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SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
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Chairman: Mrs. QUISUMBING (Philippines)

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

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1990/6 and 7)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 15) (continued) (E/CN.4/1990/32 and Add.1-6, 34 and Add.1-2 and 35; E/CN.4/1989/31/Add.10 and E/CN.4/1989/33)

STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 16 (a)) (continued)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 16 (b)) (continued) (E/CN.4/1990/36, 37, 38 and 50; E/CN.4/1990/NGO/7 and 30; E/CN.4/Sub.2/1989/8 and Add.1)

1. Mr. MARKIDES (Cyprus) said that, since the Commission's forty-fifth session, international political developments had confirmed the hopes for a new era in which human rights would play the important role of forming a sound basis for society and promoting friendly relations among nations. Despite the dramatic democratization progress and the active search for a settlement of regional conflicts, however, the abhorrent system of apartheid had yet to be abolished. His Government was seriously concerned at the continued repression in South Africa and the systematic violation of the human rights of the black population there. Black leaders were still incarcerated or in exile, repressive legislation remained in force, the state of emergency had still not been repealed, and the policy of Bantustanization made a mockery of the right to self-determination.

2. The recent announcement of reforms had given the impression that a real dialogue between the oppressed majority and the ruling minority might be possible, but such measures were clearly too little and too late and would not lead to the elimination of apartheid. On the contrary, they were an attempt to give a new lease on life to a dying system.

3. If the South African régime really wished to abolish apartheid peacefully, it must remove the military from the African townships, respect freedom of assembly, speech and movement, suspend the practice of detention without trial and release Nelson Mandela and the other political prisoners forthwith. The repeal of the ban on the African National Congress (ANC) and the Pan-Africanist Congress of Azania (PAC) and the authorization of normal political activity had yet to be put to the test.

4. If the international community took effective action, the peaceful and complete elimination of apartheid and the transformation of South Africa into a non-racial, democratic and unified country was within reach. His delegation

reiterated its unequivocal condemnation of apartheid and once again pledged its unstinting support for the noble cause of the people of South Africa in its struggle for freedom, justice, and human rights. To achieve that goal, existing sanctions and pressures must be further strengthened.

5. His Government strongly condemned South Africa's campaign of destabilization against its neighbours, which had resulted in untold misery and destruction, and commended the Front-Line States for continuing to support the struggle for the liberation of southern Africa and the fight against apartheid.

6. The good news concerning Namibia constituted an island of hope in southern Africa. Cyprus had been steadfast in its support of the heroic people of Namibia in their struggle to put an end to the illegal occupation of their country, and his delegation hoped that an independent Namibia would realize its economic, social, cultural and political potential and make a positive contribution to developments in southern Africa. It looked forward to Namibia's full integration into the international community as a free and independent State.

7. There was no alternative to stepping up international efforts to ensure that the Organization's resolutions, decisions and measures were effectively implemented. The Commission had an important role to play in that struggle.

8. Mr. BLACKWELL (United States of America) said that the apartheid system in South Africa, a persistent concern of the Commission, was an open assault on article 2 of the Universal Declaration of Human Rights. Any political system which guaranteed rights to the few while denying them to the many was repugnant to the principles for which the Commission stood. To base such discrimination on race was doubly repugnant. His Government and the people of the United States were united with the international community in its total rejection of apartheid.

9. To build democracy and freedom in South Africa, apartheid must be fully dismantled. The legal system in South Africa consistently and repeatedly contradicted the Universal Declaration, discriminating against blacks in all aspects of political life, as well in housing, employment, health care and education and perpetuating an enormous income disparity between blacks and whites.

10. Fortunately, for the first time since the foundation of the United Nations, the beginning of the end of apartheid might be in sight. The Government of South Africa had come to recognize that change was inevitable. President de Klerk's forthright statement on 2 February 1990 was the latest of a number of constructive steps that had contributed to the development of a climate more conducive to negotiations and had brought the country to what might be the dawn of a new era of peaceful change. The efforts being made by South Africans, both black and white, to further that process must be encouraged.

11. Over the past year, President de Klerk had: allowed political demonstrations to take place despite the emergency restrictions; begun meeting opposition leaders, including Nelson Mandela and such influential church leaders as Archbishop Tutu and the Reverend Mr. Boesak; released several leading opposition figures from prison; announced plans to eliminate the

National Security Management System; and undertaken a series of diplomatic initiatives with neighbouring countries aimed at easing the tensions in the region. The independence process under the auspices of the United Nations was well advanced in Namibia, with the support and compliance of the Government of South Africa, while President de Klerk's courageous speech before the South African Parliament on 2 February 1990 had potentially opened the door to even greater progress towards a negotiated and peaceful settlement in South Africa itself and the dismantling of the evil apartheid system.

12. The United States welcomed the South African Government's expressed willingness to begin power-sharing talks with representative leaders of the black majority. The steps announced by President de Klerk in his speech helped to clear the way for negotiations to begin and activate an irreversible forward motion. His Government called upon all South African parties, including those whose prohibition had been lifted by President de Klerk, to seize the opportunity to structure a framework for negotiations and begin in earnest the process of a peaceful transition to a non-racial democratic South Africa.

13. His delegation welcomed President de Klerk's recognition of the role to be played in that process by Nelson Mandela and looked forward to his early release. A complete lifting of the state of emergency would be an important link to meaningful negotiations, and his Government welcomed the abolition of most Media Emergency Regulations and hoped that all remaining restrictions would be removed soon. All those measures had been called for in the consensus Declaration adopted by the General Assembly at its sixteenth special session in December 1989 and by the African National Congress (ANC) at its recent meeting in Lusaka; it was imperative to maintain and not to break the consensus that the international community had reached on South Africa.

14. His Government would continue to support the constructive role that the United Nations played in the area. It had broadened and deepened its dialogue with black South Africans, both inside and outside their country; it would continue to denounce apartheid and identify with the aspirations of black South Africans; it was committed to an active expansion of its assistance programmes designed to strengthen multi-racial resistance to apartheid, to build black bargaining power and mobilization and to help blacks prepare for leadership in a post-apartheid, non-racial democracy. The foundations of a modern, non-racial, democratic state in South Africa would require broad action to improve the human resources and leadership opportunities of the majority population.

15. His Government was committed to promoting dialogue leading to negotiations on a post-apartheid South Africa based on universal suffrage. In its relations with South Africa, it had long used diplomatic and other measures to encourage change in South Africa's internal policies.

16. Great internal and external pressure alike was convincing the South African Government that it must accept fundamental change. United States laws imposed some of the world's most severe restrictions on trade with South Africa, and his Government was fully committed to the continued enforcement of such legislation until evidence of irrevocable change could be assessed. At that point in time, however, total isolation of South Africa would be counter-productive. Momentum in favour of a negotiated settlement was picking up speed, and it was necessary to encourage that process.

17. The time had, perhaps, come for the Commission to turn a new page in the way it addressed the situation in South Africa. The General Assembly's consensus Declaration on Apartheid and its Destructive Consequences in Southern Africa and the Declaration of the Ad Hoc Committee of the Organization of African Unity on Southern Africa on the Question of South Africa, of August 1989, should act as guides to the Commission in its deliberations. The General Assembly had called for a process of peaceful negotiations leading to a new constitutional order determined by the people of South Africa and based on the Charter of the United Nations and the Universal Declaration of Human Rights. His Government strongly supported that Declaration and urged the Commission to do everything in its power to encourage all the people of South Africa to join in the negotiations.

18. In 1989, the Commission had adopted seven resolutions relating to apartheid and the problems in southern Africa, but only one of them had been adopted by consensus. The consensus Declaration by the General Assembly indicated that the areas of agreement on an approach to a peaceful settlement in South Africa were certainly much broader than that and were widening daily. The time was ripe for the Commission to send a strong, unambiguous and unanimous signal to the South African régime that the continued existence of apartheid was unacceptable to the international community.

19. The United States was heartened by South Africa's expressed shift in policy and would encourage further progress towards total elimination of apartheid and the establishment by the people of South Africa of a united, non-racial and democratic State. But the goal was still far from being met and the two pillars of apartheid, the Group Areas Act and the Population Registration Act, still remained in force.

20. Mr. SEZAKI (Japan), having praised the role of the Commission in mobilizing world opinion and co-ordinating actions aimed at abolishing apartheid, a system that ignored the basic values of humanity and flagrantly violated the spirit of the United Nations Charter, said that the world was currently witnessing massive waves of political change, and southern Africa was not exempt. Under the supervision of the United Nations, Namibia had set out towards a long-awaited independence by a free and fair election in November 1989. Japan had been closely involved in the process. In addition to its co-operation with the United Nations Transition Assistance Group (UNTAG), his Government intended to explore ways of providing an independent Namibia with economic assistance to meet its development needs.

21. His Government was heartened that political prisoners had been released in South Africa, that anti-apartheid gatherings were tolerated and that the abrogation of the Separate Amenities Act had been announced. It welcomed the new measures announced by President de Klerk on 2 February 1990: the release of Nelson Mandela and other political prisoners, the repeal of the ban on the African National Congress (ANC), the Pan-Africanist Congress of Azania (PAC) and other anti-apartheid organizations and the substantial relaxing of the state of emergency. Those measures constituted important prerequisites for a dialogue between the Government of South Africa and black leaders.

22. His Government had long been urging the Pretoria Government to take those steps. It hoped that all the parties concerned would take further steps towards negotiating a peaceful settlement of the problem. Despite the recent

positive initiatives by the South African Government, however, Nelson Mandela had still not been released, and the state of emergency had yet to be lifted completely. Further efforts were thus called for.

23. His Government would continue to aid the people of South Africa, who were apartheid's victims. It had been extending its co-operation with the Organization's southern African funds, which assisted the oppressed peoples of South Africa and Namibia. It had been increasing its support of the Kagiso Trust, a South African non-governmental body to which Japan had been contributing since 1987. It had also been expanding its economic aid to the nine member States of the Southern African Development Co-ordination Conference (SADCC), from \$120 million in 1986 to \$270 million in 1989.

24. As part of its efforts to promote a political dialogue with southern African countries and peaceful change in the region, his Government had invited President Mugabe of Zimbabwe to pay an official visit to Japan, during which there had been an exchange of views on the general situation in southern Africa and on South Africa in particular. President Mwinyi of Tanzania had also paid an official visit to Japan in December 1989.

25. The Second Decade to Combat Racism and Racial Discrimination had played a symbolic role in the effort to eradicate all forms of racial discrimination. His Government had contributed since 1986 to the realization of the Decade's goals through the Trust Fund for the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination and would continue to do so in 1990.

26. In addition to the Government, the Japanese business community was collecting contributions to assist the victims of discrimination in South Africa, while members of the Diet, transcending party lines, had formed the Parliamentarians Anti-Apartheid League. Those actions demonstrated the increasing awareness of, and opposition to, apartheid throughout the entire Japanese nation. Putting an end to apartheid, in unison with the rest of the international community, would remain one of its highest priorities.

27. Mr. ROA KOURI (Cuba) said that, although the "reforms" proposed by the leader of the Pretoria racist régime had prompted a rush in some quarters to pronounce apartheid dead, that odious system was still in place. Only the struggle of the black South African people and its democratic organizations, had made it possible for Mr. de Klerk, to talk the language of political compromise though he still did not admit that apartheid had to be utterly eradicated in favour of a multiracial government elected according to the principle of "one man one vote". The price in lives, freedom and possessions paid by the black South African people during its struggle for freedom over the past decade, showed how apartheid, like the nazism on which it was modelled was a conscious and deliberate dehumanization of man by man. Cuba declared its solidarity with the South African people and its heroic national liberation movement, to which it continued to give all the help it could.

28. For the full enjoyment by the South African people of its rights, Mr. de Klerk's announced reforms were not enough. The struggle was not simply for power-sharing but for government by the majority; not for desegregated beaches, schools, suburbs and workplaces but for equal access to education, health, housing, natural wealth and means of production; not for amended legislation, removal of restrictions and liberation of some prisoners but a dismantling of the legal apparatus of apartheid, the legalizing of all

organizations and the freeing of all political detainees. In that connection, the world demanded the immediate release of Nelson Mandela, the symbol of the South African people's heroic struggle.

29. The change of attitude by the ruling class in South Africa had been brought about not by conscience or by a sudden impulse towards democracy but by the military defeat of Cuito Cuanavale which had brought the racist régime to the conference table in Namibia, and by the people's struggle and the sanctions imposed by the world community. A spokesman for the African National Congress (ANC) had said recently that, while the ANC had always sought a negotiated solution, it reaffirmed that it was the duty of oppressed peoples to continue the struggle, including the use of armed force, until their freedom had been obtained.

30. Cuba, which had gained its true independence in 1959 by armed struggle, and remained prepared to defend it against any aggressor, endorsed the ANC stance; Cubans supported their African brothers' demand that comprehensive, mandatory sanctions should be applied, pursuant to the Charter, against the Pretoria régime until the South African majority population's unanimous call had been met.

31. Those who continued to provide political, military, economic and other forms of assistance to the racists, and those who sought to reduce their isolation, deserved to be deemed accomplices of apartheid. It was an open secret that the capitalist transnational corporations shared in the exploitation of the South African people and helped to prop up the racist régime. Some of them had closed their South African branches - though continuing to profit in other ways - but they had promptly been replaced by others based in South Korea, Taiwan and Singapore. All of them should be internationally boycotted.

32. It was the last time that the Commission would be considering violations of the Namibian people's rights by the racist occupiers. That worthy nation would soon be seated in the United Nations as an independent, sovereign State. The sacrifices made by its best sons, side by side with Angolan and Cuban combatants, had made possible the Tripartite Agreements, aimed at guaranteeing Angola's sovereignty, independence and territorial integrity, peace in south-western Africa and the application of Security Council resolution 435 (1978) and the United Nations plan for Namibian independence.

33. Those agreements demonstrated that, given political will and good faith, States of very different political persuasions could arrive at sound, lasting and beneficial conclusions. Cuba looked forward to Namibia's independence, and hoped that the other parties would fulfil their undertakings and refrain from any interference in Angola's internal affairs. The peoples of southern Africa had the right to peace, co-operation and good-neighbourliness; only the eradication of apartheid and strict respect for sovereignty and independence would make that possible.

34. It had recently become fashionable to talk about democracy, what Abraham Lincoln had defined as "government of the people, by the people, for the people". It was paradoxical, therefore, that in Lincoln's own country the black, Hispanic and indigenous populations were more and more discriminated against, as could be seen not only from the ghettos in the cities and concentration camps called "reservations" to which they were confined but also

from the fact that they constituted the majority of convicts, illiterates, unemployed and homeless. They were at the lowest level of the social pyramid and the most exposed to all forms of vice and crime. A spokesman for them, addressing the Commission the previous day, had related, with dramatic examples, the alarming resurgence of racism in his country.

35. That situation was merely a domestic reflection of the United States arrogant and interventionist policy towards the third world - one aspect of a world view held by certain leaders who sought to avoid applying sanctions against their "strategic allies" in Pretoria.

36. He was, however, optimistic. Apartheid, colonialism and discrimination in all forms would disappear from the face of the earth. Although the world might still be in the prehistory of mankind, as Karl Marx had put it, that would come about sooner rather than later.

37. Mr. LOS ARCOS (Spain) said that the question of human rights in South Africa and, in particular, the odious practice of apartheid remained a matter for concern, although the South African President's recently announced promises raised hopes for an end to the régime's systematic violence of human rights.

38. In its report (E/CN.4/1990/7), the Ad Hoc Working Group of Experts had again catalogued the violations of the most basic rights. The fact that the number of executions in State prisons had diminished could hardly be regarded as a positive advance. The execution of Mr. Mangena Jeffrey Boesman, despite a General Assembly appeal for commutation of the sentence, showed utter insensibility on the part of the Pretoria authorities.

39. Those violations stemmed from the policy of perpetuating the racist régime and disdaining calls by South Africa's majority population and the world community to dismantle it. His delegation reiterated its rejection and condemnation of that policy, which was an affront to the Universal Declaration, the International Covenants and the International Convention on the Elimination of All Forms of Racial Discrimination. Spain, a party to those instruments, would spare no effort in seeking their observance. In that connection, it was vital that Governments should collaborate with the monitoring machinery. It was urgent, in particular, that the precarious financial situation of the Committee on the Elimination of Racial Discrimination be remedied.

40. The positive steps recently announced by the President of South Africa would help to create the requisite climate of trust for political negotiations to bring about a peaceful transition and the final overthrow of the apartheid system. The announcements should be regarded, for the moment, as a statement of intent which, it was to be hoped, would be translated into practical measures. It was likewise important to legalize political anti-apartheid organizations and immediately release all political prisoners.

41. In particular, it was hoped that the release of Mr. Nelson Mandela, for which his Government had repeatedly called, would not be deferred again. At the trial preceding his imprisonment 27 years previously, Nelson Mandela had declared that he had fought against domination by whites and domination by blacks and that he upheld the ideal of a free, democratic society - an ideal

which he hoped to live to see come to pass but for which he was prepared, if necessary, to die. Liberty for the man who had spoken those words signified freedom for the entire South African people.

42. Mrs. SARDENBERG ZELNER GONÇALVES (Brazil) said that, although 1989 would probably be universally recognized as an epoch-making year, the events which had already occurred in 1990 were up to its standard. Her delegation welcomed the steps recently announced by the South African Government as a positive sign, however belated, and hoped not only that Mr. Nelson Mandela's release would be immediate but that the changes might create a climate conducive to negotiations as part of an irreversible process towards the total dismantling of the apartheid system. Brazil had always unconditionally rejected all forms of racial discrimination and was committed to the South African people's struggle, having spared no effort in supporting the world community's initiatives towards the eradication of the unjustifiable apartheid régime.

43. Her delegation had read with particular interest part two of the interim report of the Ad Hoc Working Group of Experts (E/CN.4/1990/7), and supported the conclusions and recommendations contained in paragraphs 279-281. Brazil already had an effective diplomatic presence in Namibia, and reiterated its firm support for continued United Nations efforts, to implement its plan for Namibian independence pursuant to Security Council resolution 435 (1978). On behalf of her Government, she conveyed a message of hope for peace, democracy and prosperity to the leaders and people of the future independent Namibia.

44. Brazil had always been in the forefront of the fight against racism and racial discrimination. Its history as a multiracial society made it keenly sensitive to the importance of preventing and punishing all possible forms, old and new, of racial intolerance. In a world of growing contacts between peoples and cultures, including an escalation of migratory flows in all directions, it seemed that tension would continue to increase between the promotion and protection of human rights and strong demands for the adoption, in some countries, of restrictive immigration policies.

45. Her delegation had participated with particular interest in the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens in September 1989, and supported the conclusions and recommendations contained in paragraphs 142-183 of the report (E/CN.4/1990/50). Her Government favoured a balanced approach to the question through the active co-operation of all parties involved. The issue of migrant workers' rights was one of the most disturbing examples of emergent prejudice and racial intolerance.

46. Her delegation reiterated its support for the Second Decade to Combat Racism and Racial Discrimination. It welcomed the adoption by the General Assembly of resolution 44/52, particularly its operative paragraphs 15 and 16, and emphasized that, in executing the plan of activities, the highest priority should be accorded to measures to combat apartheid. It was especially pleased, in that connection, by the Commission's decision that the selected thematic topic for 1991 would be "Ways and means of denying support to racist régimes with a view to making them change their policies".

47. It paid tribute to the final report by the Sub-Commission's Special Rapporteur (E/CN.4/Sub.2/1989/8 and Add.1), and particularly chapter III thereof, in which the approaches chosen to deal with the manifold aspects and

implications of racism had been very ably assessed. Moreover, the conclusions and recommendations contained in the addendum presented valuable ideas and proposals.

48. Miss FUCHS OJEDA (Mexico) said that, while the international community and the black majority population of southern Africa had not yet succeeded in eradicating apartheid, a number of positive events had occurred: the achievement of Namibian independence, and the measures recently announced by the Pretoria régime, which pointed towards a resolution of the conflict. However, the odious régime of apartheid and racial discrimination in South Africa would continue to be a source of grave concern until it disappeared.

49. The world community's action must be firmer and more effective; the struggle of the black majorities in South Africa was not yet over and, as could be seen from the documents currently before the Commission, racial discrimination and apartheid had not yet been eradicated.

50. The Ad Hoc Working Group's report (E/CN.4/1990/7), testified to the countless violations of human rights perpetrated by the South African régime during the period under review. In addition, the updated report (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) by the Sub-Commission's Special Rapporteur on assistance given to the racist régime showed the need for broad, concerted action by the world community. It was most regrettable that individuals, companies and some countries still maintained economic ties with the South African régime, her Government had repeatedly made clear its position in that regard and its support for the United Nations organs which dealt with the application of the relevant General Assembly and Security Council resolutions.

51. Mexico had subscribed to the various international conventions on the elimination of racial discrimination, and firmly supported United Nations activities within the framework of the Second Decade to Combat Racism and Racial Discrimination. Her Government was convinced that the imposition of comprehensive, mandatory sanctions against the Pretoria régime had been needed to promote change and the adoption of measures aimed at eliminating apartheid for ever.

52. Her delegation hoped that the Commission's work would enhance the efforts made by the international community over several decades to secure full respect, in that region, for the Universal Declaration of Human Rights.

53. Mr. ISSE (Somalia) said that the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7), which presented a grim picture of the violation of human rights in that region, revealed the relentless policy of repression pursued by the racist régime of South Africa and the atrocities committed under the apartheid system. The South African Government was committed to the policy of apartheid and to strengthening the racist system through legislation.

54. It was encouraging to note that, despite repressive legislation and the state of emergency, the level of popular resistance had increased in South Africa. In the final phase of their struggle, the people of South Africa required the unwavering support of the international community.

55. An international consensus against the racist régime had agreed that it was necessary to impose comprehensive and mandatory sanctions on South Africa. Though some delegations took the view that economic exchanges with Pretoria were needed to prevent greater harm to the oppressed majority of non-whites, there could be no doubt that it was the friends of the Pretoria régime whose support had enabled it to defy world public opinion and persist in its intransigent denial of all human rights to its oppressed people.

56. In that regard, he attached great importance to the report prepared by the Special Rapporteur on the adverse consequences of assistance given to South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) which showed that although many transnational corporations had sold their South African affiliates, most of them still maintained economic ties with the South African régime through the establishment of non-equity links. His Government strongly advocated the use of consistent sanctions against the South African régime and believed that the régime would crumble if mandatory sanctions were imposed.

57. The President of South Africa had not voluntarily declared his Government's intention to release Mr. Nelson Mandela and other political prisoners and to lift the ban on the ANC, PAC and other political groups. He had done so as a result of the Azanian peoples' struggle and the sanctions imposed by the international community against the apartheid régime. In his delegation's view, the statement made by the President of South Africa on 2 February 1990 was too marginal to pave the way for the dismantling of the abhorrent system of apartheid and should be regarded as merely a first step towards the creation of the necessary conditions for negotiations.

58. If peaceful change did not take place in southern Africa, more bloodshed and suffering would be inevitable. It was the duty of the international community to ensure that that did not occur. South Africa could no longer withstand the tide of history.

59. His delegation welcomed the significant progress made in the implementation of the United Nations plan for the independence of Namibia in accordance with Security Council resolution 435 (1978). It reaffirmed the inalienable right of the people of Namibia to self-determination and national independence with full respect for their territorial integrity. In conclusion, he appealed to the international community to spare no effort to assist the new-born State of Namibia to assume its place in the family of nations.

60. Mr. VANDERCERT (Sri Lanka) said that the positive changes that had been occurring in political relations among and within States had a benign influence on global well-being and multilateral co-operation in its broadest sense. Regrettably, however, those winds of positive change had yet to bless the large majority of people in South Africa who remained shackled to the practice of apartheid, which was the only institutionalized form of racial discrimination. It sought to entrench the wealth and power of a minority through practices which were a total negation of democracy and a perversion of established norms of State practice recognized by the civilized world. Apartheid ran counter to the very essence of the internationally recognized human rights standards enshrined in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other instruments of international law.

61. Instability and insecurity caused by the various manifestations of apartheid had had debilitating consequences for the Front-Line States and for the region as a whole. A number of United Nations studies had assessed the material costs of aggression and destabilization resulting from apartheid but the human cost in terms of lives lost and people displaced could never be quantified.

62. Conspiring to militate against resolute international action to dismantle apartheid were the economic and financial interests which seemed to have accorded priority to short-term economic gain over long-term peace and stability in the region and, more importantly, over the imperatives of restoring the inalienable rights of the large majority of South Africans.

63. That was clear from the updated study by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1). While his delegation welcomed the fact that a number of corporations had decided to disinvest in apartheid, the study was a reminder that more should be done to sever the remaining political, military, economic and other forms of co-operation with the apartheid economy.

64. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) once again demonstrated the validity of the approach that the problem of South Africa had no solution short of the abolition of apartheid, which did not lend itself to reform. Comprehensive and mandatory sanctions against that repugnant system remained the only effective peaceful means of achieving the abolition of apartheid in South Africa. Where people and Governments had taken action against apartheid, the effects could already be seen in terms of their financial and political impact on the apartheid régime.

65. Recent declarations by the South African Government concerning the release of Nelson Mandela and the lifting of the ban on the ANC, PAC and certain other political groups had been welcomed as positive measures. His delegation awaited, however, the translation of those declarations into reality, the lifting of the state of emergency, and serious negotiations towards the restoration of the political rights of all citizens of South Africa. In the meantime, the repressive apartheid legislation remained in force.

66. Negotiations for the abolition of apartheid with the legitimate representatives of the black majority as equal partners would be the clearest indication the South African Government could give of its sincere intention of dismantling apartheid and restoring the fundamental rights of all South Africans. Until the announced intentions were transformed into reality, the international community could not relax its vigilance against that obnoxious system of discrimination and repression and the Commission should continue to voice its total rejection of apartheid and support measures designed to secure its elimination.

67. Mr. BEZABIH (Ethiopia) said it was a universal truth that human rights were those rights that were inherent in man's nature and without which men could not live as human beings. Their deprivation therefore inevitably constituted a serious affront to justice. If there was any social system or

constituted Government that was guilty par excellence of that serious affront it was clearly the racist régime in South Africa and its fascist doctrine of apartheid.

68. Despite the adoption by the United Nations of the International Convention on the Elimination of All Forms of Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and numerous resolutions by the General Assembly, the Security Council, the Economic and Social Council, the Commission and other bodies, the racist régime in Pretoria had ignored and even defied the unanimous call by the international community to dismantle the apartheid system.

69. Some might have misconceptions about the sudden turn of events that seemed to be taking place in South Africa. He was referring to the statement made by the President of South Africa on 2 February 1990 to the Parliament concerning the decision to release Nelson Mandela, the leader of the African National Congress (ANC), and the lifting of the ban on ANC and other anti-apartheid parties and movements. The South African régime had also announced its intention to release political prisoners held in custody because of their association with banned anti-apartheid political parties and movements.

70. His delegation welcomed with great caution those developments as steps taken in the right direction. However, in view of the common conviction that apartheid could not be reformed but had to be abolished, South Africa still had a long way to go before meeting the demands of the international community. It had to dismantle apartheid and install in its place a multiracial democratic system of equality, freedom and justice based on the principle and practice of universal suffrage.

71. The international community must not be deluded into believing that the promises by the South African Government deserve to be immediately awarded by any form of relaxation of sanctions against the régime. The fact of the matter was that the abhorrent policy of apartheid remained essentially unchanged. The black people of South Africa and their supporters were still being subjected to detention without trial, imprisonment, torture and all kinds of intimidation by the racist régime.

72. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1990/7) confirmed that acts of oppression continued to take place and that, in fact, the situation had deteriorated since the extension of the state of emergency in June 1989. Reports of torture, death in custody and execution of death sentences on political charges were rampant. Unexplained killings of political activists occurred all too frequently.

73. In that connection, the report of the Ad Hoc Working Group revealed that a former officer of the South African police had led a special death squad to "eliminate enemies of the Government" under orders from the highest ranking police officers in the land. The report also quoted an Amnesty International statement that South Africa had one of the highest rates of judicial executions in the world, with a disproportionate number of death sentences being imposed on blacks by an exclusively white judiciary.

74. Detention without trial was a common human rights violation in South Africa. The report also expressed deep concern about the fate of black children in South Africa, noting that children were detained for as long as three years without trial and were subjected to restrictions following their release.

75. It was common knowledge that the assistance the South African régime received through foreign capital and direct military aid had contributed to the perpetuation of the system. The report by the Special Rapporteur on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) revealed that there were companies, although insignificant in number and in their economic impact, that were reducing their investments or selling out to other third party groups. While the decision by some of the transnational corporations to disinvest was welcome, the tendency of others to replace them was a matter of concern, particularly in view of the continued call by the international community for the strict implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid through, inter alia, measures aimed at severing all links with the racist régime.

76. In conclusion, he reiterated his Government's commitment and determination to continue to support the struggle for the total eradication of apartheid. His delegation hoped that it would not be too long before South Africa would emerge as a multiracial democracy and begin playing a constructive role in African politics.

77. Mr. BUHL (Observer for the German Democratic Republic) said that endeavours to secure a peaceful solution of conflicts in the southern part of the African continent had been encouraged by the fact that the Namibian people had freely expressed its will in elections to the Constituent Assembly and that the elections had proceeded without any major disturbances. That was greatly to the credit of the work of the United Nations Transition Assistance Group (UNTAG), in which his country had actively participated.

78. Building on the positive experience gained in Namibia in implementing Security Council resolution 435 (1978), the United Nations should use its authority to promote comprehensive political settlements of conflicts in other parts of the world also. It was also fair to say that the United Nations peace-keeping role could be instrumental in resolving the whole complex of issues in southern Africa.

79. However, a formidable obstacle in the way of those efforts was the continued existence of apartheid. Recent developments indicated, however, that various sections of the white population in South Africa were coming to realize that contacts with representatives of the anti-apartheid movement had to be made in order to establish a dialogue on a future democratic and non-racial South Africa, an objective supported by the General Assembly at its special session devoted to apartheid. It was encouraging to note that the General Assembly had adopted by consensus a declaration aimed at the elimination of the policy of apartheid and the creation of a united, non-racial and democratic South Africa through a peaceful, negotiated settlement.

80. His Government welcomed the decision of the South African Government to release Nelson Mandela unconditionally as a first step towards a peaceful and comprehensive settlement.

81. The political, social and economic marginalization of the black majority resulting from apartheid not only hampered the societal development of South Africa but also posed a permanent threat to that country's neighbours. Despite all the positive and encouraging signs of an incipient peaceful and political settlement of the conflict in southern Africa, there was still justification for pointing out that all forms of racism and racial discrimination, such as apartheid, were among the most serious violations of human rights in the contemporary world.

82. In view of recent events, his Government thought it imperative to recall that racist and nationalist theories had provided the basis for Nazi anti-semitism, that those theories had served to justify the genocide of the Jews and to legitimize the policy of systematic extermination of other peoples. The community of peace-loving and democratic nations could not remain indifferent to the fact that Fascists, neo-Fascists, racists and ultra-nationalists were once again rearing their heads and pursuing their evil designs.

83. His Government once again called upon all States to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and Punishment of the Crime of Genocide, and the International Convention on the Suppression and Punishment of the Crime of Apartheid. It resolutely supported all endeavours aimed at ensuring the universal application of those instruments.

84. Ms. BRYCE (Observer for Australia), having stated that racial discrimination and racism constituted a world-wide phenomenon which affected every society to some degree and that the commitment to racial equality was one of the corner-stones of the United Nations, said that the elimination of the abhorrent system of apartheid had been a long-standing priority of the Commission and a major objective of the United Nations Decades to Combat Racism and Racial Discrimination. Her Government, which fully shared that commitment, had taken a determined and prominent stand with its Commonwealth partners.

85. The current session of the Commission was being held in the context of a recent statement by the South African Government which held out the promise of a new era for South Africa. Although not going as far as she would like to see, the statement signalled a significant shift in South African Government policy, away from past defiance and towards conciliation.

86. The report prepared by the Sub-Commission's Special Rapporteur on the achievements made and obstacles encountered during the Decades (E/CN.4/Sub.2/1989/8 and Add.1) contained proposals which merited serious consideration, in particular those with a practical focus. Her delegation had been encouraged by efforts to enhance the co-ordination of activities among the various organizations of the United Nations system and thought that a consolidated description of such system-wide activities would be a useful contribution to developing the type of action plan suggested in the report.

87. One of the most important recommendations made by the Special Rapporteur was that education should be directed at shaping attitudes in a way which prevented the development and continuation of racial prejudice. In that regard, her delegation commended the teaching booklet issued by the Centre for Human Rights which was expressly designed for use in elementary schools.

88. Her country had experienced a major demographic change since the establishment of the United Nations. As recently as 1947, 90 per cent of its population had been of Anglo-Celtic descent. In contrast, Australia's current population was drawn from 140 countries around the world and, by 1989, less than half the population was of purely Anglo-Celtic descent and one quarter had no such ancestry. There had also been a corresponding change in attitude. Government policies of enforced conformity and assimilation and of racially based immigration selection criteria belonged to the past. Issues such as overcoming racial prejudice, ending discrimination and promoting social harmony while retaining ethnic and cultural diversity had become important matters of public policy.

89. The Human Rights and Equal Opportunity Commission, of which she was one of four Commissioners, was a major national institution for the promotion of human rights. It was closely involved in a variety of programmes to combat racism and racial discrimination and worked with federal and state authorities in that endeavour. One of its current tasks was a national inquiry into racist violence, which was being conducted by the Race Discrimination Commissioner and a prominent lawyer. Other activities included a project to address the special difficulties faced by immigrant women of non-English-speaking background in becoming aware of the provisions of anti-discrimination laws; two major school projects focusing on multi-cultural education and aboriginal education, and class-room discussions of international human rights instruments; and the preparation of a manual to help corporate managers establish procedures to ensure that discrimination did not occur.

90. In June 1989, her country's Prime Minister had announced the national agenda for a multicultural Australia which was based on three principles: the right of all Australians to express and share their cultural heritage, to practise their religion and to take pride in their language; the right of all Australians to equality of treatment and opportunity, regardless of race, religion, language or birthplace; and the need for Australia to develop and use the skills and talents of all its people, regardless of their ethnic origin.

91. The measures which she had outlined were inspired by her country's commitment to eliminating racism and racial discrimination, a commitment that reflected its support for the fundamental objectives of the United Nations.

92. Mr. BRADY (Observer for Ireland) said that, for many years, the sessions of the Commission had provided the international community with a platform from which to condemn forcefully and unequivocally the policy of apartheid. Familiarity with the catalogue of abuses of fundamental human rights had not dulled the Commission's sense of outrage at the reality in which the black population of South Africa had been forced to live. A society which, as a matter of public policy, had built its political system on racial discrimination could not hope to endure. The question was whether the opportunity to bring about the necessary transformation of society by peaceful means would be grasped while there was yet time.

93. The previous response of the South African authorities to appeals from the international community and to the demands for equality and justice from within the country had been to increase repression in a futile attempt to reassert its dominance.

94. His Government had consistently taken the view that the maintenance of maximum international pressure on the South African Government - including sanctions - was an important part of a policy aimed at bringing about the abolition of apartheid by peaceful means. While the peaceful building of a truly democratic and non-racial state in South Africa was possible, only real negotiations involving the participation of the genuine representatives of all the people of South Africa could lead to a just and durable settlement.

95. The initiative for setting that process in motion rested with the South African Government which had to create the necessary climate for negotiations. The pressure of international public opinion had undoubtedly been an important factor in convincing the South African authorities of the impossibility of maintaining a social and political system based on coercion, and recent events suggested that South Africa might finally be turning away from such self-destructive policies. It was in that context that he welcomed the encouraging measures just announced by President de Klerk.

96. The decision to release Nelson Mandela unconditionally and without delay, the lifting of the bans on the ANC and other organizations, and other measures, constituted hopeful signs that a climate for negotiations might soon exist. It was to be hoped that Mr. Mandela's release would take place forthwith, and his delegation urged the South African Government to end the state of emergency and create such a climate, in the hope that the recently announced measures were the beginning of an irreversible process leading to the early dismantling of apartheid.

97. Mr. AL-QUTAISH (Observer for the Yemen Arab Republic) said that the achievement of human rights and fundamental freedoms remained the basic objective of the majority of people in South Africa, who had been deprived of those rights in the previous decades. The oppressed majority in South Africa had resisted and was continuing to resist apartheid, and was making huge sacrifices for freedom and the fundamental rights embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights. In its just struggle, it had received support from the international community since 1946, when the question of apartheid had first been brought before the General Assembly. The international community had unanimously condemned apartheid, which was contrary to the spirit and letter of all divinely revealed religions and a source of concern to all the peace- and equality-loving peoples of the world.

98. The apartheid régime in South Africa could not be reformed or improved; it must be eradicated. It was supported by discriminatory legislation governing all aspects of economic, political, cultural and social life. The recent decisions announced by the Head of the régime had thus not affected the essence of the problem. They were partial and selective, and did not create an appropriate climate for the start of serious negotiations aimed at the abolition of apartheid in accordance with the Harare Declaration adopted by the Organization of African Unity, an important document which contained a plan for a comprehensive political solution which could guide South Africa towards the goal of a united, non-discriminatory and democratic State.

99. It was incumbent upon the Pretoria régime to create an appropriate climate by abolishing the state of emergency and all discriminatory legislation, immediately and unconditionally releasing Nelson Mandela and his associates, lifting all restrictions on the activities of individuals and organizations opposing apartheid and withdrawing the troops from all the African townships.

100. Every measure taken so far by Pretoria towards the abolition of apartheid resulted from the escalating struggle of the oppressed majority with the support of the international community. For such endeavours to be even more successful, however, it was necessary to strengthen the boycott against South Africa and impose comprehensive sanctions.

101. He condemned the co-operation between the apartheid régime and Israel in the military and nuclear fields. The policies of Israel and South Africa were two sides of the same coin. Both were derived from an ideology based on racism, and both régimes engaged in persecution and repression and used the same weapons.

102. The reports which were before the Commission showed the magnitude of the human tragedy affecting the majority of the population in South Africa and the extensive role of military and political assistance in perpetuating the apartheid system. The Commission should adopt resolutions in keeping with the magnitude of the crime of apartheid and appeal to the international community to strengthen the boycott and impose comprehensive sanctions on South Africa.

103. Ms. MOKATE (World University Service) said that the situation in South Africa was changing rapidly as the Pretoria régime attempted to contain the pressures of popular resistance and international solidarity actions against white minority rule. While the measures and intentions recently announced by the South African Government were to be welcomed as important steps towards resolving the conflict, it was not clear that an irreversible process of dismantling apartheid and the trappings of white minority rule had begun.

104. There had, for instance, been no mention of abolishing the apartheid laws, or the vast array of repressive legislation under which so many people had been gaoled. Nelson Mandela remained a prisoner and, if released, could easily be prosecuted again if he resumed his anti-apartheid activities. Her organization accordingly urged the international community to maintain and intensify sanctions until the process of dismantling apartheid became irreversible.

105. Her organization was particularly concerned at the crisis in the educational sector. Over the previous five years, black education in South Africa had been a battleground, where militant youth had confronted the South African Defence Force and the police. The Commission had heard much evidence concerning the resistance, the brutalization of the country's black youth and the devastating impact of the widespread detention, gaoing and torture of schoolchildren and the militarization of the school grounds and class-rooms. The State's educational structures had degenerated into ineffective bureaucracies, seemingly intent on denying any meaningful education to black South Africans.

106. As confirmed in the Ad Hoc Working Group of Expert's report (E/CN.4/1990/7), white schools were being underutilized and even closed down for lack of pupils, while thousands of black pupils were being turned away for lack of schools. Overcrowding, poor facilities and poorly qualified teachers remained endemic in black education, while the glaring disparities in the resources made available for blacks and whites continued to reinforce those inequalities. Recent estimates had indicated that some 300,000 additional teachers were required to bring current teacher-pupil ratios up to acceptable levels for black schools. In addition, there appeared to be gross irregularities in the marking of school-leaving examinations.

107. There was every indication that the educational crisis in South Africa was becoming explosive, and it was imperative that serious attention should be accorded to the popular demands concerning education if Mr. de Klerk truly wished to usher in a new era. Developments within the educational sector should allow for the incorporation of the aspirations of the black majority and the replacement of Bantu education by a genuinely democratic, people's education.

The meeting rose at 1.00 p.m.