

UNITED NATIONS  
ECONOMIC  
AND  
SOCIAL COUNCIL



Distr.  
GENERAL

E/CN.4/1985/SR.11  
14 February 1985

ENGLISH  
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 11th MEETING

Held at the Palais des Nations, Geneva,  
on Monday, 11 February 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)  
later: Mr. CHARRY SAMPER (Colombia)

CONTENTS

Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts (continued)

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

Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (continued)

- (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination (continued)
- (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.6108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.45 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/1985/8 and 14; A/39/460)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (agenda item 7) (continued) (E/CN.4/Sub.2/8 and Add.1 and 2; E/CN.4/1985/3, chap. I, sect. A, draft resolution I)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/1984/36 and Add.9 and 10; E/CN.4/1985/26 and Add.1-7; E/CN.4/1985/27)

- (a) STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 17) (continued)
- (b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17) (continued) (E/CN.4/1985/28 and 29)

1. Mr. SAYADI (Syrian Arab Republic) said that his country maintained no relations with the South African racist régime. It supported the struggle of the fraternal peoples of South Africa and Namibia just as it had supported the struggle of the people of Zimbabwe, which had since culminated in independence. Further, the question of apartheid had first been raised in the United Nations in 1952 by 13 countries including Syria.

2. Each year, the Commission made renewed efforts to put an end to the apartheid system. However, the régime maintaining that system continued to disregard United Nations resolutions and to threaten the peace and security of southern Africa and of the whole world. Such practices were a disgrace to mankind. Unhappily, the South African régime, with support from imperialist and Zionist circles, was intensifying its foreign propaganda campaign through the media, as well as in connection with sporting events. Concealing its crimes, it was seeking to convince the world that its activities were aimed at eliminating terrorism. He drew attention, in that connection, to the information given in UNESCO document SS-82/CONF.610/4 ("South Africa, apartheid, pressure groups and propaganda").

3. South Africa was also obtaining increasing financial support from the foreign banks and the 3,500 transnational corporations based on its territory. According to the Centre Against Apartheid, 181 international banks had lent South Africa \$2.756 billion between 1979 and 1982. From June 1981 to June 1983, bank loans from the United States of America had increased from \$200 million to \$3.883 billion. South Africa's traditional (Western) trading partners had been joined by other countries, particularly Israel and Taiwan. From 1973 to 1979, trade between Israel and South Africa had increased in value by 500 per cent. He referred to an article that had appeared in the magazine "New Outlook" in March 1984, in which it was stated that "Israel would serve as a convenient way station for South African products, which would be exported first to Israel and then re-exported (as Israeli-made) to the United States of America and EEC countries, avoiding higher taxes and political boycotts to the benefit of both countries". Despite the oil embargo by OPEC and the Arab countries, South Africa was receiving oil supplies from five major international corporations: Shell, BP, Mobil Oil, Caltex and Total.

4. The South African régime was strengthening its war machine through the military co-operation of countries supporting it and, in particular, with military technology from the United States of America and Israel. Details of the support provided by Israel were given in a book by James Adams entitled "Israel and South Africa: The Unnatural Alliance". The book showed how Israel had helped South Africa to develop a nuclear capability. In particular, South Africa's naval fast attack craft were reported to contain Israeli electronics and guns made by Italian and Swiss companies. Over 300 Israeli soldiers had been sent to South Africa as advisers. On the question of co-operation between Pretoria and Tel Aviv, the newspaper Ha'aretz had referred on 17 May 1982, to a document entitled "Two minutes over Baghdad", in which it was stated that "The two countries have developed a neutron bomb, and are now developing a cruise missile with a range of 2,400 km". The newspaper Azania News had further reported that 20 young men had left Ciskei on South African passports for Israel to train as pilots.

5. The support given to South Africa by the imperialist and Zionist régimes had made the apartheid régime a scourge that threatened the very destiny of mankind. Echoing Pretoria's propaganda, the Western countries, particularly the United States of America and Israel, tried to make their readers believe that reforms had taken place in South Africa. In that way, they reinforced the idea that the existing régime would continue in power and that power for the black majority could never be realized. They made much of certain reforms in order to defend their own interests. Those countries were, in fact, supporting South African political oppression and strengthening South Africa militarily. He referred to an article in the New York Herald Tribune of 27 September 1982, which stated that South Africa had become the tenth producer of weapons in the non-socialist world. He also referred to the information given in the report of the United Nations Council for Namibia (A/38/24/Part I). Referring to support from Israel, he mentioned, in particular, a book by Israel Shahak, Chairman of the Israeli Human Rights Committee, published in New York in 1982 under the title "Israel's Global Role: Weapons for Repression", which referred to co-operation between Israel and South Africa in the production of bacteriological weapons. During a visit to Pretoria in 1982, Ariel Sharon had offered South Africa highly sophisticated Israeli-made weapons. Such attitudes were completely at variance with certain humanitarian proposals made by Israel in favour of African refugees. Lastly, he referred to the Wall Street Journal of 29 October 1983, which had stated that South Africa and Israel were candidates for the nuclear "club". He emphasized that the evils to be combated in South Africa were, in the final analysis, due to imperialism which, according to the Chilean writer Volodia Teitelbom, was a monster that could always do still more harm.

6. Mr. MacDERMOT (International Commission of Jurists) drew attention to an article by John Dugard, Professor of International Law at Witwatersrand University, appearing in the latest number of the Review of the International Commission of Jurists and entitled "The Denationalization of Black South Africans in Pursuance of Apartheid". Copies had been made available to all delegations.

7. Professor Dugard argued that it was illegal under international law to deprive black South Africans of their nationality and that the General Assembly should refer the question to the International Court of Justice for an advisory opinion. Professor Dugard's article was mentioned in paragraph 49 of the report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1985/8), and his proposal

had been taken up in recommendation 3 on page 111 of the report. The International Commission of Jurists supported that proposal and requested the Commission to submit it to the General Assembly through the Economic and Social Council.

8. South African legislation declared that, with the independence of the Transkei, Bophuthatswana, Venda and Ciskei, persons from those territories ceased to be South African citizens. It stipulated that the persons concerned were those linked by birth, language or cultural affiliation with a homeland, persons one of whose parents was a citizen of the homeland, those domiciled in the homeland for at least five years and every South African citizen who was not already a citizen of another homeland and who either spoke a language of any tribe that formed part of the population of the homeland or was related to any member of such a tribe. While making no mention of race, the legislation in question was, in fact, applied only to black South Africans. It was obviously, therefore, a nationality law based on racial discrimination and designed to shift the apartheid policy from a policy based on race to one based on nationality. According to Professor Dugard, the new discrimination was in many ways worse than the old: the blacks, who had become aliens in South Africa, often lived in pitiful poverty in camps in barren wastelands; they were hounded by the South African police as unlawful immigrants and, as aliens, they had lost all claim to participate in the political life of South Africa even if they qualified to reside within the country itself.

9. Eight million black South Africans were currently affected, and when South Africa had completed its programme of converting the homelands into so-called independent States, the number would reach 20 million. Mr. Mulder, Minister of Bantu Administration and Development, had stated in Parliament in 1978 that when every black man in South Africa was eventually accommodated in some independent State, there would no longer be a moral obligation on Parliament to accommodate such people politically. In resolution 36/172 A of 17 December 1981, the General Assembly had denounced the denationalization of blacks as an "international crime". The self-determination aspect of that question came under the political responsibility of the General Assembly, which was required to interpret the Charter in that respect, but denationalization was a question of international law not covered by the Charter. That was why Professor Dugard had proposed that the matter should be referred to the International Court of Justice.

10. In justification of his proposal, Professor Dugard had stated that the advantages of an advisory opinion would far outweigh the disadvantages. United Nations discussions and resolutions concerning South Africa and apartheid had been unproductive and had had little impact on public opinion in South Africa. An advisory opinion refuting the legality of denationalization measures would carry considerably more weight. The South African Government was admittedly likely to reject such an opinion initially. It had at first repudiated the 1971 opinion on Namibia, but later, as State after State, particularly the Western States, had backed the opinion of the International Court of Justice, South Africa had been obliged to change its strategy. In time, it might accept an advisory opinion of the Court with respect to the denationalization of Black South Africans. There were two factors that might influence it in that direction. On the one hand, South African white, "coloured" and Indian conservative opinion, which was playing an increasingly important role, continued to respect such judicial decisions and, on the other, South Africa's Western allies, which were committed to promoting the rule of law in the world order, would undoubtedly once again bring their influence to bear upon Pretoria. Lastly, he reiterated the hope that the Commission would call the General Assembly's attention to Professor Dugard's proposal.

11. Mr. Charry Samper (Colombia) took the Chair.

12. Mrs. VIRE-TUOMINEN (Women's International Democratic Federation) said that her organization had noted with the deepest concern that South Africa was continuing to violate the Universal Declaration of Human Rights and the General Assembly and Security Council resolutions aimed at eradicating apartheid, and that the situation of millions of black women in South Africa and Namibia had recently deteriorated sharply. The South African régime would continue to pursue its policy of oppression, its illegal occupation of Namibia and southern Angola and its constant aggression against the front line States so long as it continued to receive military, economic and political support from the Western countries and their transnational corporations. Despite the United Nations arms embargo, South Africa was able to meet its arms requirements and had even become an arms exporter. Notwithstanding the international oil embargo, more than 200 Western oil tankers had called at South African ports between July 1981 and January 1983 and were estimated to have delivered sufficient oil to cover 35 per cent of South Africa's needs. The racist and bellicose nature of the apartheid régime had not discouraged South Africa's Western allies from providing that country with a nuclear capability, thus threatening the whole region with a catastrophe. WIDF reiterated that South Africa was a threat to world peace.

13. The situation of the black majority in South Africa had deteriorated sharply since the introduction of the "new" Constitution, which had led to the election of "coloureds" and Asians to the tricameral Parliament. Following protest demonstrations against those cosmetic changes, 200 people had been killed and thousands injured or arrested. WIDF reiterated its condemnation of police brutality and the use of the armed forces to quell the unrest in African residential areas. The events belied the racist régime's assurance that the new Constitution would lead to a change in the apartheid system. Apartheid would continue to flourish until such measures as the pass laws, the migratory labour system, influx control and laws denying people their citizenship rights were abolished.

14. The apartheid régime continued to turn a deaf ear to protests in South Africa and abroad against its policy of forced removal, which relegated millions of African women to the impoverished bantustans and forced men into contract labour. That policy had led to a rapid deterioration in the economic and social status of women in rural areas. In almost all the bantustans, the population was suffering from diseases, which had in some cases reached epidemic proportions. In the bantustan of Lebowa, for example, trachoma was rife as a result of the shortage of water. At the age of 10, nearly every child had been affected and some had gone blind. Malnutrition in rural areas was so serious that 100,000 children were thought likely to die of starvation, while 2.9 million under the age of 15 were suffering from the effects of first-degree malnutrition, irrespective of the effects of the current drought. WIDF, which was convinced that the overthrow of apartheid was the only way to bring about genuine change in South Africa, unequivocally denounced all forms of concession or reforms of apartheid.

15. South Africa continued to occupy and exploit Namibia in total contempt of world public opinion. Far from showing signs of relinquishing power in that country, the South African régime was entrenching apartheid by reintroducing some elements of the pass laws and influx control which it had modified a few years earlier. Since 1984, employers had been obliged to register workers at a time of high unemployment of black Namibians and harsh restrictions on trade union rights, and when no provision

was made to improve working conditions. The régime was doing everything possible to transform the liberation war in Namibia into a civil war. It had conscripted between 25,000 and 30,000 Namibians between the ages of 17 and 54 into the apartheid army as a means of turning Namibian against Namibian and transforming the indigenous population into cannon fodder.

16. WIDF reiterated its condemnation of the tactics used by South Africa to delay the granting of unconditional independence to Namibia and the exercise by its people of the right to self-determination. The support in all fields received by South Africa from Western countries, including Israel, had enabled it to develop its economic and military power and to pursue its policy of aggression and economic blackmail against peaceful neighbouring States in southern Africa. South Africa continued to train, arm and transport bandits to destabilize the political and economic infrastructure of those States, where cultivation of the land was hampered by the presence of such bandits, where malnutrition was rife, where women and children had been widowed and orphaned and where thousands had fled their homes. WIDF called for pressure to be brought to bear on all those countries which, by sustaining the apartheid régime and thus prolonging the sufferings of the people of southern Africa, became accomplices in the international crime of apartheid, as defined in the 1973 International Convention on the Suppression and Punishment of the Crime of Apartheid.

17. WIDF denounced South Africa's continued occupation of Namibia and called for the immediate and unconditional granting of independence to that country, in accordance with the relevant United Nations resolutions, including Security Council resolution 435 (1978). The continued occupation of Angolan territory by South African troops, the constant bombardment of villages, schools, hospitals, bridges and factories and the unconditional support being given to the bandits by the South African régime were also extremely disturbing. South African troops must withdraw immediately from Angola and aid must cease to be given to the forces that were imperilling that country's independence and sovereignty. On behalf of millions of women in all continents, WIDF once again urged the Commission to take urgent and practical measures and to request all States to impose mandatory sanctions in all spheres against the Pretoria régime.

18. Mr. DAOUDY (Syrian Arab Republic) said that the proposal by the International Commission of Jurists was excellent. His delegation, together with other friendly delegations who understood the seriousness of apartheid, was prepared to submit to the Commission a draft resolution to that effect for transmission through the Economic and Social Council to the General Assembly and thence to the International Court of Justice.

19. Mr. SKALLI (Observer for Morocco) said that South Africa was the only country in the world in which racism had been institutionalized. All the organs of State in that country were based on the principle of domination by the white minority and exclusion of blacks, who made up three quarters of the population. That policy also affected the social, economic and cultural life of the country. Apartheid was an affront to human conscience and dignity, a challenge to mankind in the latter part of the twentieth century and a blot on modern civilization.

20. The question of racial discrimination in South Africa was the major focus of concern for the United Nations which, since its inception, had campaigned unceasingly against that serious obstacle to the realization of its stated objective of eliminating all forms of discrimination based on race, sex, language or religion.

21. South Africa was seeking, as it were, to improve upon its apartheid policy by creating bantustans in order to deprive the black majority of its identity. On the pretext of autonomy, the racist régime was herding hundreds of thousands of black people together on an ethnic basis in reservations. There were currently six homelands in which more than 5 million black people were gathered and which actually served as a pool for the supply of cheap manpower to cultivate land belonging to the white population. The inhabitants of those reservations thus found themselves aliens in their own country overnight. The long-term objective was gradually to get the black population out of the way while keeping it in a state of economic dependence. The policy of bantustanization was a serious development since it depersonalized and uprooted the black majority, which was now excluded not only from any participation in political life but also from its own country.

22. Such segregation had been accentuated in 1984, following the introduction of so-called constitutional reforms whereby, on the pretext of allowing power-sharing for "coloureds" and Asians, the Pretoria régime was pursuing a policy of divide and rule. Far from initiating the eradication of apartheid, the new Constitution, which had been adopted by white electors only, was aimed at consolidating and perpetuating the system. The Constitution denied black South Africans all political rights, made ethnic separation and racial classification its main foundation and provided for a tricameral Parliament with one chamber for whites, a second for "coloureds" and a third for Asians, each chamber being required to legislate separately on the affairs of its particular community. That facade of equality thinly concealed a profound inequality in favour of the whites and detrimental to the other communities. The President of the Republic, who was required to be a white, had wide-ranging powers and was elected by a college in which whites were in the majority (50 whites, 25 "coloureds" and 13 Asians). The nature of the matters to be considered by the three chambers was decided by the President and there was no appeal against his decision, even before the Supreme Court. In the event of disagreement among the three chambers on questions of "general" interest, it was the Presidential Council, largely composed of whites, that settled the matter.

23. While the authors of the Constitution had had no hesitation in saying that it extolled Christian and civilized values, André Brink, a South African intellectual, had said that the text was the most monstrous fraud perpetrated in political history, and that it was an insult to Asians and "coloureds" to think that their silent collaboration could be bought. Being aware of that fact, the Asians and "coloureds" had largely boycotted the parliamentary elections, in which there had been an 80 per cent abstention rate. It was thus plain that the chambers elected could not claim to represent the "coloured" and Asian communities. Despite such a humiliating setback, however, the South African Government continued to apply its so-called constitutional reforms.

24. The entry into force of the new Constitution had led to demonstrations by blacks, who were frustrated and humiliated at having been excluded from power. The revolt, which had affected the major black townships and the suburbs of the industrial cities, was a sign of exasperation on the part of Africans who could no longer endure to be the outcasts of the white minority. The South African police and army had brutally put down the demonstrations, which had caused dozens of fatalities and left hundreds injured, most of them schoolboys or unemployed youths.

25. The struggle of the South African people to regain their dignity and their legitimate rights had, over the past year, won the respect and support of the international community in a symbolic but highly significant form with the award of the Nobel Peace Prize to Bishop Desmond Tutu, Secretary-General of the South African Council of Churches, who was campaigning against persecution and oppression. The prize was a reward not only for the Bishop's personal action but for the untiring efforts of a people on behalf of its just cause. Together with the Nobel Peace Prize awarded to Chief Albert Lutuli in 1961, it was a distinction that proclaimed that the international community supported the oppressed people of South Africa and its liberation struggle. It was, at the same time, a sharp rebuff to the racist régime.

26. South Africa's continued occupation of Namibia in defiance of all Security Council and General Assembly resolutions was a source of serious concern to the international community, which had hoped that the conflict might be concluded on the basis of Security Council resolution 435 (1978). Unfortunately, that hope had not been realized and, far from moving towards an eventual withdrawal, the Pretoria régime had continued to equivocate in order to prolong its presence in Namibia indefinitely. His delegation reaffirmed its support to the fraternal Namibian people in their liberation struggle. It considered that the implementation of Security Council resolution 435 (1978) was the only way to a just and durable settlement of the conflict.

27. The fourth Islamic Summit, held at Casablanca, Morocco, in 1984, had expressed its full support for the struggle of the South African and Namibian peoples for their liberation from colonial domination and the power of the white minority. It had also strongly condemned the Pretoria régime and its apartheid policy. The total elimination of apartheid and the establishment of a society based on government by the majority were essential conditions for establishing a democratic régime in that part of the continent capable of guaranteeing the peace and prosperity of a multiracial society looking to the future.

28. Mr. MAKOTI (Pan Africanist Congress of Azania) observed that it was exactly 100 years since Europeans had dismembered the nations and countries of Africa at the Imperial Conference in Berlin, and 40 years since the United Nations had begun to examine the situation of human rights in southern Africa.

29. Racist South Africa had not forgotten, and had no intention of forgetting, the imperialist motto of "divide and rule". Though changed from time to time, that country's policy and practice had consistently been to deprive the Africans of their nationality and destroy them both as a nation and as a people. That was currently being done by creating ethnic reserves of cheap manpower and establishing a tricameral parliament. History had shown, however, that State terrorism, military



repression, brutal oppression and exploitation and constitutional or other reform were features of most pre-revolutionary situations, and South Africa could be no exception to that rule.

30. The Commission's session was taking place at a crucial time in the struggle against the violations of human rights of the peoples of southern Africa, which were described in all their horror in the report (E/CN.4/1985/8) of the Ad hoc Working Group of Experts, which had concluded in another report that "the criminal effects of apartheid amount to a policy bordering on genocide" (E/CN.4/1984/14, paragraph 1). How could such crimes against the African people of South Africa and Namibia be allowed? Who was allowing them, and who was colluding with the racists in South Africa? The answer was clear. The Commission had before it an updated report on the adverse consequences for the enjoyment of human rights resulting from the political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa (E/CN.4/Sub.2/1984/8 and Add.1 and 2). Curiously, however, those giving such aid justified it as being partly or largely in the interest of the oppressed and exploited African masses.

31. The United Nations had recognized the legitimacy of the struggle of the African people of southern Africa for their national liberation, thus acknowledging that apartheid meant, in effect, the denial of national rights as well as human rights.

32. Participants in the Seminar on the Legal Status of the Apartheid Régime and other Legal Aspects of the Struggle against Apartheid, held in Lagos from 13 to 16 August 1984 (A/39/423 and Corr.1-S/16709 and Corr.1), had declared, in particular, that the granting of independence to the Union of South Africa "preceded modern principles of international law, enshrined in the right to decolonization and to the self-determination of peoples subject to alien domination, and to the prohibition of racial discrimination". They had further pointed out that, while other States which had a history of oppressing national groups had recognized, to a lesser or greater degree, the rights of their indigenous populations, South Africa was alone and unique in basing its State system upon a policy of dispossession and perpetuation of alien and colonial domination.

33. That was the true situation with respect to apartheid. The well-known laws imposing racial discrimination in South Africa existed for no other purpose than to strengthen the colonial base of apartheid. The situation was characterized by the seizure of land, over 90 per cent of which had been reserved for white occupation and private ownership; by control of movement (hundreds of thousands of blacks annually being imprisoned under the pass laws); by control of residence (in bantustans in rural areas and in reservations and compounds in urban areas); and by labour control, mainly by means of the pass laws and the existence of two legal systems, one for Africans and the other for the rest of the population.

34. The South African racist régime held a highly colonial concept of self-determination, the idea being to establish an ethnic confederation instead of a nation State, so that the very nature of the State in South Africa was a violation of both human and national rights. It peddled fractions and fragments of nations which were so many examples of usurped nationhood. According to that régime, the European settlers, who occupied a dominant position, were the only Africans in that ancestral land. The others, although indigenous to the country, had no say and no exercise of their inalienable rights. The indigenous Africans were divided into ten ethnic groups, four of which had been granted a sham independence while the others, including the "urban black" ethnic group, were said to be "self-governing".

The African people, however, rejected all racist and ethnic classifications and were daily challenging the bogus independence of the so-called ethnic nations. President Botha had recently announced the setting up of an informal structure in which Blacks and Whites would meet to discuss spurious nationhood for "urban blacks", which the African population had already rejected in the form of black local authorities.

35. Since August 1984, the black people of South Africa had launched three resistance campaigns against the racist régime and its satellites, the first against the fraudulent elections to the House of Representatives (for Africans who were known by the racist régime as "coloureds") and to the House of Delegates (for persons of Asian origin); the second against black local authorities, and the third involving the organized black work force in various parts of the country. The resistance had been genuine and total and not merely symbolic. The racist régime and its satellites had indicated prior to the elections that they would consider anything above 15 per cent as a fair electoral turnout, in view of the evident opposition among those concerned. A research institute of the racist Government had conducted a sociological and demographic survey which had shown that just over 16 per cent of the coloured Asians interrogated fully accepted the so-called new constitution. Those were the people who had stood for election, and the first thing they had done following their election was to quarrel among themselves for ministerial posts and the benefits accruing from them.

36. The peoples concerned, however, had rejected the new tricameral Parliament and refused to consider it as legal or legitimate, nor did they consider the candidates as legitimate representatives. Two of the banners displayed by the resisters during the sham elections had stated, one in Afrikaans and the other in English, that the people reserved their votes for a free Azania.

37. Lastly, he said that if the international community wished to see a peaceful solution to the problems in southern Africa, three options were open to it: firstly, to impose comprehensive mandatory economic sanctions in accordance with Chapter VII of the Charter of the United Nations; secondly, to give full and unconditional support to the national liberation movements engaged in the struggle to eliminate apartheid; and, thirdly, to determine the culpability, in the light of the International Convention on the Suppression and Punishment of the Crime of Apartheid, of activities in political, economic and social support of South Africa.

38. Mr. TJIRIANGE (South West Africa People's Organization), said that his organization had for many years been calling the attention of the Commission and other United Nations bodies to the heinous crimes committed by the South African apartheid regime - a State rightly spurned by the international community - against the Namibian people.

39. For 70 years, Namibia had been under colonial rule and Namibians had been victims of institutionalized injustice, transformed into immutable laws. Unfortunately, there were those who deliberately refused to see the dangers of such intensified exploitation and who mistakenly thought that changes for the better were taking place in southern Africa. The blatant distortion of the reality of apartheid, in which the Pretoria propaganda machine was engaged, had made much of the word "reform" in recent years.

40. The racist Government had changed its tactics in Namibia, in its relations with its neighbours and in South Africa itself and unfortunately its allies were deliberately portraying those changes as progressive reform or a step in the right direction.

41. What was meant by the word "reform" in that context? Had conditions improved for the overwhelming majority of the African population? Had the black majority been accorded any of the rights proclaimed in the Universal Declaration of Human Rights? Did black South Africans have the right to vote, to live in any part of the country they chose, to express their opinions freely and to form peaceful associations or to receive in the occupation of their choice equal pay for equal work, or the right to nationality and citizenship in the land of their forefathers? Was South Africa willing to withdraw immediately from Namibia and was the exploitation of the human and natural resources of that international territory about to end?

42. In 1985, the answer was still in the negative.

43. The word "reform" must thus have another meaning for the present-day rulers of racist and colonialist South Africa. It might be argued that there had been changes in the laws and even in the Constitution. "Petty apartheid" was no longer enforced by law. Nor was job preservation any longer a legal matter, although the strength of white trade unions, combined with a lack of training facilities, had much the same effect. At the national level, there had been some superficial relaxation of apartheid in sports. A tricameral Parliament in which the racist régime had hoped to involve the coloured and Asian communities into the apartheid structure had been established. But even those so-called changes could not alter the truth. The apartheid structure remained unchanged. Politics, economics, law and the institutions were still based on race. The racial registration system, the Group Areas Act, the racial education and health systems and all other pillars of apartheid remained intact. The forced removals policy was being applied ruthlessly. Bantustan policies were still entrenched, so that the blacks continued to be excluded from the political process because they were black.

44. The crux of the matter was that the changes that had taken place and about which there was so much talk were deliberately designed to strengthen apartheid in South Africa and colonial rule in Namibia. They were an attempt to give an appearance of change in order to reduce South Africa's isolation by dividing the opposition to apartheid and to the colonial régime and by confusing its external opponents, but without making any really substantive changes. For the racist régime, to "reform" meant to change things enough so as to change nothing at all - to "reform" in the face of pressure and changing needs and demands only to ensure continued privilege for and domination by the few and exploitation of the many. South Africa's apartheid and colonialist policy was built on the denial of the human rights of the black majority. The continuance of that policy depended on maintaining that gross injustice. Contrary, therefore, to what they would have international public opinion believe, the racists' "reform era" had seen both a refinement of the instruments of oppression and exploitation and an increased denial of human rights.

45. The characteristics of the political, military and security situation in South Africa and Namibia were familiar to all. Nevertheless, he wished to mention certain of those elements constituting the situation in southern Africa in general and Namibia in particular, in order to refute the powerful propaganda and the malicious innuendo, blackmail and conspiracy of silence of imperialism and its news media against the just struggle of the people of southern Africa.

46. Southern Africa was in a generalized state of war. The situation was characterized by killings, torture and dehumanization of innocent people by the reactionary apparatus of the racist régime, which extended its oppression beyond Namibia and South Africa to neighbouring countries. An escalating military build-up in personnel, equipment and technology was taking place in that part of the world. In Namibia, the régime had more than 100,000 armed soldiers in addition to white commando reservists, the notorious "Koevoet" murder squads, mercenaries such as the "Buffalo Battalion" (also known as "Battalion 32") and other terrorist and reactionary elements. South Africa was currently the world's largest employer of mercenaries, mostly from the United States of America, Israel, the United Kingdom, the Federal Republic of Germany, Portugal, Belgium and other capitalist countries. That military build-up enabled the racists to launch an unending series of attacks against the front-line States and other progressive States in the region, particularly Angola. The racists sought to destabilize those countries by imposing such hardships on them that they would be compelled to withdraw their support for the oppressed and exploited peoples in the struggle they were waging in South Africa under the leadership of the African National Congress (ANC) and in Namibia under the South West Africa People's Organization (SWAPO). The real motive of the racists and their imperialist allies was to turn all the African States south of the Equator into neo-colonialist puppets under their political and economic control.

47. The racist régime was resorting to endless delaying tactics, and even threats and intimidation, with the tacit support of imperialism, and chiefly of the Reagan Administration in the United States of America. For example, the régime and its friends had distorted the truth behind the recent release of Andimba H. Toivo ja Toivo, the current Secretary-General of SWAPO, and other former prisoners on Robben Island. The releases were presented as fitting into the general pattern of the alleged "peacemaker" role of the "super-Power" in Africa, while the successful national and international campaigns were ignored and even denied. Those manoeuvres were obviously designed to rescue the racist régime from its international isolation and economic stagnation. In that connection, SWAPO was dismayed at the fact that some of the Western social democracies had gone along with them and had invited or received the head of the apartheid State. It appealed to all States that had done so to refrain from doing so in the future.

48. The same manoeuvres had taken place in South Africa itself in the context of what was alleged to be a constitutional reform providing for the establishment of a tricameral Parliament in which whites, "coloureds" and Asians would be represented. Fortunately, it had been rejected by the overwhelming majority of the South African people. The Pretoria fascists were nevertheless determined to impose their so-called new Constitution on the South African people. Those efforts should be rejected and condemned.

49. In an even more serious manoeuvre, the Reagan Administration in the United States of America was doing its utmost to have the problem of Namibian independence shelved. The Namibian people were repeatedly told that they could be free and independent only when the Cuban troops had been withdrawn from Angola - a sovereign State, as was the United States of America and others, that was legally and morally entitled to enter into agreement with any State of its choice. Were the Namibian people expected to wait for the exercise of their inalienable rights until the Cuban troops left Angola, even if that took 10 or 100 years? The United States Government and its racist allies obviously did not wish to see a SWAPO Government in Namibia. Free, fair and democratic

elections under United Nations supervision and control would certainly herald a SWAPO victory over the unpopular and discredited puppets installed in Namibia. It was no secret that SWAPO's popularity was growing, particularly since the majority of patriotic forces in Namibia, who were against colonialism and racism and in favour of emancipation, freedom and independence, were daily rallying to SWAPO's call for unified patriotic action. Even the whites were responding in large numbers. The racists must realize that Namibians were resolved to fight them, come what might, until they were prepared to subordinate their capitalist monopoly interests to the wishes and aspirations of the majority.

50. What was to be done to speed up Namibia's accession to freedom and independence?

51. Firstly, the Commission should support the Secretary-General's efforts to implement Security Council resolution 435 (1978), without introducing extraneous issues. Secondly, the Commission should reject and condemn the approach of the Reagan Administration in the United States, and of South Africa, that insisted on linking Namibia's independence to the withdrawal of Cuban troops from Angola. Thirdly, SWAPO and ANC should be given increasing political, diplomatic, moral, financial and humanitarian support to enable them to continue their struggle. Fourthly, the frontline States and the States that bordered South Africa, notably Angola, should receive political, moral and financial support to enable them to resist threats and acts of intimidation directed against them. Fifthly, the Commission should unequivocally demand the total and unconditional withdrawal of the racist South African troops from Angola. Sixthly, the Commission should consider the imposition of punitive measures against the racist criminals under Chapter VII of the Charter of the United Nations. That was imperative in the face of South Africa's defiance and arrogance towards the international community.

52. Lastly, he reiterated his organization's readiness to enter into direct and constructive talks with South Africa on the decolonization of Namibia if South Africa showed itself to be serious. Meanwhile, in the absence of serious and significant negotiations, SWAPO had no alternative but to continue its armed liberation struggle for the early attainment of Namibia's independence. SWAPO was profoundly thankful to the States and Governments which, through it, extended humanitarian assistance to the Namibian people. It urged those States and Governments to continue to support the just struggle being waged under its leadership. The Namibian people would, of course, continue to be the masters of the revolution in Namibia. They were, and would continue to be, their own liberators. It was equally true that the international community, and particularly the progressive forces of the world, had an inescapable responsibility vis-à-vis Namibia.

53. The proposal just made by the International Commission of Jurists was very much to the point. SWAPO had no difficulty in supporting it, but it hoped the Organization of African Unity would be given time to consider it in depth.

54. Mr. LUBOWSKI (Observer, United Nations Council for Namibia) said that the situation in Namibia continued to be of serious concern and that the Namibian people, which had been denied their fundamental right to self-determination and independence, continued to live under one of the worst forms of oppression mankind had ever known. The Pretoria régime was still pursuing a policy based on apartheid and characterized by a unique combination of colonial domination, exploitation, repression and dehumanization.

55. Despite the universal condemnation of racism and colonialism, the South African régime was continuing to apply the inhumane policy it had adopted from the time of its illegal occupation of the Territory of Namibia, impeding the development of the black population in all spheres and particularly in the socio-economic and educational spheres. The Pretoria régime's policy of "bantustanization" had resulted in gross discrimination against the masses in education, health, employment and all other aspects of daily life. The educational system officially applied in Namibia since 1970 was designed to perpetuate white supremacy, and as a result the illiteracy rate for black Namibians in 1985 was over 50 per cent. Since education was compulsory for white children only, black schools were greatly disadvantaged from all points of view and particularly financially. Segregation was applied in all educational establishments and the number of black students at the university level was, of course, very small.

56. The health sector in Namibia was inextricably linked to the apartheid system, and thus characterized by gross inequalities. Health services for the black majority were virtually non-existent while the health facilities and services for whites were among the best in the world. Those inequalities were largely due to the distribution of expenditure. Only 20 per cent of the health budget was allocated to the "homelands", which comprised most of the northern part of the Territory, whereas considerable sums were devoted to the construction of superfluous hospital accommodation for whites. Diseases associated with malnutrition, abject poverty and overcrowding in slums were common among blacks, but unknown among whites. The war of repression being waged by the South African occupation régime against the Namibian people also led to a deterioration in health services because of frequent army or police raids on hospitals and, in some cases, the arrest and torture of doctors and nurses for alleged collaboration with SWAPO. Furthermore, the countless acts of barbarism perpetrated by the racist occupation régime posed a serious threat to the mental health of black Namibians. All those acts had led Namibians rightly to conclude that the racist régime was participating in a conspiracy of genocide.

57. Black women in Namibia comprised the most oppressed sector of society and were deprived of their most fundamental human rights. Their level of education was extremely low, they were employed in the most menial tasks and their wages were far below those paid to white women for similar work. Cases of rape of Namibian women were on the increase and the culprits, when punished at all, were generally given only very light sentences. In view of the brutality of the apartheid régime, African women in Namibia could hardly hope for a favourable change in their social status or productive role.

58. Over the years, the racist colonial régime had deliberately and systematically turned the African population of Namibia into a captive and cheap labour force. Almost half of the black labour force was composed of migrant workers, exploited by the illegal régime and the transnational corporations based in South Africa and Namibia. Migrant workers were living in squalid conditions under threats from the South African police, whose acts of repression inhibited any political or trade union activity. The wages of the vast majority of black workers were well below subsistence level. Despite their strict prohibition, a number of strikes had been organized by African workers and had, as expected, been followed by brutal measures of repression on the part of the South African occupation forces. Unemployment had become endemic in the Territory, where the economy was geared to the needs of the South African occupation régime and other foreign economic interests.

59. The few facts he had cited were sufficient proof that the situation in Namibia posed a serious challenge to the United Nations in general and the Commission on Human Rights in particular. It was imperative that South Africa should end its illegal occupation of Namibia unconditionally. Action must be taken by the United Nations, the Council for Namibia itself and all States, intergovernmental and non-governmental organizations and specialized agencies.

60. The South African racist régime must be made to understand that the international community would no longer tolerate its acts of injustice, repression and aggression against the African States and would no longer allow it to engage in delaying tactics. South Africa must be given a time limit. If the South African Government refused to end its occupation of Namibia, continued to threaten international peace and security and refused to implement Security Council resolutions 435 (1978) and 439 (1978), the Security Council should, from a specified date, impose on South Africa the comprehensive mandatory sanctions provided for in Chapter VII of the Charter of the United Nations. At the same time, the international community must continue to give SWAPO all the moral, political and material support it needed to intensify its struggle.

61. Mr. OULD ROUIS (Observer for Algeria) stressed the scope and seriousness of the problems posed by the racist policies and pernicious practices of discrimination which continued throughout the world in the most varied guises. Since the hopes raised by the first United Nations Decade for Action to Combat Racism and Racial Discrimination had been dashed, it was to be hoped that the second Decade would finally satisfy the legitimate expectations of the peoples who were still oppressed by racism, racial discrimination, apartheid and Zionism.

62. In the Middle East, the Zionist entity was stepping up its colonialist, expansionist and racist policy in violation of the inalienable rights of the Palestinian people. The practices based on that policy were aimed at the realization of the so-called "Greater Israel" myth through the genocide of that people. The white minority in power in southern Africa had institutionalized apartheid and was endeavouring to impose it in illegally-occupied Namibia. Since Zionism and apartheid were based on identical ideologies, the notorious collusion between "Israel" and South Africa was hardly surprising, and it created in the regions concerned a climate of tension which was a threat to international peace and security.

63. Apartheid, which had justly been called a crime against mankind and had been unanimously condemned, continued to flourish, in flagrant violation of the most fundamental human rights and freedoms, and was seen in daily acts of brutal repression. The international community, which had recognized the legitimacy of the struggle of the South African people, was duty bound to reiterate its solidarity and support for that people. He drew attention to the report of the Ad Hoc Working Group of Experts on Southern Africa (E/CN.4/1985/8), which contained overwhelming evidence assembled objectively and impartially, and he quoted some of the most striking figures given in that report. The Commission must reiterate its strong condemnation of the measures taken by the South African racist régime, including its pseudo-reforms which were designed only to break the unity of the non-white population and salve the consciences of those who persisted in denying the evil nature of their co-operation with the Pretoria régime.

64. In another report (E/CN.4/1985/14), the Ad Hoc Working Group of Experts referred to a serious conclusion drawn from a number of objective observations supported by facts which it had been able to check, namely, that the South African régime's implementation of its policy should henceforth be considered as a form of genocide. That inference would no doubt lead the international community to take decisive measures with a view to the suppression and eradication of the crime of apartheid.

65. In Namibia, the illegal occupation and the plunder of natural resources were continuing and repression was increasing in order to curb the strong bids for independence that were being made under the leadership of SWAPO, the sole legitimate representative of the Namibian people. According to the Group of Experts, the South African army had used chemical defoliants and even toxic gases in reprisals against the population. The Pretoria régime was continuing its policy of systematic obstruction and impeding the implementation of the United Nations plan for the independence of Namibia, in violation of Security Council resolution 435 (1978), which continued as the valid basis for a settlement of the Namibian problem. The report of the Ad Hoc Group of Experts clearly showed that the Pretoria régime, in its efforts to distort the substantive issue and constantly to extend the time-limits, was seeking, among other things, systematically to destabilize the neighbouring States known as the "front-line States".

66. The arrogance of the Pretoria régime was strengthened by the sympathetic response to its policy of certain Western powers, including the military sphere. There was nothing philanthropic about the activities of firms, banks, enterprises and transnational corporations based in South Africa and Namibia, and encouraged by the apartheid system. The international community should therefore isolate the régime politically, economically and culturally and deny it the benefits of international co-operation that had disastrous consequences for the peoples who were victims of racism and colonialism. The Western countries, which in other circumstances, had had recourse to economic sanctions with unsurpassed determination and promptness, showed a surprising reluctance when it came to applying the same sanctions to the racist régime in South Africa, thus helping by their co-operation to intensify the military activities under the South African régime's nuclear programme in the region. Far from "humanizing" apartheid, the assistance given to it had the opposite effect.

67. The Pretoria régime's defiant attitude showed the ineffectiveness of verbal condemnation and declarations of principle and the imperative need to apply the sanctions envisaged in Chapter VII of the Charter of the United Nations. Specific, decisive and responsible action by the international community would produce tangible results in the Second Decade for Action to Combat Racism and Racial Discrimination for the benefit of the peoples and nations that were still victims of racism and oppression.

The meeting rose at 6.05 p.m.