mean a change of personalities, but would bring no significant change in the main policies of the régime. The pressure must continue, both from outside and from within. Nothing was taking place in South Africa that could persuade the international community to ease its pressure, nor could it signal to those struggling from within that a change of approach was necessary. As Mr. Eide and Mr. van Boven had said, apartheid could not be reformed, but must be dismantled in toto. And, as Mr. Chernichenko had pointed out, peoples who could not obtain their rights by peaceful means had no other alternative than recourse to force. The previous year he had said that apartheid would eventually be dismantled from within, by internal struggle coupled with international pressure. He still stood by that view. He did not accept the view taken by some of his colleagues that it might be counter-productive to exert too much pressure on the régime.

52. Mr. Khalifa had pointed out that disinvestment was not working as it should. With reference to paragraph 26 of Mr. Khalifa's report (E/CN.4/Sub.2/1989/9), he pointed out that disinvestment by transnational companies did not necessarily mean an end to business ties with South Africa. Comprehensive sanctions, internal and external pressures were the only means to bring down the apartheid system.

53. Mr. KHALIFA said that he had been overwhelmed by the virtually unanimous encomia heaped upon his report.

54. Mr. Treat and Mr. van Boven had suggested that he should visit South Africa to obtain direct impressions. Several years earlier, he had attempted to do so but had been refused a visa by the South African authorities. If he proved acceptable currently to the South African authorities and was granted a visa, he would certainly give serious consideration to a visit which could be very beneficial.

55. He welcomed the information furnished by Mr. Treat regarding a bill pending in the United States Senate. He was not sure when that bill would be submitted to the full Senate and he was aware that its acceptance might take a long time; only in October 1988, after a delay of 40 years, had the United States Senate decided that the commission of genocide was a crime against humanity. In regard to Mr. Treat's reference to the five-step proposal designed to help normalize the situation in South Africa, while the granting of full civil rights would help greatly towards the exercise of political rights and would be a welcome step forward, it would not lead to a final solution. He appreciated in particular that Mr. Treat had recommended inflicting pain on South Africa and hoped that that proposal would not fall on deaf ears.

56. He wished to thank Mrs. Palley who had recently been an eye-witness of events in South Africa and supported the application of sanctions. It was interesting that Mrs. Palley had ascertained that South Africa was feeling the pinch of sanctions.

57. South Africa was clearly at a crossroads; one possible path could lead to democracy, the other would bring about greater tyranny. If peace did not come soon, chaos would supervene. He noted that Mrs. Palley had helped to draft the Constitution of Zimbabwe and it was his hope that she would shortly be in a position to participate in a similar exercise in South Africa.

58. He appreciated the message from Mrs. Helen Suzman, although she had never supported sanctions. It was for that reason that he appreciated Mrs. Palley's position the more.

59. He found himself in agreement with Mr. Eide and others who held that sanctions alone were not sufficient and that internal pressures must continue.

60. He was indebted to Mr. Hatano for appraising the position of Japanese business. He was also grateful to Mr. Chernichenko for his interpretation of the "peaceful-violent continuum" and his belief that, by hook or by crook, apartheid would disappear or be crushed. It was also clear that Mr. Joinet and he were on the same wavelength. He welcomed the support of Mrs. Ksentini for her request to the Secretariat for assistance in the serious and complicated assignment of continuing the work.

61. Involvement in South Africa must not be measured in quantitative terms since the weight of one firm might well have more impact than that of several smaller firms; thus, if there were more entries than deletions from any given country it did not necessarily mean that the situation had worsened. Nor could he claim that the list was exhaustive. There were many cases that had escaped his attention. The addition of names did not necessarily mean that the firms named had become newly involved in South Africa; it might mean merely that they had not been listed originally.

62. He wished to thank Mrs. Daes for reminding the Sub-Commission of the demands of the General Assembly; it had only been during the previous 12 months that the General Assembly had demanded, rather than requested action.

63. He wished to thank the Under-Secretary-General for Human Rights personally for having made an economist available for a few months during the year. He was well aware of the current financial emergency but nevertheless, if the world community took the situation in South Africa seriously, help should be given to intensify the impact of the undertaking. He wished to express appreciation to Mr. Alfonso Martinez for additional analytical work which he would use in any future updating of the work.

64. He appreciated the helpful contribution of Mr. Bhandare. The Sub-Commission would never forget that India had been the first to raise its voice on the issue of apartheid in the United Nations.

65. The CHAIRMAN said that the Sub-Commission had concluded its consideration of item 5 (b).

INTERNATIONAL PEACE AND SECURITY AS AN ESSENTIAL CONDITION FOR THE ENJOYMENT OF HUMAN RIGHTS, ABOVE ALL THE RIGHT TO LIFE (continued) (E/CN.4/Sub.2/1988/2)

66. Mr. van BOVEN considered that the report contained in document E/CN.4/Sub.2/1988/2 provided useful information on the interrelationship between human rights and international peace. Many United Nations instruments up to and including, in particular, the Declaration on the Right to Development, had contained pertinent references to that linkage. Those comments were duly reflected in the report.

67. The subject was however considerably more complicated than was indicated in the report. The relationship between human rights and development had not always been peaceful. The struggle for self-determination and human rights had often not been pursued in a peaceful manner. Indeed, as was pointed out in paragraph 13 of the report, the Universal Declaration of Human Rights and the two International Covenants in their first preambular paragraph, had indicated the possibility of recourse, as a last resort, to rebellion against tyranny and oppression, unless human rights were protected by the rule of law.

68. An issue not covered by the report related to the protection of the right to life. That issue had been much more thoroughly analysed by the Human Rights Committee in 1982 in its general comment on article 6 of the International Covenant on Civil and Political Rights. On 2 November 1984, the Human Rights Committee had made an even more far-reaching observation in paragraph 3 of its general comment no. 14 on article 6 with specific reference to the threat to human rights represented by the proliferation of increasingly awesome weapons of mass destruction. The Committee had expressed the view that nuclear weapons represented the greatest threat to human rights and that the production, testing, possession and deployment of nuclear weapons represented a crime against humanity; it had called upon all States to take urgent steps to rid the world of that menace.

69. Those comments were very pertinent to the issue before the Sub-Commission and should be reflected in any further study which the Sub-Commission might decide to make.

70. He was greatly concerned at the way in which the Sub-Commission was dealing with the item. In contrast to the Human Rights Committee, the Sub-Commission had contributed little or nothing to the development of those concepts. If members were not prepared to make suggestions for further study in that area, the Sub-Commission might well consider dropping the item from its agenda in the future and leaving it to other human rights bodies to make constructive contributions to the issue. The Sub-Commission could then devote the time thus saved to other urgent items on its agenda.

ORGANIZATION OF WORK (continued)

71. Mr. CISSE (Secretary of the Sub-Commission) said that the previous week the Sub-Commission had decided to invite two Special Rapporteurs to come to Geneva for the presentation and/or discussion of their reports. The Secretary-General had immediately dispatched cables to the persons concerned.

72. That morning the Secretariat had spoken by telephone with Mr. Mubanga-Chipoya who had stated that he would inform the Secretariat of his plans by telephone during the afternoon. He had indicated that it might be difficult for him to come to Geneva during the current week.

73. No response had been received from Mr. Mazilu. The Secretariat had attempted to establish telephone contact with Mr. Mazilu that morning, but without success. In addition, the United Nations Office in Bucharest had reported that morning its inability to deliver to Mr. Mazilu a copy of the telegram of invitation which had also been addressed to him through the United Nations Office in Bucharest.

The meeting rose at 1.05 p.m.