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SEMINAR  
ON THE STUDY OF NEW WAYS AND MEANS FOR PROMOTING HUMAN  
RIGHTS WITH SPECIAL ATTENTION TO THE PROBLEMS AND NEEDS  
OF AFRICA



DAR ES SALAAM, UNITED REPUBLIC OF TANZANIA  
23 October-5 November 1973

UNITED NATIONS

SEMINAR  
ON THE STUDY OF NEW WAYS AND MEANS FOR PROMOTING HUMAN  
RIGHTS WITH SPECIAL ATTENTION TO THE PROBLEMS AND NEEDS  
OF AFRICA

(organized by the United Nations Division of Human  
Rights in co-operation with the Government of the  
United Republic of Tanzania)



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## INTRODUCTION

### A. Organization of the seminar

1. At the invitation of the Government of the United Republic of Tanzania, the Secretary-General of the United Nations organized, under the programme of advisory services in the field of human rights established by General Assembly resolution 926 (X), a seminar on the subject "The study of new ways and means for promoting human rights, with special attention to the problems and needs of Africa". The organization of such a seminar was one of the Secretary-General's suggestions concerning suitable activities which could be undertaken in celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights, presented to the General Assembly in his report (A/8820) pursuant to resolution 2860 (XXVI).
2. By its resolution 2906 (XXVII) of 19 October 1972, entitled "Programme for the observance of the twenty-fifth anniversary of the Universal Declaration of Human Rights", the General Assembly took note with appreciation of the suggestions presented by the Secretary-General and requested him, in paragraph 5 (c), to organize as soon as possible seminars on a regional level under the programme of advisory services with the purpose of studying new ways and means for promoting human rights in the light of the resolution, with special attention to the problems and needs of the various regions of the world. This was the first seminar on this topic.
3. Invitations to nominate participants to the seminar were accepted by the Governments of the following countries: Burundi, Cameroon, Chad, Congo, Egypt, Gambia, Ghana, Kenya, Madagascar, Mauritius, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, United Republic of Tanzania, Togo, Uganda, Upper Volta, Zaire and Zambia.
4. Specialized agencies having an interest in the subject-matter were invited to send representatives. Invitations were also addressed to the Economic Commission for Africa, the United Nations High Commissioner for Refugees and the United Nations Institute for Training and Research.
5. The following regional intergovernmental organizations were invited to send observers: the Organization of African Unity, the League of Arab States, the Council of Europe and the Organization of American States.
6. Non-governmental organizations in consultative relationship with the Economic and Social Council, whose purposes and programmes related to the subject-matter of the seminar, were invited to send observers.
7. A number of African national liberation movements and national non-governmental organizations attended the seminar as guests of the Government of the United Republic of Tanzania.
8. The seminar was held in Dar es Salaam, United Republic of Tanzania, from 23 October to 5 November 1973.

## B. Participation

9. A list of those who attended the seminar appears in the annex to the present report.

## C. Opening of the seminar and election of officers

10. The Honourable John S. Malecela, Minister of Foreign Affairs made an inaugural address and welcomed the participants on behalf of the Government of the United Republic of Tanzania.

11. The seminar was opened on behalf of the Secretary-General of the United Nations by Mr. Edward Lawson, Deputy Director of the Division of Human Rights, who made a statement.

12. The following officers of the seminar were elected:

Mr. M. P. Kimicha	(United Republic of Tanzania)	Chairman
Mr. Fredrick M. Chomba	(Zambia)	Vice-Chairman
Mr. Hassan Eloufir	(Morocco)	Vice-Chairman
Mr. Christopher Nsahlai	(Cameroon)	Vice-Chairman
Mr. Ayotola Osolake	(Nigeria)	Rapporteur

## D. Agenda

13. The agenda of the seminar was as follows:

1. Problems which are considered of particular importance and significance to African countries as regards the promotion and protection of:
  - (a) Economic, social and cultural rights.
  - (b) Civil and political rights.
2. Measures to be taken to ensure full implementation of United Nations instruments and decisions concerning the elimination of racial discrimination and apartheid.
3. Institutions and procedures for ensuring the promotion of and respect for human rights at the national and regional levels, including the question of the desirability of the establishment of national committees and of a regional commission on human rights for Africa.
4. Desirable areas of future United Nations action in the field of human rights in the light of the discussion of the previous items.

E. Documentation

14. The following background documents were prepared for the seminar:
  - Background paper A by Mr. Benjamin Mkapa (United Republic of Tanzania)
  - Background paper B by Mr. Berthan Macaulay (Sierra Leone)
  - Background paper C by Mr. Nguya-Ndila Malengana (Zaire)
15. The United Nations High Commissioner for Refugees prepared a paper.
16. Participants submitted the working papers listed below:
  - WP/1: Mr. L. Georges Lawson (Togo)
  - WP/2: Mr. Georges Randrianarivelo (Madagascar)
  - WP/3: Mr. Omer El Sheikh (Sudan)
  - WP/4: Mr. Mboyo-Kunol'owuya (Zaire)
  - WP/5: Mr. Ezzeldin Foda (Egypt)

I. PROBLEMS WHICH ARE CONSIDERED OF PARTICULAR IMPORTANCE AND SIGNIFICANCE TO AFRICAN COUNTRIES AS REGARDS THE PROMOTION AND PROTECTION OF: (A) ECONOMIC, SOCIAL AND CULTURAL RIGHTS; (B) CIVIL AND POLITICAL RIGHTS

17. Agenda item 1 was discussed at the second to sixth meetings, held on 23, 24 and 25 October 1973. Mr. Amadou Makhtar Samb (Senegal) acted as discussion leader.

18. In introducing the item, the discussion leader indicated that there were three areas to which the seminar might wish to give consideration. One serious problem arose out of the seeming conflict between the "right to development" of every State and the human rights and fundamental freedoms of every individual. In seeking a solution to this problem some African States had apparently considered that it was more important to give men and women their freedom, and had sacrificed human rights in their efforts to hasten economic development. A second serious problem was the continued existence in newly independent African States of certain customs irreconcilable with respect for human dignity, such as bride-price and the inheritance of widows, varieties of which could not be reconciled with the prohibition of practices similar to slavery or with the principle of the equality of men and women. It was however almost impossible to put a speedy end to such customs and traditions, which had persisted through many centuries, even when they were explicitly contrary to the law. A third serious problem was that African countries had in many cases inherited from the colonial powers systems according special privilege to particular categories of residents or to particular private outside interests. These arrangements, which had enabled foreign companies and multinational corporations to drain off the profits from business in the newly independent countries, and which had enabled foreigners to dominate their economies, could no longer be justified.

19. The discussion leader emphasized that the main human rights problem in Africa was not the recognition of those rights in law, since the constitutions of many newly independent countries specifically referred to them and provided guarantees for their enjoyment. The problem was rather how those rights should be promoted and protected, bearing in mind the special situations of African countries, their need to ensure national security and economic development, and the consequent emphasis upon strict controls and efficiency of operation. In this context some violations of human rights were inevitable, but they constituted for the most part a provisional phenomenon which could be explained by the particular circumstances which Africa was experiencing and which was bound to give way in time to a liberalism more in keeping with the harmonious development of Africa. The well-known attachment of Africans to human rights made him think that the phenomenon was a transient one.

20. In the course of the discussion, difficulties in protecting human rights and fundamental freedoms in African countries were mentioned and analysed. Divergences between the norms of international law and certain African practices became apparent. Some participants referred to particular instances in which human rights had been violated, and expressed the view that such violations could



be eliminated in spite of the imperatives of development and the requirements of political stability. Other participants, on the contrary, felt that certain practices widely considered to be violations of human rights were, in the context of Africa, merely efforts to correct situations which had developed in pre-independence days and to encourage and protect the human rights of the masses of African people. This was the justification, for example, for creation of the single-party political system in some countries, as well as for the adoption of special rules relating to persons of certain nationalities, as well as for economic expropriation and the nationalization of foreign enterprises. Some other participants took the position that there was no point in talking about human rights as long as the serious economic problems of Africa had not been solved, and that on the whole the international standards concerning human rights, as set out in the various instruments of the United Nations, were alien to African reality.

#### A. Economic, social and cultural rights

21. With regard to the economic, social and cultural rights set out in articles 17 and 22-27 of the Universal Declaration of Human Rights and articles 6-15 of the International Covenant on Economic, Social and Cultural Rights, a number of problems were discussed. Among these were the difficulties confronting many African countries in establishing a viable national economy. This required, on the one hand, restructuring international trade in order to establish a just balance of payments between imports and exports - a prerequisite to raising the standard of living of the population, and on the other hand a restructuring of the national economy by such means as land reform, the placing of limitations on the ownership of property, and State participation in the management of large corporations with a view to channelling the profits to economic development.

22. It was generally agreed that meagre resources often impeded the full implementation of economic, social and cultural rights. In this connexion one participant suggested that many advantages could be gained if economic activities in all independent African countries could be harmonized.

#### The right to work

23. There was some discussion of the right to the enjoyment of just and favourable conditions of work, and of the right to form and join trade unions, as set out in articles 7 and 8 of the International Covenant on Civil and Political Rights. Reference was made to the serious unemployment existing in some African countries, a factor which sometimes led to tension between workers and the public authorities.

24. Participants generally agreed that the right to work was an essential human right. Some time was devoted to the discussion of the part played by the State in the promotion of the right to work. It was emphasized that in many African countries it was impossible to guarantee the right to work owing to its economic and financial implications.

25. One participant stated that it was futile to talk in Africa of the right to work, to free choice of employment, to just and favourable conditions of work, and to protection against unemployment when the continent was plagued by poverty

and not yet independent in economic matters. Another speaker referred to the role that could be played by trade unions in the implementation of economic, social and cultural rights. Some speakers emphasized the necessity of establishing an independent trade union movement in African countries. The existence in some countries of a single trade union was criticized by some speakers as a violation of human rights. Other participants said that as long as trade unions did their work, it made no difference whether there was a single trade union or many. What was important was the efficiency of the trade unions, not their number.

26. Some participants proposed that arrangements should be made to ensure that all African raw materials should be processed in Africa. Such a measure would speed up the process of industrialization and materially increase work opportunities.

27. The International Labour Organisation observer drew attention to the fact that the ILO places special emphasis on the promotion and protection of the right to work, mainly through the World Employment Programme. An important contribution towards the handling of African employment problems had been made by the interagency comprehensive employment strategy mission to Kenya, whose report, entitled Employment, Incomes and Equality - A Strategy for Increasing Productive Employment in Kenya, 1/ identifies problems and proposes solutions which on the whole are relevant to many countries of Africa. He also referred to the work of the ILO in promoting economic and social rights, and in particular the right to work and the right to form and join trade unions; and mentioned in particular the Freedom of Association and Protection of the Right to Organize Conventions, the Right to Organize and Collective Bargaining Convention, the Abolition of Forced Labour Convention, the Equal Remuneration Convention and the Discrimination (Employment and Occupation) Convention, all setting international standards and subject to the well-developed supervisory machinery of the Organization under which complaints and appeals could be submitted not only by Member States but also by the representatives of employers' and workers' organizations at the International Labour Conference.

#### The right to an adequate standard of living

28. Many speakers drew attention to the fact that the enjoyment of an adequate standard of living by the people of Africa was seriously impeded by underdevelopment and poverty. The infrastructure of many countries was still generally poor, and mass unemployment was widespread. Meagre resources prevented Governments from taking the necessary corrective measures. In some countries, all economic power was still in the hands of a minority of the population, which had a vested interest in maintaining the existing low standards of living of the African workers. However, measures were being taken in many countries to raise living standards, and special efforts were being made in rural areas. The process of "Africanization" had been found necessary in certain countries in order to harmonize the rights and duties of all citizens. Other countries had found it necessary to resort to the licensing of business enterprises in order to improve the living standard of the masses, and this had sometimes resulted in charges of discrimination.

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1/ Published by Imprimeries, Populaires, Geneva, Switzerland, 1972.

29. The opinion was widely shared that the exigencies of economic growth may at times justify the temporary subordination of the interests and rights of the individual to those of the State. For example, some countries had resorted to nationalization of foreign interests and property in order to correct injustices and to ensure a more equitable distribution of existing resources; their failure to do so might have jeopardized the enjoyment of an adequate standard of living by the masses of citizens while protecting the rights of a small minority.

#### The right to health

30. The importance of the right to health was emphasized. Health was a serious problem in many African countries, particularly in several areas where health facilities were not yet available. The World Health Organization was making strenuous efforts to wipe out disease in many areas, but if those efforts, and the need to follow them up, were not fully understood by the affected populations the services provided by WHO would serve only as emergency assistance.

31. In this connexion the representative of the World Health Organization stressed the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and described the activities of his Organization to achieve this goal. He mentioned, as two main problems which prevented enjoyment of the right to health in African countries, (a) the fact that little could be done for populations that live in areas too inaccessible to be reached, and (b) the fact that it was not always possible to secure the full co-operation of families and communities in projects designed to ensure better health services. He expressed the view that all African countries had problems in providing adequate health services, as they had inherited inadequate health systems and had not yet been able to train the necessary medical manpower; for them, health was a part of the over-all problem of development.

#### The right to education

32. As regards the right of everyone to education, it was the consensus that widespread educational campaigns were required in order to inculcate in the peoples of Africa respect for human rights and fundamental freedoms. Some representatives stressed the need for ensuring more widespread dissemination of information about human rights and the relevant activities of the United Nations. The masses of people were still ignorant of human rights, and the non-availability of relevant documents was said to be a basic cause. Moreover, even when these documents could be found, they were often couched in language not easily understood by the masses. The absence of any effective propaganda to promote human rights was noted, and it was pointed out that in some States there was a marked lack of official support or patronage for the human rights cause and no real commitment to the principles of the Universal Declaration of Human Rights.

33. The role of education in the process of development was emphasized. Lack of education was considered by several participants to be not only an obstacle to social and economic progress generally, but also a hindrance to the full understanding of human rights. One participant recalled that in his country education had only become effective after the Government had taken over the private schools in order to end the segregated system inherited from colonial days, when each race had had its own schools.

34. Various measures to ensure the enjoyment by all of the right to education were put forward. Some participants favoured wider distribution of United Nations documentation in the schools; others felt that the mass media, including radio and television, should constitute the primary means of distributing information, especially in areas where literacy was low. The translation of such documentation into local languages was also suggested. Special educational training courses in matters relating to human rights, for civil servants, politicians, and local administrators were also proposed.

35. In this connexion the Representative of UNESCO described the work of her organization, and pointed out that article 26 of the Universal Declaration of Human Rights, which proclaims that everyone has the right to education, summed up the hope of Africans that the next generation at least would fully participate in the economic and intellectual atmosphere of the late twentieth century. Modern Africans, she said, would no longer be content to pass on to their children the education of their communities, and with good reason. For traditional education was meant to serve a specific situation which has been to some extent bypassed.

36. The child of today, she said, would be educated to serve the society of tomorrow, a society which would demand the rapid accumulation of knowledge, which was brought about most swiftly through literacy. He would aspire to the training that could make him understand, participate in, and create the sciences and technology of the morrow. And for this he would need further training, laboratories, equipment - things unheard of only a generation ago.

37. UNESCO, she added, had a special interest in particular human rights, and the entire organization was working towards the implementation of those rights. UNESCO's task in this respect was to contribute to the spread of literacy, to new content in education, to greater participation in the sciences, and to the conservation and development of national culture. It also spread information about human rights through the media of information. In addition, it had published reports on various aspects of apartheid, and conditions in the Portuguese colonies. Finally, it had taken an active interest in the problem of racial discrimination and had reached the point where hard sociological analysis of the racist social structure was at last being undertaken partly as a result of UNESCO initiatives.

#### Cultural rights

38. The problem of the rehabilitation of African culture, and of "authenticity", was touched upon by some participants. Reference was made to the renewed interest in African culture, which had been disregarded during the colonial period. Some participants called for greater dissemination of culture in African countries, with more participation in cultural activities.

39. One participant drew attention to the fact that there were few trade unions or copyright laws protecting the interests of African artists and writers. The problem of the "brain drain" of educated Africans to developed countries was also cited.

40. Finally, it was pointed out that no amount of legislation, administrative measures, resolutions or decisions, could alter overnight social traditions and cultural patterns that had evolved and been meaningful over thousands of years. However, social workers, visiting nurses and teachers could help in educating people as to their rights as members of the human family, and constructive co-operation between existing social services and the educational institutions of different nations could increase mutual understanding of different concepts of economic, social and cultural rights.

#### B. Civil and political rights

41. Some participants expressed reservations about discussing certain problems relating to the enjoyment of civil and political rights, which they considered as falling within the domestic jurisdiction of States. They expressed the view that theoretical concepts of human rights - good by themselves - might be misused to divert the attention of Africans from other important things that had to be done in order to take care of their priorities. It was said that implementation of the great principles of human rights might in some cases need to be put aside temporarily until the majority of the African people had been educated and their conditions of living improved. Several participants maintained that the seminar should avoid being drawn into a political controversy and should avoid giving the impression of sitting in judgement on Governments; in their view, discussion of sensitive political issues involving the enjoyment of civil and political rights might lead to disruption and in any event such discussion could only be academic rather than practical. One participant maintained that the most fundamental human right was the right to take up arms in defence of one's country, and that it was useless to discuss human rights except in the context of territorial integrity. Another participant expressed the view that the primary aim of any Government must be to promote the happiness of the people of the country, and that civil and political rights were useful only if they contributed to the attainment of this goal.

42. Other participants, however, joined in the discussion of a number of questions relating to the implementation of civil and political rights in African countries, including the right to self-determination, the rights of refugees from racist and colonial régimes, and the conflicts arising between individuals and their Governments with respect to the enjoyment of certain political rights.

#### The right of self-determination

43. The right of all peoples to self-determination was stressed by some participants, who maintained that until all African peoples could freely determine their political status, freely pursue their economic, social and cultural development, and freely dispose of the natural wealth and resources of their countries, talk of other political rights was merely academic.

44. Millions of Africans, it was pointed out, had been robbed of this right, and the efforts of the United Nations to implement it had so far been a total failure. The right to self-determination was an inherent and legal right, and no judicial machinery existed whereby it might be protected.

45. Denial of the right of self-determination to more than 40 million Africans in South Africa and in the territories in Africa under Portuguese domination was cited by many participants as the most serious problem of the continent, and it was the consensus of opinion that this problem deserved continuing attention, higher priority and more meaningful action on the part of the international community.

46. With regard to the question of sovereignty over national resources, some participants expressed the view that the problems raised by foreign investment and the granting of special privileges to non-citizens and foreign corporations were inherited problems which could not be solved by reference to United Nations human rights instruments. The primary task of the African countries in this respect, it was said, was to remove all privileges and to permit all to share equally; and the only way they could accomplish this task was by joint efforts on the part of all African countries acting through a regional agency such as the Organization of African Unity (OAU).

47. It was the consensus of opinion that unless the right of self-determination was attained by African peoples still under colonial domination, there would be continuing violations of human rights. It was suggested that the seminar should recommend to the United Nations that it should use all possible means to compel South Africa and Portugal to grant this right to peoples in African territories under their illegal occupation; and to call on the United Kingdom to see to it that the peoples of Zimbabwe enjoyed the same rights. In particular the General Assembly should be urged to consider, in the case of South Africa, the application of Chapter VI of the United Nations Charter, which provides for the expulsion of a Member State in certain circumstances.

#### The problem of refugees

48. Some participants discussed the problem of refugees in Africa, in particular the difficulties posed by those refugees fleeing from racist and colonial régimes, which régimes continued to threaten host countries and to engage in espionage against them. This had made it difficult for host countries to ensure that all refugees enjoy their full human rights. It was emphasized that African countries should apply generous policies for the granting of asylum to all refugees in line with the Universal Declaration on Human Rights. Individual countries may find it necessary, according to their circumstances, to apply certain measures to ensure that persons coming from colonial or racist régimes cannot use the umbrella of refugee status as a cover for engaging in acts of espionage or sabotage.

49. Some participants expressed their concern over the delicate position in which many refugees from colonial and racial domination found themselves when seeking refuge in independent African countries. Many of these countries continued to consider refugees as exclusively a problem for the police, and the police treated them as "undesirable aliens" and sometimes detained them for indefinite periods of time.

50. It was pointed out that there was an urgent need for ratification by African States of the United Nations Convention and Protocol Relating to the Status of Refugees of 1967, and to the OAU Convention governing the Specific Aspects of Refugee Problems in Africa of 1969. There was also a need, it was said, to establish special procedures in order to establish the bona fides of refugees and others requesting asylum in view of the problems of security faced by the host countries.

51. The representative of the United Nations High Commissioner for Refugees stressed the need for further strengthening and developing of the internationally-recognized standards for the treatment of refugees by further accessions by African States to the 1951 United Nations Convention and the 1967 United Nations Protocol relating to the Status of Refugees. He mentioned the importance of legislative and/or administrative measures to ensure the effective implementation of international standards in day-to-day practice. This applied in particular, he pointed out, as regards the establishment of special procedures for determining the refugee status of asylum-seekers. He mentioned the problems of security and detention, to which reference had already been made by other speakers, and expressed the hope that in applying the relevant regulations, special regard would be paid to the particularly precarious and vulnerable position in which refugees and asylum-seekers find themselves.

#### Other political rights

52. With regard to other political rights it was pointed out that, generally speaking, most African States had only recently achieved independence and sovereignty, and that their first priority and main preoccupation had been the establishment of a strong and viable government. It was only natural that most governments had concentrated more on economic, social and cultural rights than on political and civil rights. In many cases, the move had been towards a concentration of power.

53. It was now necessary, in the view of one participant, to create institutions designed to establish a just and equitable balance between the requirements of the modern African State and the political and civil rights of its citizens. It was not as easy to establish a commission and a court of human rights in Africa as in Europe, where common liberal traditions and a broad identity of view had long existed. African countries had difficulty in reaching common viewpoints because of their widely divergent backgrounds, traditions, and religious and legal systems.

#### The right to equality

54. Some participants expressed the view that the enjoyment by all African citizens of human rights and fundamental freedoms, without any discrimination, was closely linked to the problem of the complete revision of the structure inherited from the colonial system and rejection of the principles of inequality that had guided colonial legislation. Recently cries of "racialism" had been directed at certain African States, but these cries had come from the colonialists outside Africa, and not from within the continent itself.

55. The activities of some States to ensure that women enjoy equal rights with men were mentioned by some participants. The need to provide free legal aid to persons called before the courts, in order to ensure equality in the administration of justice, was also mentioned.

#### The right to life

56. Several participants referred to the plight of captured freedom fighters, who frequently were faced with torture or with summary execution. It was suggested

that the seminar should endorse the resolution of the General Assembly calling for captured freedom fighters to be accorded the same treatment as other prisoners of war, as laid down in the third Geneva Convention.

#### Arbitrary arrest or detention

57. Some participants mentioned the problem created by the preventive arrest and/or detention by some African States of certain individuals considered to pose a menace to State security. It was pointed out that such arrests and detention should be resorted to only in exceptional circumstances and with the greatest prudence and caution.

#### The right to liberty of movement

58. A few participants referred to restrictions upon movement and upon freedom to choose a residence which some States had imposed upon residents in recent years, and in particular to the spreading requirement of exit visas to leave the country. Such measures, it was said, were not always strictly necessary and should be eliminated wherever possible.

#### The right to take part in Government

59. There was some mention of the single-party system, but most speakers felt that the discussion went beyond the scope of the seminar's agenda and might involve the seminar in embarrassing intrusions into the internal affairs of certain States.

#### Conflicts in law

60. Some participants referred to problems arising out of conflicts in personal law, inheritance law and nationality law, as well as to the conflicts arising out of differences between modern legislation and customary law. Others mentioned the problems arising from the persistence of ancient customs and traditions, such as the payment of bride-price, the inheritance of widows, and the exploitation of child labour. Reference was also made to conflicts which arose out of confusion between the State itself and the Government of the State. It was pointed out that frequently legitimate efforts of individuals to influence or change the régime in power had been construed as being directed against the authority of the State and the individual had been censured or punished for exercising a perfectly legitimate political right.



II. MEASURES TO BE TAKEN TO ENSURE FULL IMPLEMENTATION OF UNITED NATIONS INSTRUMENTS AND DECISIONS CONCERNING THE ELIMINATION OF RACIAL DISCRIMINATION AND APARTHEID

61. The seminar discussed item 2 of its agenda at its seventh, eighth and ninth meetings, held on 26 and 30 October. The item was introduced by Mr. T. L. Mkude (United Republic of Tanzania).

62. The discussion leader noted that sanctions against the South African minority régime had so far been ineffective and that there was therefore a need for the United Nations to take new and positive measures, including practical assistance to the liberation movements of southern Africa in the form of money and arms, either directly or through the OAU Liberation Committee. The United Nations, in his view, had the right to intervene under articles 1, 55 and 56 of the Charter in situations where human rights had been violated and, under Chapter VII of the Charter, the Security Council could intervene when it found that a threat to the peace existed. He recalled the recent massacres in Wiriyamu (Mozambique) and Carltonville (South Africa), which he considered as sufficient evidence that a threat to the peace already existed in southern Africa. He expressed the view that it was not necessary at this stage for the United Nations to intervene militarily, but simply to send material assistance to the liberation movements and to provide assistance to countries neighbouring the racist and colonialist régimes. There was also a need to provide greater educational, economic and social aid to refugees from southern Africa. Sanctions should, however, continue and indeed be strengthened, and should supplement the more direct assistance to liberation movements. The United Nations should give greater publicity to violations of the sanctions. It was regrettable that some African countries were to be counted among the violators of United Nations sanctions.

63. The discussion leader called on African States to ratify and comply with the various United Nations instruments concerning human rights. This would give African countries a better moral position in their fight against racism and apartheid. On a national level, he felt that it was necessary to arouse sensitivity to issues of racial discrimination through education and greater use of the news media. African countries must themselves eradicate racial discrimination in order to press more effectively for the elimination of racial discrimination in Africa as a whole. Measures were also required at the national level to ensure full respect for human rights. In this connexion he felt that the institution of the ombudsman with adequate power and staff to conduct investigations, could assist in ensuring the enjoyment of human rights. The setting up of the Tanzanian Commission of Enquiry had been a step in that direction.

General assessment of the situation

64. During the discussion there was general agreement that the measures taken to date by the United Nations against the racist régimes of southern Africa had failed to achieve their main objectives. In the view of several participants,

this was due to the domination exercised over the United Nations in general, and over the Security Council in particular, by the big Powers through the use of the veto, and to the economic and commercial interests that linked some of these Powers to South Africa. The view was expressed that the decisions taken by the United Nations concerning southern Africa were nothing but devices to cheat the African people. Another view was that it was useless to expect any assistance from the United Nations, since that body had failed to implement its resolutions concerning Africa.

65. Several participants pointed out that, in spite of this, some progress had been achieved of late in the struggle for the liberation of southern Africa; mention was made in this connexion of the recognition by some 60 countries of the Republic of Guinea-Bissau, the granting of observer status to the liberation movements by the Fourth Committee of the United Nations, the Economic Commission for Africa and the OAU, the beginnings of co-operation between the specialized agencies and the liberation movements, and the holding in Oslo of the recent International Conference of Experts for the Support of Victims of Colonialism and Apartheid in southern Africa. The reaffirmation by the United Nations of the legitimacy of the struggle of the people in southern Africa for freedom and independence, and the recent challenge of the South African Foreign Minister's credentials at the twenty-eighth session of the General Assembly, were also seen as important steps which augured well for the future.

66. Reference was also made to the recent wave of strikes by African workers in several parts of South Africa, to the strikes by workers in Namibia in 1971, as well as to the boycott of the recent elections organized by the South African Government in some of the so-called "homelands" in Namibia, as evidence of the growing resistance movement in those countries.

#### Proposals for further action by the United Nations

67. Concerning measures that should be taken by the United Nations in furtherance of its resolutions concerning apartheid, several participants called for the expulsion of South Africa and Portugal from the Organization in application of Article 6 of the United Nations Charter. The question was raised, however, as to whether anything could be gained by such a measure if these countries continued to receive full support by some members of the United Nations.

68. Some participants called upon the United Nations to cease to recognize the racist régimes of southern African countries, and instead recognize the liberation movements in those countries as the legitimate representatives of their peoples and their countries. The United Nations should then organize caretaker Governments in collaboration with the OAU, to operate for a six-month period. The caretaker government, where it existed, would organize elections. The United Nations would hold in trust all major industries, and turn them over to the Government that came into power.

69. The application of Article 42 of the Charter and the use of force by the United Nations to implement its decisions regarding southern Africa, and particularly as regards Namibia, was supported by several participants who felt that such action was warranted in view of South Africa's defiance of United Nations resolutions, and its continued refusal to comply with the sanctions imposed against the Smith régime in Southern Rhodesia.

70. Some participants called on African members of the Security Council to take the initiative to have the Council impose a land, sea and air blockade of South Africa, and to persist in this demand in the face of the likely use of the veto, until such time as such an initiative succeeded. Another participant suggested that if the Security Council was unable to act owing to the use of the veto, the question should be taken up by the General Assembly under the Uniting for Peace resolution. A proposal was also made in this connexion for an international preventive force to implement United Nations decisions, since it was recalled that the absence of such a force had led to rearmament after the First World War and to the eventual failure of the League of Nations.

71. Some participants pointed out that, with the Suez Canal closed, it would be impossible to effect a blockade of South Africa since many ships serving Africa were forced to proceed via the Cape and to call on South African ports. In this sense the struggle against imperialism in the north and south of the African continent could be said to be linked.

#### Armed action by African countries

72. It was pointed out that armed intervention by African countries in southern Africa might be necessary. Such action might be justified, it was said, by reference to General Assembly resolution 2131 (XX) of 21 December 1965, concerning the principle of non-intervention, reaffirming the right of peoples to self-determination and independence and the duty of all States to contribute to the elimination of colonialism and racial discrimination in all its forms. The continued colonial and racist occupation of southern Africa was said to amount to aggression against the people of these countries, and justified the use of armed force in the exercise of the right of collective self-defence. The need to strengthen the military capability of African countries, and to train Africans in the manufacture of arms, was also stressed.

73. In reply to a question, the representative of one liberation movement stated that such movements were primarily in need of material and financial support to enable them to prosecute their campaigns effectively. Manpower was not needed, as it was already available.

#### Sanctions

74. There was general agreement that sanctions against the racist régimes of southern Africa should be strengthened, and that such action should be regarded as complementary to assistance to liberation movements in their struggle. Greater publicity should be given in respect of those countries which violated the sanctions, and violators should be called to account in a United Nations forum. It was noted that unfortunately some African countries were among the violators; this, in the view of one participant, amounted to an act of treason against Africa. It was suggested that stricter scrutiny of goods entering the customs areas of African States might be required to prevent such violations.

75. Several speakers recommended that the seminar should call on all African countries to apply strictly General Assembly resolution 2506 B (XXIV) of 21 November 1969 by prohibiting airlines and shipping lines registered in their countries from providing services to and from South Africa and by denying all

facilities to air flights and shipping services to and from South Africa. Such action could be carried out and co-ordinated either through the United Nations or through the OAU.

76. Concerning trade and investment, support was expressed for the proposal that the United Nations should continue to identify those companies which conduct businesses with South Africa and with independent African countries at the same time. African countries should refuse to have any dealings with companies that traded in South Africa, thus forcing these companies to choose between independent Africa and South Africa. It was also suggested that African countries should cease dealing with multinational corporations that operate in South Africa.

#### Labour

77. In the field of labour, some participants called on the Western Powers, even if they were unwilling to withdraw their investments from southern Africa, at least to ensure that their firms paid African workers decent wages. The recent British Parliamentary Inquiry on Wages Paid by British Companies to African Workers in South Africa had revealed the degree of exploitation of African labour by foreign firms operating in South Africa. The suggestion was also made that the OAU should formulate a strategy to force South Africa to improve the condition of foreign migrant African workers in South Africa.

#### Immigration

78. Several participants denounced continued white immigration into southern Africa, and called for a campaign to have South African immigration offices in western Europe closed and to persuade whites in western Europe not to migrate to South Africa. European workers should be made to realize that they were undermining the interests of their black fellow workers in South Africa by migrating there. It was suggested that the ILO and organizations such as the Trade Union Council (TUC) and the World Federation of Trade Unions (WFTU) should be asked to co-operate in such a campaign.

#### Sport and cultural activities

79. Some participants referred to the need to continue and increase the isolation of South African in the sport and cultural fields.

#### Role of information media

80. Stress was laid on the role of the information media in educating and influencing world public opinion and in arousing the consciousness of the people in Africa and elsewhere about the evils of racism and apartheid. African countries were called upon to ensure that the press in their countries presented a clear picture of the struggle in southern Africa. It was noted with concern that some African newspapers still referred to freedom fighters as "terrorists".

### Proposals for action in support of liberation movements

81. There was general agreement on the need for intensified material assistance to liberation movements in every field. Several participants spoke of the need for direct material and financial assistance to the liberation movements by the United Nations, and for increased assistance by African countries through the OAU. One participant also called on the United Nations to train and equip the liberation movements with arms.

82. Reference was made to the need for economic assistance by the United Nations for development projects in the liberated areas, for increased educational assistance by UNESCO, and for the extension of the World Food Programme to liberated areas.

83. Some participants also called for the extension of the provisions of the Geneva Conventions of 1949 to captured freedom fighters. It was recalled, in this connexion, that the need had been repeatedly stressed, in the context of the forthcoming Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, of drafting new rules concerning guerrillas, the protection afforded by article 3 common to the four Geneva Conventions being regarded as insufficient in situations of guerrilla warfare. It was also maintained that it was inaccurate to categorize the wars of national liberation as internal conflicts, since such categorization denied the national personality of the territories under colonial and racist domination.

84. It was suggested by several participants and representatives of liberation movements that the latter be accorded full recognition by the United Nations as the only legitimate representatives of the peoples of the territories concerned. It was also suggested that the United Nations, as well as African Governments, should increase the frequency and impact of their radio programmes directed to territories under colonial and racist domination, and should provide increased radio facilities for use by the liberation movements.

### Proposals concerning refugees and victims of apartheid

85. There was general agreement on the need for increased assistance by the United Nations and by the specialized agencies to the refugees and victims of apartheid and colonialism. In particular, it was said that increased educational and vocational training should be given to refugees by UNESCO and the ILO. One participant suggested the establishment of an international school providing education at all levels, under UNESCO's auspices, for victims of colonialism and apartheid. To this the representative of UNESCO replied that the establishment of an international school might be a very expensive undertaking and that the liberation movements themselves might prefer the money to be channelled through them. The representative of one liberation movement stated that while help should continue to be given by the United Nations High Commissioner for Refugees to refugees, the essential aim should not be to set up refugee camps, which often acted as poles of attraction for the populations of the interior, but rather to help these populations to reintegrate themselves in the territory of the liberated areas. This would help the consolidation and development of the liberated areas. It was also a fact that refugee camps were often used as focus for subversion against neighbouring countries and against the liberation movements. It was thus important that the refugee problem should be tackled in close co-operation with the liberation movements.

Proposals concerning measures to be undertaken to ensure full  
implementation of United Nations instruments concerning the  
elimination of racial discrimination

86. It was generally agreed that all members of the United Nations, and in particular, all African States, should be encouraged to ratify or accede to the International Convention on the Elimination of all Forms of Racial Discrimination, as well as to the International Covenants on Human Rights and the Optional Protocol to the Covenant on Civil and Political Rights.

87. The need for educational programmes at the national level to eradicate any symptoms of racial discrimination that might exist, in African countries and elsewhere, was also emphasized.

III. INSTITUTIONS AND PROCEDURES FOR ENSURING THE PROMOTION OF AND RESPECT FOR HUMAN RIGHTS AT THE NATIONAL AND REGIONAL LEVELS, INCLUDING THE QUESTION OF THE DESIRABILITY OF THE ESTABLISHMENT OF NATIONAL COMMITTEES AND OF A REGIONAL COMMISSION ON HUMAN RIGHTS FOR AFRICA

88. The seminar considered item 3 of its agenda at its 10th, 11th and 12th meetings, held on 30 and 31 October 1973. Mr. Justice Patrick Anin (Ghana) acted as discussion leader.

89. The discussion leader, in introducing the item, pointed out that the existence of competent judicial, administrative or legislative institutions and procedures in each State to guarantee and protect the human rights of the citizens, and the existence of an independent judiciary free of control by the executive, were indispensable conditions for the effective protection of human rights. The need for educating and informing the masses about their basic rights was a third indispensable condition, a person could not invoke his rights unless he was aware of their meaning, extent and content. In some cases such educational work, in his view, could be undertaken by national committees dedicated to the dissemination of information on, and to the active assistance and protection of, human rights. In addition, the United Nations and its specialized agencies could be invited to assist Member States and non-governmental organizations with relevant educational and propaganda material, and to help in translating the basic instruments and documents on human rights into the local languages.

90. In the view of the discussion leader, a clearer definition of human rights in the context of Africa was called for. There was a need, in his view, for an African convention on human rights, such a convention should not be a mere carbon copy of existing international conventions, but should be flexible and pragmatic and reflect Africa's peculiar problems, of which economic under-development was the most important. It should also clearly set down the conditions under which States parties might legitimately impose limitations and conditions on human rights. The drafting of such a convention could be initially entrusted to an OAU ad hoc body of experts from Africa, assisted, if need be, by experts drawn from the United Nations and the specialized agencies. Meanwhile, he added, the seminar should recommend that all African States that have not yet done so should ratify or accede to the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, as well as to the Optional Protocol to the Covenant on Civil and Political Rights. To date, these three important instruments had not yet come into force for lack of the requisite minimum number of ratifications. As of 1 October 1973 only four out of 41 African States had ratified or acceded so far to the Covenants. It therefore lay within the power of African States to bring these instruments into force, since 16 more ratifications were required in the case of the Covenants and only one in the case of the Protocol. In so doing, African countries would give a practical demonstration of their power for good and of their undoubted influence in the United Nations.

91. Concerning the possibility of establishing a regional commission on human rights, the discussion leader raised the question whether the time was ripe for such an ambitious project. Both the Lagos meeting of African jurists and the Cairo human rights seminar had recommended the establishment of such a commission, but nothing had happened since then. The reasons lay in the obsession with national and parochial problems, fragile political institutions, and divergencies in legal systems and political philosophies which had prevented even the development of meaningful economic co-operation at the subregional level - with the notable exception of the East African Community. Until such time as subregional co-operation had been achieved and States had become less jealous of their sovereignty, the setting up of a regional organ for the protection of human rights would remain only an ideal. He proposed as a possible alternative that the OAU revive its Commission of Conciliation, Mediation and Arbitration, which had been inactive since its inception in 1965.

92. Regarding the refugee problem, the discussion leader called on African States to ratify or accede to the three basic international instruments concerning refugees: the 1951 Convention, the 1967 Protocol, and the Convention Governing the Specific Aspects of the Refugee Problem in Africa, adopted by the OAU summit on 10 September 1969. He pointed out that to date only 26 African States were parties to the 1951 Convention, 23 had acceded to the 1967 Protocol, while implementation of the 1969 OAU Convention had been delayed because only 11 States - out of the minimum of 13 required to bring it into force - had ratified it. He suggested, furthermore, that appropriate legislative and administrative measures should be taken at the national level to implement the far-reaching provisions of those three instruments, and that measures should also be taken to ensure that refugees, once granted asylum, were permitted to stay in the country on a regular basis and were accorded the right to apply for, and accept, any available job.

#### Proposals for measures at the national level

93. During the discussion of the item, participants emphasized the role of proper judicial, administrative and legislative institutions for the adequate protection of human rights. It was stressed that the surest safeguard against arbitrariness and abuse was the existence of an independent, courageous and impartial judiciary, irremovable by the executive, coupled with the existence of a legal profession staffed by courageous and independent lawyers.

94. The importance of the doctrine of the separation of powers and of the supremacy of law, and the consequent requirements for the State to submit itself to the law, were viewed as essential ingredients to ensure the rule of law in a country.

95. It was pointed out that provisions protecting human rights were entrenched in the constitutions of many African States, but that it was still necessary, in some cases, to put them into effect and to make them enforceable by the courts.

96. Mention was made of the importance of the institution of the ombudsman as a complement to the courts to protect ordinary citizens from arbitrary action by the executive and by officialdom. The existence of an ombudsman would also accustom governments to criticism in the field of human rights.



97. Reference was also made to the necessity of maintaining free trade unions and a free bargaining system in order to ensure the promotion of economic and social rights.
98. The role of youth in the promotion and protection of human rights was emphasized.
99. It was generally accepted that national human rights committees and similar institutions could play a useful role in the promotion and protection of human rights provided they were voluntary, independent of the executive, and truly representative of the people of the country. Participants, however, were divided as to whether these conditions could, in fact, be met in many African countries at the present time. Those who expressed pessimism feared that newly-established national committees would inevitably fall under the domination of the executive, and that they might in fact become one more tool in the hands of the executive to deprive individuals of their rights. Others expressed doubts about how such national committees would fit in with other national organs established for the safeguard of human rights, such as courts, administrative and industrial tribunals and the ombudsman.
100. Participants agreed that there was a need to spread education concerning human rights at all levels, calling for intensified propaganda on the subject.
101. It was suggested that the seminar might usefully reaffirm that the only legal grounds for the restriction of human rights lay in the limitation clauses contained in the Universal Declaration of Human Rights, article 29 in particular, and in the International Covenants on Human Rights.
102. One participant proposed that the United Nations and its specialized agencies should prepare a comparative compilation of existing legal texts, institutions and procedures to protect human rights. Such a compilation could be of great value to African countries.
103. A call was also made for the full development of those indigenous local institutions already in existence that could assist in the promotion of human rights.
104. The view was expressed that a thorough-going law reform in Africa might be regarded as a matter of high priority in order to transform a legal system largely inherited from colonial days, and grounded on a laissez-faire ideology, into one geared to the economic and social development of the continent and responsive to the rights and needs of African peoples.
105. It was generally urged that the education of lawyers in Africa should be broadened, and that the curriculum of the secondary schools should be revised to include teaching about human rights, international relations and basic economics.
106. Finally, it was suggested that the United Nations should set up a voluntary fund which could be used to assist non-governmental organizations in developing countries in work connected with the promotion and safeguard of human rights.

### Measures proposed at the regional or international level

107. A call was made by some participants for all African States that had not yet done so to ratify the international instruments in the field of human rights which had been prepared by the United Nations and its specialized agencies.

108. Some participants spoke in favour of the establishment of an African commission on human rights. They pointed out that the individual could not be left face to face with the State, and that even if such a commission did not achieve immediately all its purposes it would help to create the right atmosphere for the promotion of human rights in Africa and to increase awareness amongst the African Governments and peoples about the need to respect human rights. It was also stated that the existence of such a commission would assist in the realization of United Nations policies and decisions in the human rights field, and would help to increase the awareness of the United Nations of African problems. Some of the speakers who favoured creation of a commission were of the view that it should be advisory rather than compulsory in nature. One participant however suggested that it should have the right to initiate investigations concerning violations of human rights anywhere in Africa. It was also suggested that the instrument setting up the commission should provide for the optional right of individual petition. It was stressed that the commission should be attached to, or in close co-operation with, the OAU. Amongst the functions suggested for such a regional commission were the protection and promotion of the whole scope of human rights, whether economic, social, cultural, political or civil, the handling of questions relating to the right of self-determination and to economic development, assistance in the spread of education in the field of human rights, the conduct of research and training programmes, the organization of seminars and workshops, and the award of fellowships.

109. Some participants, on the other hand, expressed reservations about the advisability of recommending the setting up of an African commission on human rights. While not opposed to the idea in principle, they felt that the time was not ripe for such an initiative in view of the African States' preoccupation with economic development, their jealousy of any encroachments on their national sovereignty, and their attachment to the principle of non-interference in their internal affairs.

110. Some speakers favoured, instead, the setting up of subregional economic commissions as a first step towards the establishment of supranational bodies at regional levels.

111. The need for an African convention on human rights was stressed by several speakers, who predicted that it would serve as a useful instrument to adapt human rights to the requirements of the African continent and as a means of clarifying the limitations that could be imposed on human rights.

112. Participants were unanimous in calling on African States to give greater assistance to refugees and to protect their human rights. In particular, it was suggested that States that had not yet done so should ratify or accede to the Refugee Convention of 1951, the 1967 Protocol thereto, as well as the 1969 OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa.

IV. DESIRABLE AREAS OF FUTURE UNITED NATIONS ACTION IN THE  
FIELD OF HUMAN RIGHTS IN THE LIGHT OF THE DISCUSSION  
OF THE PREVIOUS ITEMS

113. Agenda item 4 was discussed at the 13th and 14th meetings, held on 31 October and 1 November 1973. Mr. J. Ayo Langley (Gambia) acted as discussion leader.

114. The discussion covered a broad range of topics, and participants put forward a number of suggestions as to desirable areas of future United Nations action in the field of human rights in the light of the discussion of items 1, 2 and 3. It was suggested inter alia that the United Nations might undertake such activities as the following:

(1) To bring to the attention of the OAU the need to prepare an African convention on human rights;

(2) To bring to the attention of the OAU the desirability of creating an African commission on human rights;

(3) To intensify its educational and information activities in the field of human rights;

(4) To take, and urge its member States to take, more effective measures for the implementation of its resolutions and decisions relating to decolonization, apartheid and racial discrimination;

(5) To take further measures aimed at improving the standards of living of African peoples;

(6) To devote greater attention to improving the status of African women; and

(7) To increase the funds available to assist Governments and non-governmental organizations in their efforts to promote economic and social development.

115. Some participants suggested that the United Nations should urge the industrialized nations to take a more positive view as regards the question of sovereignty over natural resources. This action, it was said, could take the form of thorough reformation of the law of the sea, taking into account the interests of the developing countries, and the use of advanced technology in exploitation of the sea-bed for the benefit of mankind as a whole. It was also suggested that the United Nations should actively encourage the processing in Africa of raw materials found on the continent. Further, it was suggested that there was also a need for strengthening by the United Nations of existing sanctions against the colonial and racist régimes of Africa.

116. A total blockade of South Africa, under the auspices of the United Nations, was proposed by some participants. In addition, it was suggested that the United Nations should consider the desirability of reopening the Suez Canal as an effective means of diverting shipping from routes touching South Africa.

117. With regard to the question of technical assistance, the representative of the United Nations Development Programme described changes which had recently been made in its procedures, which placed the primary responsibility for allocating the available funds to Governments concerned. The United Nations Development Programme, he said, was supported by voluntary contributions from Member States, and was endeavouring to increase the funds available for technical assistance operations. One participant suggested that the developed countries should be urged to pool their aid through the United Nations Development Programme instead of offering it on a bilateral basis.

118. With regard to the problems confronting African workers, the representative of the ILO drew attention to the comprehensive nature of the work undertaken by the ILO in Africa, especially in the sphere of workers' education for those who have not had the privilege of university education, and in the creation of employment opportunities for women. He recalled that his organization's policy had always been to involve not only Governments, but unions, employees and individuals as well, to ensure maximum support for its programmes. In this connexion he informed the seminar that the fourth African Regional Conference of the ILO would be held in Nairobi in November/December 1973 and would discuss the employment, status and conditions of migrant workers and other workers who are employed outside their home countries.

119. The question of the establishment by the United Nations of an International University was discussed, and some participants suggested that such a university might make a special effort to enrol students from developing countries in order to enable them to acquire higher and professional education. In this connexion, reference was made to the existing "brain drain" which deprives some African countries of trained manpower.

120. Some participants suggested that the United Nations should take steps to safeguard, on the international level, the authorship rights of African musicians and writers whose works had been distributed and sold in foreign countries without the payment of royalties.

121. Some participants suggested that the United Nations should encourage the translation into local languages of children's books that might promote better understanding of human rights. Others suggested that the United Nations should call upon and assist African scholars in the preparation of books putting forward the African point of view in the fields of history, art and literature.

122. Several suggestions were put forward by participants for consideration by the United Nations Division of Human Rights in the planning of future seminars:

(a) That liberation movements recognized by the OAU should be invited directly by the United Nations to participate in seminars held in Africa or relating to African problems;

(b) That outstanding personalities of African descent from other continents should be invited to participate in such seminars;

(c) That a seminar, symposium or conference on the problems of racial discrimination should be organized as soon as possible, and that invitations should be extended to participants chosen by the Secretary-General on a wide ethnic

basis with a view to ensuring the participation of persons of African and Amerindian origin from Europe and the Americas, as well as from Africa itself; and

(d) That matters relating to the status of women should be included in the agenda of future seminars held in Africa under the programme of advisory services in the field of human rights.

## V. CONCLUSIONS AND RECOMMENDATIONS

123. At its 14th meeting, on 1 November, the seminar decided to establish a working group, composed of its Chairman, the three Vice-Chairmen, the Rapporteur and the four discussion leaders, to prepare, on the basis of the discussions summarized above, draft conclusions and recommendations for consideration by the seminar.

124. At its 15th and 16th meetings, held on 2 November 1973, the seminar examined the draft conclusions and recommendations prepared by the Working Group, and adopted them, as amended, unanimously. The conclusions and recommendations adopted by the seminar were as follows:

### General

125. The seminar concluded that member States of the OAU should endeavour to apply accepted international standards in the field of human rights. It therefore recommended that all member States of the OAU should ratify or accede to the following international instruments as soon as possible:

- (1) The International Covenant on Economic, Social and Cultural Rights;
- (2) The International Covenant on Civil and Political Rights;
- (3) The Optional Protocol to the Covenant on Civil and Political Rights;
- (4) The International Convention on the Elimination of all Forms of Racial Discrimination;
- (5) The ILO Discrimination (Employment and Occupation) Convention;
- (6) The UNESCO Convention against Discrimination in Education;
- (7) The United Nations Convention relating to the Status of Refugees, and the United Nations Protocol relating to the Status of Refugees;
- (8) The OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa, adopted at the OAU summit in Addis Ababa on 10 September 1969; and
- (9) The United Nations Convention on the Political Rights of Women.

126. The seminar recommended that the United Nations, its specialized agencies, and all African States should continue relentlessly their absolute and unequivocal condemnation and rejection of (a) all forms of colonialism, (b) the systems of apartheid and racial discrimination existing in South Africa, Namibia, Southern Rhodesia and the African Territories under Portuguese domination, which deny the majority of the peoples of those Territories their civil, political, economic, social and cultural rights, and (c) all forms of racial discrimination, particularly as practised by the racist minority régimes in southern Africa. The seminar called for intensification of the implementation of punitive measures against those régimes.

### African convention on human rights

127. The seminar came to the conclusion that an African convention on human rights should be prepared under the auspices of the OAU, creating binding obligations upon States parties with respect to the promotion and protection of human rights.

### African commission on human rights

128. The seminar accepted in principle the need for the creation of an African commission to promote and protect human rights, and agreed with the recommendation of the Cairo seminar that the OAU might consider appropriate steps, including the convening of a preparatory committee, representative of OAU membership, with a view to establishing such a commission.

### National human rights institutions

129. The seminar found that national human rights institutions existed in African countries under various names and with differing mandates. It agreed that they should be encouraged to intensify their good work.

### Rights of refugees

130. The seminar recognized the importance of protecting the human rights of refugees, especially those fleeing from South Africa, Namibia, Southern Rhodesia and the Territories under Portuguese domination in Africa, and Palestine refugees in African countries. It recommended that all independent African States should adopt adequate national legislative and administrative measures to ensure the implementation of international standards with reference to refugees. This applied in particular as regards the establishment of appropriate procedures for determining the refugee status of asylum seekers. The seminar further recommended that the special situation of the refugee should be taken favourably into account when the ordinary legislation applicable to aliens was applied.

### Education in respect of human rights

131. The seminar concluded that there was a pressing need in Africa for further widespread education in respect of human rights, at all levels of education, and that in particular illiteracy and the "brain washing" by colonial régimes had to be overcome in order that teaching about human rights might be effective. The seminar recommended:

(a) That every independent African State should initiate mass education and publicity programmes in order to make the accepted international standards in the field of human rights known to everyone within its jurisdiction;

(b) That the United Nations, in co-operation with the ILO, UNESCO and other specialized agencies concerned, should:

- (i) Make documentation relating to human rights widely available in African countries, with the basic documents translated into the local languages;
- (ii) Undertake a thorough study of textbooks used in Africa and elsewhere, with a view to ensuring that such textbooks did not consciously or unconsciously perpetuate colonial or racial prejudices, or feelings of racial superiority or inferiority, and that, on the contrary, they promoted tolerance and racial understanding;
- (iii) Prepare and make available to the Governments of African countries a compilation of legislative texts establishing institutions or procedures for the promotion and protection of human rights and
- (iv) Make available a textbook and other materials relating to the teaching of human rights, and recommend to all States that such teaching should be included in the curriculum of schools at all levels.

Implementation of United Nations resolutions concerning  
decolonization, apartheid and racial discrimination

132. The seminar reached the conclusion that much remained to be done in order to implement resolutions and decisions of the United Nations and related agencies relating to decolonization, apartheid and racial discrimination. Accordingly it recommended:

- (a) That the United Nations and its specialized agencies should provide material support to the liberation movements recognized by the OAU, preferably through the OAU Liberation Committee.
- (b) That the United Nations and its specialized agencies should recognize those liberation movements as the authentic representatives of their countries and peoples.
- (c) That the independent States of Africa should increase their assistance to the struggle for the liberation of all Africa;
- (d) That the United Nations and the Governments of independent African countries should increase their radio and/or other information programmes directed to the people of the territories under colonial or racist domination, and should provide increased mass media facilities for use by the appropriate liberation movements.
- (e) That the United Nations should provide military support to the independent African States making such facilities available to the liberation movements, in the event of the racist régimes launching a military attack against such African States.
- (f) That as the effectiveness of the blockade of racist régimes in southern Africa was closely connected with the re-opening of the Suez international waterway, the canal should be re-opened in fulfilment of Security Council resolutions 242 of 22 November 1967 and 338 of 21/22 October 1973.



(g) That all States Members of the United Nations, particularly African States, should implement fully existing United Nations resolutions inviting all States to prohibit airlines and shipping lines registered in their countries from providing services to and from South Africa and Southern Rhodesia and to deny all facilities to air flights and shipping services to and from South Africa and Southern Rhodesia

(h) That such Governments should also refuse to do business with multinational corporations and other foreign companies engaged in business dealings with the racist régimes of southern Africa;

(i) That the United Nations, in co-operation with the ILO and the international trade union movements, should use all appropriate means to end white migration to South Africa, and should recommend to Member States in particular that all South African Immigration Offices abroad should be closed;

(j) That total isolation of South Africa in the economic, diplomatic, cultural and sporting fields should be ensured and intensified by all States;

(k) That the United Nations should take all appropriate steps, including the dispatch of an armed force, to implement United Nations resolutions concerning Namibia;

(l) That the United Nations Development Programme should be authorized to provide economic and technical assistance for development projects in the areas of Africa liberated by liberation movements, and be provided with special funds for that purpose;

(m) That the Geneva Conventions of 1949 should be elaborated as soon as possible in order to include provisions relating to wars of national liberation as international armed conflicts and to provide adequate protection to members of liberation forces as legal belligerents;

(n) That sanctions against the racist régimes of southern Africa should be strengthened, and that violators of the sanctions should be made accountable to an appropriate United Nations forum;

(o) That greater efforts should be made by the United Nations to awaken public opinion, particularly in those countries that continue to provide military and financial support to the racist régimes of southern Africa, to the evils of colonialism, racial discrimination and apartheid;

(p) That the United Nations should continue and intensify inquiries into the question of racial discrimination against Africans and persons of African descent residing outside Africa, with a view to putting an end to such discrimination;

(q) That the Secretary-General of the United Nations should ask the United Kingdom Government, in its capacity as the colonial administrative authority over Southern Rhodesia, to effect the immediate and unconditional release of all Southern Rhodesian political prisoners, detainees and those sentenced to death for allegedly terrorist activities.

(r) That the United Nations should ensure that the United Kingdom Government, in an attempt to frustrate the liberation struggle, did not use blackmail or any other measure (such as the withdrawal of passports) against Zimbabweans engaged in a physical confrontation with the Rhodesian régime.

(s) That the United Nations should ensure the full implementation of sanctions against the Rhodesian régime, including postal links, sports exchanges and tourist excursions, in accordance with United Nations resolutions.

(t) That South Africa and Portugal should be expelled from the United Nations, in accordance with Article VI of the United Nations Charter, for their glaring failure to observe and protect basic human rights in their areas and for their defiant refusal to observe United Nations mandatory sanctions against Southern Rhodesia.

#### Situation in Egypt

133. The seminar was deeply concerned about the situation in Egypt created by Israeli aggression against the Arab Republic of Egypt, culminating in the removal of innocent civilians from villages and towns on the western bank of the Suez Canal as a step for further Israeli military aggression, and recommended that Israel should be the subject of total boycott until its complete withdrawal from all the territories occupied after the 1967 war and compliance with the principles of the United Nations Charter to attain durable peace and justice in the area.

#### Standards of living

134. The seminar noted with regret that the standards of living of African peoples generally were still far below the minimum called for in the Universal Declaration of Human Rights, and were not improving as rapidly as might have been expected. It therefore recommended:

(a) That in so far as possible all raw materials found or produced in Africa should be processed on the continent, in order to provide employment opportunities for African workers.

(b) That the Governments of independent African countries should immediately step up the training of doctors, nurses, and medical technicians and other allied personnel.

(c) That special efforts should be made by African Governments to improve housing conditions generally.

(d) That the situation of African migrant workers, both inside and outside Africa, should be the subject of thorough study by the United Nations and the ILO, with a view to improving the living standards of those workers and

(e) That in order to guarantee continued rise in the standard of living of the African peoples, the United Nations should urge the industrialized countries to accept Africa's claim to permanent sovereignty over her natural resources, particularly in the exploitation of the resources of the sea.

#### Status of women

135. The seminar concluded that development and modernization are impossible in Africa today without the education of women, who are still subjected to discrimination on the ground of sex. It recommended:

(a) That educational measures should be used to combat discrimination against women.

(b) That all existing legal measures that discriminate against women should be abrogated by law.

(c) That appointment and service commissions in African countries should assume an impartial stand in going over applications of women for employment and job advancement and

(d) That Governments of independent African States should intensify programmes designed to improve living and working conditions in the rural areas in order to alleviate the excessive burdens imposed upon women so as to enable them to obtain education.

#### Contribution of non-governmental organizations

136. The seminar agreed that appropriate non-governmental organizations could contribute materially to the promotion and protection of human rights in African countries, and recommended that all Governments of independent States in Africa should recognize the possibilities of constructive co-operation with such organizations, especially those engaged in teaching, nursing, and social service activities, for the education of African peoples about human rights. It was urged that increased financial support should be given to such organizations to enable them to achieve their objectives.

## VI. ADOPTION OF THE REPORT

137. At its closing meeting, on 5 November 1973, the seminar considered the draft report prepared by the Rapporteur. The present report was approved by the participants.

138. The seminar decided to place on record its deep appreciation to the Government of the United Republic of Tanzania for its hospitality and the excellent facilities it had made available.

139. The seminar expressed the hope that the contents of the present report, and its conclusions and recommendations, would be brought to the attention of the competent organs of the United Nations by the Secretary-General and transmitted to the Governments of Member States, the specialized agencies, the regional intergovernmental organizations, and the non-governmental organizations in consultative relationship concerned, for their consideration and co-operation.

ANNEX  
LIST OF PARTICIPANTS

ANNEXE  
LISTE DES PARTICIPANTS

Governments  
Gouvernements

Burundi

M. Gedeon Magete, Fonctionnaire au Ministère des Affaires étrangères,  
Ministère des Affaires étrangères, de la coopération et du plan, Bujumbura

Cameroon/Cameroun

M. Christopher Nsahlai, Expert de la Division des organisations  
internationales, Ministère des Affaires étrangères

Chad/Tchad

M. Issaka Ramat Almadou, Conseiller des Affaires étrangères, Division des  
Affaires économiques et sociales, Ministère des Affaires étrangères,  
Njamena

Congo

M. Placide Lengua, Substitut à la Cour d'appel

Egypt/Egypte

M. Foda Ezzeldin, Professeur de droit international, notamment en ce concerne  
les organisations internationales, Faculté des sciences économiques et  
politiques, Université du Caire

Gambia/Gambie

Mr. J. Ayo Langley, faisant office de Haut-Commissaire au Nigéria

Ghana

Mr. Patrick Anin, Justice of Appeal, Ghana Court of Appeal

H.E. Mr. Samuel M. Adu-Ampoma,\* Ghana High Commissioner to Kenya and Zambia,  
Ghana High Commission, Nairobi, Kenya

Mr. Jacob Kuntoh,\* Director, International Organizations, Ministry of Foreign  
Affairs

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\* Alternate/Suppléant.

Kenya

Abudi Kobai, Assistant-Secretary, Ministry of Co-operative and Social Services

Madagascar

M. Georges Randrianarivelo, Président de la Chambre de cassation, Cour suprême

Mauritius/Maurice

Mr. Kher Jagatsingh, Minister for Economic Development and Planning,  
Beau Bassin

Morocco/Maroc

M. Hassan Eloufir, Procureur, Cour d'appel de Marrakech

Niger

M. Mamadou Nalan Aouami, Procureur de la République, Tribunal de Zinder

Nigeria/Nigéria

Mr. Ayotola Osolake, Senior State Counsel, Grade I, Federal Ministry of  
Justice, Lagos

Rwanda

M. Julius Simon Musabe, Premier secrétaire de l'ambassade du Rwanda à  
Dar es Salaam

Senegal/Sénégal

M. Amadou Makhtar Samb, Magistrat à la Cour suprême du Sénégal

Sierra Leone

Mr. E. Livesey Luke, Justice of the Supreme Court

Sudan/Soudan

Mr. Omer El Sheikh, Deputy Director of International Organizations Department,  
Ministry of Foreign Affairs

Togo

M. Georges Lawson, Substitut général, Cour d'appel du Togo

Uganda/Ouganda

Mr. Contanstine Rwaheru, Senior State Attorney, Office of the Attorney General

United Republic of Tanzania/République-Unie de Tanzanie

Mr. M. P. Kimicha, Judge, High Court

Mrs. Vera Chirwa, State Attorney, Attorney General's Chambers

Mr. Nathaniel Mahunda, Second Secretary, Ministry of Foreign Affairs

Mr. Benjamin Mkapa, Managing Editor, Dar es Salaam Daily News

Mr. T. L. Mkude, Lecturer, Faculty of Law, University of Dar es Salaam

Mr. D. Z. Lubuva,\* Senior State Attorney, Attorney General's Chambers

Mr. H. Msoffe,\* Assistant Secretary, President's Office

Mr. Nasila Selasim Rembe,\* Tutorial Assistant, Faculty of Law, University of Dar es Salaam

Mr. Melkizedeck Kaleb Temu,\* Commandant, Police College

Upper Volta/Haute-Volte

M. Bartholomé Toe, Premier substitut du Procureur

Zaire/Zaïre

M. Mboyo-Kunol'owuya, Premier substitut du Procureur

M. Tadumi On'Okoko, Secrétaire d'Ambassade, Département des Affaires étrangères

M. Mindia Monra-Ndumbu, Secrétaire d'Ambassade, Département des Affaires étrangères

Zambia/Zambie

Mr. Frederick M. Chomba, Judge of the High Court, Ndola

Government observers

Union of Soviet Socialist Republics

Observateurs gouvernementaux

Union des Républiques socialistes soviétiques

Guests of the Government of the United Republic of Tanzania  
Invités du Gouvernement de la République-Unie de Tanzanie

National liberation movements

Mouvements de libération nationale

African National Congress (of South Africa) (ANC): Mr. S. Molizi, P.O. Box 2239,  
Dar es Salaam

\* Alternate/Suppléant.

Frente de Libertação de Moçambique (FRELIMO): Mr. Jose Oscar Monteiro,  
Mr. Zacarias Kupela, P.O. Box 15274, Dar es Salaam

Mouvement de libération nationale des Comores (MOLIMACO): Mr. Ali Mohamed Hassan,  
P.O. Box 20726, Dar es Salaam

Pan Africanist Congress (of Azania) (PAC): Mr. Elias L. Mtloedibe, P.O. Box 2412,  
Dar es Salaam

South West African People's Organization (SWAPO): Mr. Lucas Pohamba,  
P.O. Box 2603, Dar es Salaam

Zimbabwe African National Union (ZANU): Mr. Saul Sadza, P.O. Box 20762,  
Dar es Salaam

Zimbabwe African People's Union (ZAPU): Mr. Saul Gwakuba Ndlovu, P.O. Box 20128,  
Dar es Salaam

National non-governmental organizations  
Organisations non gouvernementales nationales

National Council of Women (Tanzania): Mrs. Nergis Dastur,  
Mrs. Sarah Kamalanz'ombe, Mrs. Scolastica Kimaryo

Young Women's Christian Association (Tanzania): Mrs. Helena Fliakos

United Nations bodies

United Nations High Commissioner for Refugees

Organismes des Nations Unies

Haut Commissariat des Nations Unies pour les réfugiés

Specialized agencies

International Labour Organisation (ILO), United Nations Educational, Scientific  
and Cultural Organization (UNESCO), World Health Organization (WHO)

Institutions spécialisées

Organisation internationale du Travail (OIT), Organisation des Nations Unies pour  
l'éducation, la science et la culture (UNESCO), Organisation mondiale de  
la santé (OMS)



Non-governmental organizations

Category I

International Council of Women, International Council on Social Welfare

Category II

International Association of Penal Law, International Bar Association, International Commission of Jurists, International Social Service, World Federation of Democratic Youth

Poster

International Board of Co-operation for the Developing Countries (EMCO), International Schools Association

Organisations non gouvernementales

Catégorie I

Conseil international de l'action sociale, Conseil international des femmes

Catégorie II

Association internationale de droit pénal, Commission internationale de juristes, Fédération mondiale de la jeunesse démocratique, International Bar Association, Service social international

Liste

Association des écoles internationales, Association internationale de coopération pour les pays en voie de développement (EMCO)

Liaison officer of the Government of the United Republic of Tanzania  
Agent de liaison du Gouvernement de la République-Unie de Tanzanie

Mr. Gwaponile K. Mwanjabala, Third Secretary, Legal and International Organizations, Ministry of Foreign Affairs

