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Forty-first session

SUMMARY RECORD OF THE 17th MEETING

Held at the Palais des Nations, Geneva,  
on Thursday, 14 February 1985, at 3 p.m.

Chairman: Mr. CHOWDHURY (Bangladesh)

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Agenda item 17 (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;
- (b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

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The meeting was called to order at 3.25 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, 14 and 47; A/39/460; E/CN.4/1985/NGO/3)

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.2/1984/8 and Add.1 and 2; Sub-Commission 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)

AGENDA ITEM 17 (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;
- (b) IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (E/CN.4/1985/28 and 29)

1. Mr. DHANAPALA (Sri Lanka) said it was regrettable that in 1985, the fortieth anniversary of the United Nations, the South African authorities were continuing their institutionalized policy of apartheid and continued to inflict massive and flagrant violations of human rights in southern Africa. The South African authorities, by means of subterfuge and "denationalization", sought legal justification for the pursuit of their policy of oppression, despite repeated calls by the General Assembly and the Commission to allow South Africa's black majority and the people of Namibia to exercise their rights and to live in dignity. All the States Members of the United Nations had unreservedly condemned apartheid, which was an unacceptable denial of the principle that all human beings were born free and equal in dignity, and an affront to the conscience of mankind. But despite the General Assembly's exhortations and injunctions by the Security Council, including its resolution 435 (1978), the plight of the oppressed people in South Africa and Namibia continued to worsen.

2. Sri Lanka had taken an active part in the two World Conferences to Combat Racism and Racial Discrimination, and was gratified to note that the General Assembly, in resolution 39/16, had, inter alia, appealed for assistance to the victims of racism, racial discrimination and apartheid. The Sri Lankan Government, within its modest means, had already taken measures to enable young Namibians and South Africans to study in Sri Lanka.

3. The Commission must once again speak unanimously against apartheid. The Ad Hoc Working Group of Experts on southern Africa, in its latest report (E/CN.4/1985/8), had pointed to a worsening human rights situation in that region and to the fact that the South African authorities were now resorting to subtler means to perpetuate apartheid. During the period covered by the report, apartheid had assumed such inhuman and pernicious proportions as to constitute not only a denial of the blacks' basic human rights and fundamental freedoms but also a threat to their very existence as a community.

4. The Ad Hoc Working Group of Experts had also referred to the transfer to so-called "homelands" of more than half the black population, who had been deprived of citizenship, made foreigners in their own land, prevented from enjoying their share of national wealth and made victims of persecution. Although some quarters had sought to explain that denationalization in terms of existing international law, the policy's purpose in practice was to confine the majority in arid regions and make the wealthier areas a "white preserve". That inhuman policy would also have long-term consequences, since some 3 million children under 15 years of age in South Africa and the "homelands" had dropped out of school because of malnutrition. The Commission should take serious note of that aspect of the apartheid policy.

5. The Ad Hoc Working Group of Experts and the Director-General of ILO had stressed, in their respective reports, the extent to which apartheid had affected the working conditions of blacks in South Africa. The apartheid régime, while seeking to create a cheaper labour reserve through its policy of "bantustanization", continued to restrict trade union efforts aimed at improving working conditions and to repress workers' claims.

6. South Africa also continued to occupy Namibia in total disregard of the appeals by the General Assembly and the Security Council to allow the oppressed people of that country to exercise its inalienable rights to self-determination. Despite SWAPO's willingness to negotiate with the South African Government with a view to the speedy implementation of Security Council resolution 435 (1978), the South African authorities linked the solution of the Namibian problem to extraneous factors. Meanwhile, South Africa continued to militarize Namibia, exploit its resources and attack neighbouring States. The report of the Ad Hoc Working Group of Experts illustrated the destruction wrought in Namibia by the occupying forces, including the use of toxic gases against citizens and SWAPO members.

7. The Commission also had before it the report of the Ad Hoc Working Group of Experts (E/CN.4/1985/14) submitted pursuant to Commission resolution 1983/9. The Commission had already had evidence of the criminal consequences of apartheid; in the view of the Ad Hoc Working Group of Experts, however, there were signs of genocide in the practice of apartheid. In view of the South African Government's intransigence, the vehemence and sophistication with which it pursued its apartheid policy, and the inhuman treatment it meted out to the black majority, it was not surprising that the policy's long-term consequences would be identical to those of acts of genocide prohibited under article II (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. The Commission should take note of the recommendations put forward by the Working Group and authorize it to continue to study the question, which was highly complex, particularly in relation to the determination of international responsibility.

8. There had been references, in the media and elsewhere, to recent "reformist tendencies" in South Africa. However, as the Chairman/Rapporteur of the Ad Hoc Working Group of Experts had said, that was part of a grand strategy aimed at preserving apartheid, however disguised. The Pretoria régime's new diplomacy and its so-called gestures towards liberal reform were no substitute for the dismantling of the structures of racial discrimination and institutionalized violence.

9. It had been asserted that to dwell again on the inhuman practices of apartheid would serve no purpose. However, so long as the apartheid régime continued to flout the principles of the United Nations Charter, the facts must be denounced. The Commission should fulfil its moral and political obligations to the oppressed peoples of South Africa and reaffirm its collective stand on the problem of apartheid and its consequences. Faced with South Africa's indifference, the international community should take concerted action, without further delay, since otherwise the plight of southern Africa's oppressed peoples would be worsened and international peace and security threatened. The Assistant Secretary-General for Human Rights had rightly stressed, at the opening of the session, that even though the Commission's members represented Governments, the concern to defend a cause common to all nations had on many occasions transcended narrow national interests. Sri Lanka supported the noble cause of the peoples of southern Africa.

10. Mr. KARIM (Bangladesh) said that nowhere did human rights violations cause more suffering and give rise to greater concern than in South Africa and Namibia, where an entire people was suffering from unprecedented repression.

11. Since the Commission's previous session, there had been no noticeable improvement in the human rights situation in South Africa and Namibia, nor had there been any progress towards dismantling the seemingly impregnable edifice of apartheid. The Ad Hoc Working Group of Experts on southern Africa had pointed out in its report (E/CN.4/1985/8) that the situation in South Africa and Namibia continued to deteriorate, that racist repression was intensifying there and that all the non-white population's basic rights were subject to unprecedented violations. The world community could not but be horrified at the violence and atrocities perpetrated by the South African racist régime. The delegation of Bangladesh shared the concern about that unprecedented violence, which, according to the Ad Hoc Working Group of Experts, had intensified particularly since 1976.

12. The increase in violence was the inevitable consequence of the strengthening of the policy of apartheid and the adoption of repressive laws and regulations in all areas. The South African régime had continued its illegal policy of creating "homelands" and had gone on strengthening security measures and regulations governing the non-white population's economic, social and political rights. The policy of "bantustanization" had had disastrous effects for millions of men, women and children who had been made foreigners in their own land, and had brought about a hardening of attitudes which might well prevent any long-term reconciliation. Unless the Commission took full cognizance of the situation's dangerous consequences and took timely action, South Africa and Namibia's non-white peoples would continue to suffer, and the region's peace and security would be at risk. Inter-community tensions were already apparent in South Africa and boded ill for the future unless there was some reversal of policy. The region's peace and security, too, would remain precarious if no solution was found. The human and political problem called for action with the utmost urgency.

13. Mindful of the dangers and of the basic principles at stake, Bangladesh had always pledged its fullest support to the oppressed people of South Africa and Namibia. It had already acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid, and had always championed the South African and Namibian peoples in all international forums, including the General Assembly, the Security Council, the Organization of the Islamic Conference, the Non-Aligned movement and the Commonwealth. Bangladesh had also endorsed all measures to support the struggle of the southern African peoples, including national liberation movements, in all areas, within the United Nations and outside.

It therefore once again condemned the policy of apartheid, whose effects were tantamount to genocide. No effort should be spared in translating good intentions into specific action to put an end to that practice, which was contrary to all standards of civilized countries.

14. A start should be made by completely isolating the apartheid régime on all fronts in order to make it see reason. There were also other measures which the international community, and the Commission in particular, should envisage.

15. More than a year previously the United Nations General Assembly had proclaimed the Second Decade to Combat Racism and Racial Discrimination, and the fortieth anniversary of the United Nations would shortly be celebrated. It would be all the more regrettable, therefore, if the Commission, at its current session, could not take the necessary specific action.

16. Mrs. ILIĆ (Yugoslavia) said that the Ad Hoc Working Group of Experts on southern Africa had presented to the Commission, in addition to its annual report on apartheid in South Africa and Namibia (E/CN.4/1985/8), a thought-provoking document (E/CN.4/1985/14) which showed that the long-term consequences of apartheid would be identical to the acts of genocide referred to in article II (c) of the Convention on the Prevention and Punishment of the Crime of Genocide. The Yugoslav delegation hoped that the Ad Hoc Working Group of Experts would continue its studies on the subject. It had also noted with appreciation Mr. Khalifa's updated report on the adverse consequences for human rights of 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), and the report of the Group of Three to monitor the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid. It was encouraging to note that the number of States parties to the Convention, which included Yugoslavia, had risen to 79.

17. All those documents reflected the tireless efforts of the United Nations and the international community to eradicate racism and apartheid once and for all and to bring about self-determination and independence for the black majority in South Africa and Namibia, under the guidance of PAC, ANC and SWAPO. One therefore wondered why, after 40 years of international efforts to bring about ~~decolonization~~ and independence for many countries, the majority of peoples in South Africa and Namibia could not yet exercise their rights and a large section of the population had recently been deprived of its nationality. The racist South African régime's arrogance no longer surprised anyone. It was able to continue to flout all norms because certain countries co-operated with it and gave it assistance for political, economic and military reasons. If those countries really desired a peaceful solution in southern Africa, they should impose on South Africa the comprehensive economic sanctions provided for in the Charter.

18. During the previous year, the South African racist régime had continued its illegal occupation of Namibia. It persisted in obstructing implementation of Security Council resolution 435 (1978) by linking Namibian independence to extraneous factors having nothing to do with the problem. The South African régime also pursued its policy of intimidating the Namibian population, and SWAPO members especially had been the victims of arrest and torture. South Africa also continued to militarize Namibia, from where it launched aggression against Angola, a country whose sovereignty it violated. To enable the Namibian people to accede to independence, to put an end to racism and apartheid in South Africa and to allow the majority of the population to exercise its right to self-determination and independence would be to celebrate the fortieth anniversary of the United Nations in the most positive manner possible.

19. Mr. de PIÉROLA (Peru) said that his country was a melting-pot of races. Spaniards and Africans had been coming to Peru since 1528; they had been joined later by Chinese, Japanese, Arab, Jewish and European immigrants. Almost the entire population was now of mixed origin, ethnically as well as culturally. The slave trade had been put down by the liberator San Martín in 1821, and slavery had finally been abolished by President Ramón Castilla in 1850. Peru had always opposed any form of racial discrimination, both in legislation and in practice. Under the Constitution, the State rejected all forms of imperialism, colonialism, neo-colonialism and racial discrimination, and affirmed its solidarity with the world's oppressed peoples. Peru was a party to many international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. On 25 October 1984 it had made the declaration provided for in article 14 of the Convention, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive communications claiming violations of the rights set forth in that instrument. Peru had been the eleventh country to recognize the competence of the Committee. It was also a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. The principles underlying those conventions had the value of constitutional norms in Peru, which regarded apartheid as a crime against humanity.

20. The Peruvian delegation regretted, therefore, that racism and racial discrimination were becoming more and more strongly institutionalized in South Africa and that the Namibian people was still denied the right to self-determination. Peru had supported all resolutions adopted by the United Nations and other international forums calling for an end to apartheid. As a member of the Special Committee against Apartheid, it had taken an active part in that body's work. It also supported the activities for the Second Decade to Combat Racism and Racial Discrimination.

21. Peru had no relations, diplomatic, cultural or in sports, with the South African Government, and there was no agreement between the two countries. There was no Peruvian public investment in South Africa, and no credit guarantee was accorded to Peruvian businesses which sought to invest in South Africa. There were neither air nor sea links between South Africa and Peru. There was no emigration of Peruvian nationals to South Africa, and tourist visits to that country were discouraged. Peru did not recognize the "bantustans", with which it had no relations.

22. Peru recognized the legitimacy of the efforts of the black population struggling to assert its rights in South Africa. There should be an end to South Africa's illegal occupation of Namibia, maintained in defiance of United Nations resolutions and the advisory opinion of the International Court of Justice. The Namibian problem must be resolved in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, through the withdrawal of the illegal South African administration, so that the territory could accede to independence and realize its territorial integrity.

23. Mr. MANALO (Philippines) noted the unanimous view that the system of apartheid must be dismantled. Decades of debate had not diminished the urgent need for a complete change in a political, economic and social structure designed to perpetuate the superiority of a minority over a majority. Racial discrimination was a gaping wound which would be healed only by firm, speedy action. That vestige of the past no longer had any place in a world which claimed to be civilized.

24. During the past six months, South Africa had caught the world's attention and there was growing reference to "disinvestment", another term for economic sanctions, as a means of modifying and eventually eliminating apartheid. Bishop Tutu, the Nobel Peace Prize winner, was himself beginning to lose patience and had recently stated bluntly that unless he saw signs of active efforts towards dismantling apartheid during the next two years, he would appeal for the adoption of punitive economic sanctions, regardless of the legal consequences. Bishop Tutu had also expressed astonishment that those who were concerned about the possible future sufferings of blacks uttered hardly a squeak of protest about their real sufferings of the present. In the speech he had made on receiving the Nobel Prize, he had described apartheid as "the politics of exclusion". He had expressed his conviction that the new constitution, which gave a semblance of power to the coloureds while ignoring the blacks, would contribute in practice to perpetuating and institutionalizing still further the white minority's domination. In his words, denationalization of South Africa's blacks was the "final solution" of the apartheid system, similar to nazism's "final solution" for the Jews. Those were strong words from a man of peace; but they were quite justified, in view of the reality of South African society.

25. If a man of peace could speak in such terms, it was clear what could be expected from another - a white man, as it happened - who fought with other weapons against apartheid. Joe Slovo, a member of the military arm of ANC, in a widely publicized interview, had promised continued boycotts, economic sabotage and attacks against military personnel and installations. The spectre of the violence, far from diminishing, thus seemed to be spreading in South Africa and could not be contemplated without the hideous prospect of a racial war. But that was the feeling which South Africans, black and white alike, were beginning to experience.

26. As the white South African novelist Nadine Gordimer had said in the autumn of 1984, it was important to seize at once the last possible chance for peace. South Africa was, in fact, on the brink of the abyss - an abyss created solely by the leaders of Pretoria.

27. At the Commission's previous session, the Philippine delegation had stressed the need to initiate a dialogue, as part of the efforts to bring about a change in South Africa, not only with the Pretoria leaders but also with South African black leaders. The climate in South Africa had undergone a change, but it was still too early to say whether for better or worse. Firstly, South Africa's Prime Minister had said that he would refuse to negotiate with anyone who advocated change through violence. Secondly, Nelson Mandela had indicated, in an interview given to the foreign press, that he would not forswear violence until the African National Congress had been legally recognized as a political party, and that only then could negotiations begin. Thirdly, South Africa's Prime Minister had proposed the granting of what was in fact political autonomy for urban blacks, but for them alone. However, Mr. Botha seemed to have fallen into his own trap. His friends and the black leaders, for opposite reasons, had rejected his proposal.

28. The time-bomb of apartheid, therefore, had not yet been defused. Never had such a small minority held sway over such a large majority, and never had so little been proposed in response to such vast and fundamental demands. In South Africa as elsewhere, peace was a necessity; but from the Commission's standpoint it remained a mirage.

29. Mr. MURARGY (Mozambique) said that the promotion and protection of human rights and fundamental freedoms for all had remained one of the central aims of the United Nations ever since its inception. Although enormous strides had certainly been made in that direction, it had to be noted that in many regions of the world international human rights instruments remained a dead letter.
30. The situation in southern Africa was an example. The policy of apartheid there continued to be the chief cause of the tension prevailing in the region, despite the international community's unceasing appeals to the South African régime to renounce its policy.
31. The inhuman policy of apartheid was depriving the majority of the South African people of the right to live in dignity on their own soil. The recent developments in South Africa, before and after the entry into force of the so-called "new constitution", proved that apartheid could not be reformed, but must be abolished. The constitutional reforms in South Africa could not be considered as a path to a future based on equality and respect for human rights. On the contrary, they were a manoeuvre intended to convey the impression that the policy of apartheid and racial discrimination was being abandoned.
32. Everyone knew that South Africa would not be able to persist in applying its policy of apartheid but for the massive economic, political, diplomatic and military assistance it received from certain countries, enabling it to wield a modern repressive apparatus, which it also used to destabilize neighbouring countries and to develop and strengthen its military capability. That assistance was preventing the peoples of the region from exercising their right to self-determination and independence.
33. In Namibia, a colonial situation prevailed, which must be brought to an end urgently. In flagrant violation of United Nations resolutions, South Africa continued illegally to occupy Namibian territory and, with the assistance of certain countries, had been able to set up a massive military infrastructure aimed at depriving the Namibian people from the exercise of its inalienable rights. The delegation of Mozambique was convinced that the implementation of Security Council resolution 435 (1978) was the sole peaceful and effective basis for settlement of the Namibian problem. Those who sought to link it with extraneous and irrelevant elements merely boosted South Africa's intransigence and arrogance.
34. The first Decade to Combat Racism and Racial Discrimination had aroused great hopes, reflecting a universal awareness of the nature of those evils; but the results achieved had not lived up to hopes. In general, firmer legislative action had indeed been taken to punish racism and racial discrimination; in practice, however, the fate of oppressed and exploited peoples such as those of South Africa and Namibia had hardly changed. Unless the international community committed itself to backing its condemnations by firm action, the Second Decade to Combat Racism and Racial Discrimination would share the same fate.
35. The delegation of Mozambique reiterated its condemnation of the policy of "bantustanization". It reaffirmed its political, diplomatic and moral support for the African National Congress (ANC), which was fighting so that each South African, regardless of the colour of his skin, might benefit from the country's wealth and from social progress. The international community should persuade the South African Government to adopt a policy of a dialogue and negotiation with ANC, with a view to establishing a democratic society in the country.



36. The delegation of Mozambique also reaffirmed its firm support for the South West People's Organization, the Namibian people's legitimate representative, in its struggle to eradicate colonialism in Namibia.

37. Mr. SHOUNA (Observer for Sudan) thanked the Ad Hoc Working Group of Experts for the work reflected in its reports (E/CN.4/1985/8 and 14), and Mr. Khalifa for the excellence of his updated report (E/CN.4/Sub.2/1984/8 and Add.1 and 2).

38. The South African Government was implacably pursuing its policy of apartheid in southern Africa and its illegal occupation of Namibia, remaining deaf to the international community's repeated appeals to it to enable the peoples of southern Africa which were still subjugated to exercise their legitimate right to freedom and independence. That Government had decided to institute so-called "constitutional reforms" by setting up a tricameral parliament - one chamber for whites, a second for coloureds and a third for Asians - so as to erect a wall between the coloureds and Asians on the one hand and the black majority on the other, and thus distract the world community's attention from its nefarious aims. It was fortunate that, despite the pressure exerted by the South African Government, those reforms had failed, nationally and internationally.

39. At the national level, the population groups which it had sought to integrate into the apartheid system had been unwilling to be separated from the struggle waged by the majority against apartheid. They had boycotted the elections and joined with the majority in organized demonstrations against the so-called "constitutional reforms". That position eloquently testified to the South African people's unity in opposing the racist régime's policy of terror and violence. At the international level, the régime had failed to delude the international community, which, through the General Assembly, had rejected those so-called reforms, in resolution 39/72A, just as it had already rejected the establishment of bantustans.

40. The Ad Hoc Working Group of Experts, having analysed the practical consequences of repression and racial discrimination in southern Africa, had recommended that the manner in which the South African régime was conducting the policy of apartheid should henceforth be deemed a form of genocide (E/CN.4/1985/14, recommendation No. 1), a matter which imposed obligations on the States parties.

41. The Ad Hoc Working Group of Experts had analysed the dimensions of the policy of apartheid, according to which skin colour determined an individual's political, social and economic status, the legislative texts supporting it, such as the security laws, and the crimes committed under it, which now included the use of toxic gases.

42. The Sudanese delegation again condemned the policy and practices of the Pretoria régime, which victimized the majority of the population, its attacks against neighbouring States and its so-called "constitutional reforms". It would continue to support the struggle being waged by the freedom fighters and national liberation movements to enable the Namibian and South African peoples to exercise their inalienable rights at last.

43. The Sudanese delegation deplored the continuing illegal occupation of Namibia by the South African Government, which was exploiting the region's resources and persisted in its attempts to introduce in Security Council resolution 435 (1978) considerations which were alien to the fundamental issue. The stakes for Namibian independence must not be artificially raised. The international community

must renew its efforts to enable the Namibians to exercise their right to self-determination as soon as possible. In that context, it should provide moral and material support to the South West Africa People's Organization (SWAPO), the sole legitimate representative of the Namibian people, and call on all Governments and individuals which had not yet done so to curtail all co-operation with the Pretoria régime.

44. Sudan awaited with interest the adoption of measures by the Commission to put an end to the apartheid policy of the colonialist and racist régimes in southern Africa.

45. Mr. KAZEMI KAMYAB (Observer for the Islamic Republic of Iran) said he could only deplore the fact that the numerous condemnations of the inhuman system of apartheid and its abhorrent manifestations had still not produced any result - in southern Africa, the black majority was still being oppressed and a shameless form of racial discrimination remained the official policy.

46. Referring to the demonstrations and strikes through which the blacks, sacrificing their lives and security, had responded to the so-called "constitutional reforms" proposed by the racist régime to perpetuate its policy of racial discrimination through the establishment of a tricameral parliament composed of whites, individuals of mixed race and Asians, he said he was convinced that apartheid could not be reformed and must be purely and simply abolished.

47. It was particularly discouraging that the apartheid system had not only resisted all efforts to eradicate it but was actually being bolstered by the active collaboration, in the cultural, economic, military and nuclear spheres and in sports, of the South African régime with the Zionist regime and certain Western States - especially the United States - enabling that régime to intensify its repression. The most dangerous of those forms of collaboration was undoubtedly military and nuclear, particularly with the United States and the Zionist régime, since it constituted a threat to the peace and security not only of southern Africa and the Middle East but of the entire world and had been responsible for the failure of efforts to isolate South Africa. The affluent industrialized nations which claimed to be champions of equality, freedom and human rights were helping to buttress the South African régime. They apparently disregarded humanitarian considerations where the oppressed people of South Africa were concerned and contented themselves with condemning apartheid hypocritically and intermittently without doing anything about it. The Special Committee against Apartheid had again denounced that state of affairs at a meeting held on 6 April 1984.

48. The standpoints of Governments regarding the real human rights situation might vary, but when some countries condoned the policies and practices of a régime such as the South African one, it could safely be said that the most fundamental humanitarian values were being subordinated to economic and political interests. That was unquestionably a very serious matter, but when the motivation for that attitude was sought it became very clear that the problem was greater still: human rights were being used as a tool to serve a foreign policy which was generally in conflict with the cause of the human rights which the Governments in question claimed to be protecting. The politicization of human rights had very serious consequences for the international community, and urgent measures should be taken to expose that stratagem and rectify the situation.

49. The international community should give the immediate victims of apartheid, who were considered second-class citizens in South Africa, all possible forms of assistance and support them in their struggle. Mandatory and comprehensive sanctions should be imposed on South Africa, as had consistently been recommended.

50. The Islamic Republic of Iran, following the precepts of Islam, had broken all economic and political ties with the racist régime of South Africa shortly after the victory of the revolution and had always condemned its activities. It unconditionally supported the struggle of the Namibian people for independence.

51. His delegation wished to pay tribute to the valiant black people of South Africa, to those who had sacrificed their lives in the struggle to liberate their people, and to those who were still languishing in South African prisons. It vehemently condemned the countries which provided economic and military support to the South African régime and invited all peoples who wished to see justice done to unite in the struggle against all forms of racism and racial discrimination.

52. Mr. LAURIJSSEN (International Confederation of Free Trade Unions) said that since the Commission's most recent session the independent black trade union movement in South Africa had continued to grow into a strong force of opposition to the apartheid régime. Its members now numbered over 500,000 and continued to grow day by day through the creation of new unions and the strengthening of the ranks of existing organizations through the affiliation of new workers. South African unions were obtaining wage increases, securing recognition agreements, defying Government edicts and showing great skill in negotiations and the settlement of industrial disputes.

53. Despite, or perhaps because of, their growing influence, black trade unions continued to be the main target of the brutal oppression carried out by the authorities. In their efforts to organize and defend the meagre rights of black workers they were facing tremendous obstacles. They had to confront conservative employers who were unaccustomed or unwilling to engage in collective bargaining procedures, they were fighting against prejudice and ignorance, and they were operating in a hostile political environment and a restrictive legal framework.

54. In those circumstances, it was extremely difficult to establish normal and constructive industrial relations. That had resulted in more strikes, more industrial court cases and more appeals to the Government for conciliation in industrial disputes in the first half of 1984 than in the whole of 1983. Strikes had increased by an average of one per day over the past three years.

55. The wave of strikes in 1984 had culminated in a two-day general strike on 5 and 6 November in the black cities of the Transvaal province. The general strike had been organized following the adoption of the new constitution, which had been widely condemned, to press for better conditions and protest against the Government's consistent denial of democratic rights. The workers had demanded a freeze on rents and bus fares in the black townships, the release of political prisoners, better education for blacks and the withdrawal of the armed forces and police stationed in the black townships since September. An estimated 90 per cent of the work force had participated in the strike: transport had been paralysed and industrial and commercial activity in the region had virtually come to a standstill. Some employers had done no more than forbid the strike, but the management of the Sasol 2 and 3 coal liquefaction factories in Secunda had dismissed and deported the majority of the workers, over 6,000 in all.

56. The action of the police had been particularly savage: it had lasted for several weeks and had resulted in over 160 deaths and at least 1,000 arrests. Again, numerous prominent trade union leaders had been among the victims of the new wave of repression. Most of those detained had subsequently been released without having been tried or officially charged, a procedure which was part of the Government's well-known tactic of constantly arresting and re-arresting its opponents under the preventive detention laws, which were being used to decapitate the leadership of the black trade union movement.

57. Another area of great concern for the trade union movement was the labour legislation, which was increasingly becoming an integral part of the repressive machinery devised by the South African Government to stifle the economic and social aspirations of workers and suppress the democratic trade unions. The most recent example was the Labour Relations Amendment Bill, which had come into effect in July 1984. That new instrument of apartheid institutionalized the Government's obstruction of the right of workers and employers to engage in free collective bargaining by placing such activities under the supervision of the Department of Manpower, which was also accorded the right of supervision over the contents of collective agreements and the organizations involved in the bargaining process. Both trade unions and employers had strongly criticized the bill, which prevented unregistered trade unions from reaching agreements with employers.

58. As the Ad Hoc Working Group of Experts pointed out in its report (E/CN.4/1985/8), black trade unions were suppressed even more harshly in the bantustans than in other parts of the country, and normal bargaining and conciliation procedures were practically inoperative. In certain bantustans, strikes and trade union activities were prohibited. The South African Government hoped in that way to strengthen its economic, and consequently political, dominance of the bantustans.

59. Firmly following its policy of apartheid, the Government was preparing to promulgate the Aliens and Immigration Laws Amendment Act which would lead to severe repression of blacks in the "independent" homelands and of black trade unions.

60. The human rights situation in South Africa had not improved in the past year, but there was hope for the future. Firstly, conservative political leaders in Western industrialized countries seemed at last to be contemplating steps which would put real pressure on the South African régime to implement long-overdue reforms. Secondly, the black trade union movement was becoming stronger in its struggle for democracy and social justice. In that connection, his organization strongly appealed to the international community to give increased support to black trade unions in South Africa, which represented one of the very few options for a return to democracy and the establishment of social justice and peace in South Africa.

61. Mr. ZAWALONKA (Observer for Poland) said that the racism and racial discrimination which had long been applied primarily against the black population of southern Africa existed elsewhere in the world as well. In some countries, various groups and organizations propagated neo-fascist and neo-nazi ideologies with impunity: the Polish people itself had been the first victim of the racial hatred which had unleashed the Second World War.

62. Racism and racial discrimination were the products of a system of exploitation based on economic interests. Despite Security Council resolutions, a great many transnational corporations continued shamelessly to exploit Namibia's natural resources and to supply weapons, including nuclear equipment, to the Pretoria régime.

It was clearer than ever that the economic, financial and military activities of capitalist corporations had greatly encouraged South Africa in its illegal occupation of Namibia. In similar fashion, the peoples of territories in other parts of the world were still subjected to colonial rule and deprived of their legitimate rights to self-determination and independence.

63. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1985/8) revealed that the South African Government was maintaining its criminal apartheid régime and continuing to persecute the black population. The régime had not withdrawn its forces of occupation from Angola, was committing acts of aggression against neighbouring States and was intensifying the militarization of Namibia, where it directed its attacks against the civilian population and SWAPO militants. As the Ad Hoc Working Group of Experts had recommended, world public opinion should be mobilized and the international community should be strongly urged to support the efforts of all those combating apartheid. His delegation fully supported any initiatives that might be taken to achieve the ultimate liberation of colonial peoples from racist domination and oppression. It was convinced that only complete isolation of the racist régime of South Africa and the imposition of effective sanctions could bring about positive results. Member States which had not yet done so must ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and other instruments. The international community must be active in the struggle against racism and racial discrimination. The Second World Conference to Combat Racism and Racial Discrimination, held at Geneva in August 1983, had been a step in the right direction.

64. It was obvious that the South African régime could not defy most United Nations resolutions and world public opinion without the political, economic and military assistance of certain countries and a large number of transnational corporations which were listed in the report prepared by Mr. Khalifa (E/CN.4/Sub.2/1984/8 and Add.1 and 2). In its resolution 37/40, dated 3 December 1982, the General Assembly had expressed serious concern over the fact that such collaboration constituted the main obstacle to the abolition of the South African régime and the elimination of the inhuman and criminal system of apartheid.

65. Poland had always firmly rejected the inhuman practices of racism, racial discrimination and apartheid. Non-discrimination was one of the fundamental principles set out in the Constitution of the Polish People's Republic, and Poland was a party to all the international instruments which condemned apartheid, including the Convention on the Prevention and Punishment of the Crime of Genocide, in which certain acts similar to those of apartheid were characterized as crimes under international law. The Polish delegation advocated the immediate imposition of mandatory sanctions against the South African régime under Chapter VII of the Charter.

66. His delegation had no intention of introducing political considerations into the Commission's discussions, but it could not ignore the cruel attacks by the United States delegation, which had attempted to twist the facts and divert the international community's attention from the human rights violations for which it itself was largely responsible. The United States was clearly using Poland for its own political purposes.

His delegation emphasized that the so-called special advantages which had supposedly been provided to Poland existed only in the imagination of the United States representative: the United States Government's efforts were tantamount to an attempt to interfere in the internal affairs of Poland, and the statement by the United States representative had nothing to do with the Commission's discussions.

67. Mr. MAHBOUB (Observer for Iraq) said that the General Assembly had adopted a number of resolutions condemning the South African régime for its policies of racism and apartheid, which constituted a crime against humanity and a flagrant violation of the human rights enshrined in the Charter of the United Nations. The Pretoria régime, ignoring the decisions of the international community, was pursuing with impunity a policy of terrorism against those who defended the most fundamental freedoms. More radical steps should be taken to end those misdeeds. Accordingly, the Conference of Arab States held in Tunisia in 1984 had condemned the manoeuvres of the South African Government aimed at foiling the United Nations plan for Namibia prepared in accordance with Security Council resolutions 385 (1976) and 435 (1978). Iraq had always defended the cause of the African countries struggling against colonialism and had acceded to all the international conventions and instruments guaranteeing respect for human rights and condemning all forms of racism.

68. The alliance between the racist régime of South Africa and the Zionist entity was nothing new. Co-operation between those two régimes in the economic, political, military and nuclear fields had been repeatedly condemned by the General Assembly, inter alia, in resolutions 37/69 F and 38/39 F, but Israel persisted in its arrogant defiance of the international community. Theories based on religious discrimination or racial superiority were unacceptable, as were racism and apartheid, which violated the Charter of the United Nations and the Universal Declaration of Human Rights.

69. His delegation considered that it was not enough simply to adopt resolutions, and strongly urged the Commission to take more effective measures to realize the objectives of the Second Decade to Combat Racism and Racial Discrimination.

70. Miss SINEGIORGIS (Observer for Ethiopia) said that the human rights situation continued to deteriorate from year to year and millions of human beings in Namibia and South Africa continued to be subjected to institutionalized oppression and the inhuman apartheid régime. The international community had stated time and time again that apartheid was a crime against humanity, ran counter to the principles of the Charter and should be eliminated, but that abhorrent phenomenon had prevailed for nearly 40 years, during which no effective measures had been taken.

71. The bantustanization policy of the racist régime was designed to divide the people, and the theory of racial discrimination had been put into practice once again with the adoption of the so-called new constitution.

72. The report of the Ad Hoc Working Group of Experts (E/CN.4/1985/8) clearly illustrated the policy of repression, discrimination and injustice applied by the illegal régime of South Africa against the populations of southern Africa. Political prisoners in particular lived under inhuman conditions and were subjected every day to unbearable psychological and physical torture.

73. The racist laws which the white minority was applying in Namibia were more or less similar to those being used in South Africa. Paragraph 174 of the report described the methods of torture inflicted on one of the many political detainees and the report contained many other equally gruesome descriptions of torture. The oppression carried out by the racist régime of South Africa and its policy of exploitation in both South Africa and Namibia were compounded by aggression against neighbouring independent States, which the Commission should condemn.

74. Since apartheid could not be eliminated merely by expressions of sympathy, the international community must give concrete support to the liberation movements in South Africa and Namibia. Those States which supported the Pretoria régime must live up to their obligations under the Charter, and it was regrettable that the United Nations had been rendered ineffective by the power of veto wielded by certain Western States.

75. The Paris Declaration on Sanctions against South Africa stressed the danger that if the great majority of the South African people continued to be denied their rights, a widespread racial conflagration in South Africa with serious international repercussions could ensue. The illegal occupation of Namibia created similar dangers. In view of the seriousness of the threat, the mentors of the racist régime must rapidly find appropriate ways to eradicate the heinous policy of apartheid. Without the political, economic, technological, military and especially nuclear co-operation of well-known Western countries and their transnational corporations, the criminal gang in Pretoria would have long been a thing of the past.

76. Despite the co-operation of Western countries with the apartheid régime, the peoples of South Africa and Namibia, under the leadership of their respective liberation movements, had intensified their struggle. Ethiopia was convinced that the obstinate resistance of Pretoria to the exercise of the right to self-determination by the Namibian people, under the leadership of SWAPO, would prove fruitless. In conclusion, she said that her country would continue to assist the liberation movements of southern Africa until colonialism and racism had been completely eradicated from Namibia and South Africa.

77. Mr. SENE (Senegal) said that, while racism still existed in various parts of the world, apartheid was the most serious challenge to the community of nations for decades. Apartheid ran counter to morality, the law and the dignity of the individual. It was for that reason that the struggle against the scourge of apartheid was in the forefront of the programme of action adopted by the Second World Conference to Combat Racism and Racial Discrimination, held at Geneva in August 1983.

78. For its part, the Commission was continuing to take action through various mechanisms. The report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1985/8) was a crucial factor in that connection. It set out the entire range of repressive laws and racist practices of apartheid and showed how, by virtue of the Land Act of 1970, 87 per cent of the land was reserved for whites and only 13 per cent - amongst the poorer sections - for blacks. The citizens of certain homelands had lost their South African citizenship. The system of passes enabled the white minority to control the movement of black labour and frequently to arrange, with extreme cruelty, for the massive transfer of blacks to homelands. The report of the Ad Hoc Working Group of Experts stated that

article 29 of the Internal Security Act allowed the South African authorities to detain a person indefinitely without trial. The report referred to many other violations, particularly the cruel, inhuman and degrading treatment inflicted daily on the activists of ANC and PAC, trade unionists, students, women and children. The Ad Hoc Working Group of Experts also underlined the inferior quality of education given to blacks under the racist education act of 1953.

79. The so-called constitutional reforms conferred only limited powers on the representatives of part of the population, taking no account of the huge black majority; they were subterfuges which strengthened apartheid. The General Assembly and the Security Council had declared the new constitution null and void because it was contrary to the principles of the Charter. The mass of Africans had reacted with large-scale protest movements. On 3 September 1984, the day on which the so-called new constitution had been imposed, they had rebelled, in particular at Sharpeville, an historic place since the massacre of 1960. In its issue of 25 September 1984, The Times of London had devoted an editorial to that event and to subsequent developments, and had concluded that the situation in South Africa could not continue. By their protest movements, the Africans of Sharpeville, Soweto and elsewhere, as well as the vast majority of the mixed and Asian population, had rejected the new constitution, and declared to the entire world that they demanded government by the majority and respect for the rights enshrined in the Charter and in the Universal Declaration of Human Rights.

80. The report of the Ad Hoc Working Group of Experts (E/CN.4/1985/8) also highlighted another important phenomenon: the action taken by several Christian Churches, including the South African Council of Churches, which considered apartheid contrary to the Gospels. Dr. Allen Boesak, President of the World Alliance of Reformed Churches, had condemned apartheid at a congress of that alliance held at Ottawa in 1982, which had suspended the white Dutch Reformed Churches of South Africa from membership of that movement; in 1983, Dr. Boesak had appealed for a union of democratic forces to be known as the "United Democratic Front" (UDF), to resist the constitutional plans of the South African Government. UDF, which had already been established in all the regions of South Africa, was supported by the black Reformed Churches, the Hindus, the Muslims, the Muslim Judicial Council, the trade unions, sporting and cultural organizations, young peoples' and students' organizations, and other bodies. It had set itself the goal of building a democratic and united South Africa on the basis of national reconciliation.

81. Addressing the Commission, the representative of Pax Christi International had stated the position of the Conference of Catholic Bishops of South Africa, and had denounced the shortcomings of the new constitution with respect to truth, justice, love and liberty, despite the fact that South Africa claimed to be a Christian country. For its part, the Lutheran World Federation, at its Assembly held at Budapest from 22 July to 5 August 1984, had suspended the Evangelical Lutheran Church in southern Africa and the German Evangelical Lutheran Church in South West Africa (Namibia). The General Assembly of the United Congregational Church of South Africa had condemned apartheid as being contrary to the teachings of the Bible and had rejected its structures, particularly the new Parliament and the homelands.



82. The Churches' fight against apartheid was also symbolized by the action of the Anglican Bishop Desmond Tutu, General Secretary of the Council of South African Churches and winner of the Nobel Peace Prize for 1984. In the speech that he had made on receiving the Nobel Prize, Bishop Tutu had declared that the Church must proclaim that all persons who believed in and practised apartheid should be excommunicated, as they could not be called Christians while practising apartheid.

83. The report of the Ad Hoc Working Group of Experts also underlined the importance of the role of black women, as well as that of black trade unions. In the latter context, the report dealt with the application of the code of behaviour of the European Economic Community, emphasizing that it was weakened by the absence of any mechanism for supervision.

84. There had recently been a revival of interest in the "Sullivan Principles". In the United States of America, demonstrations had been organized in Washington and in other cities to demand that the Government put pressure on South Africa and impose sanctions on it. The outcry that could be heard both from South Africa and from the Americas echoed the appeal launched at the beginning of the century by the great figures, both American and African, of Pan-Africanism, who had included William Dubois, Marcus Garvey and Blaise Diagne, the first black Senegalese deputy in the French Parliament.

85. Today, the question of racism concerned not only one people or one race: it involved the responsibility of the entire human race. He commended the action taken by specialized agencies such as UNESCO, ILO and WHO, United Nations bodies such as the Special Committee against Apartheid and the Ad Hoc Working Group of Experts on southern Africa, the Centre for Human Rights, and all the intergovernmental and non-governmental organizations which were helping to fight racism throughout the world.

86. On the subject of Namibia, the report of the Ad Hoc Working Group of Experts described the atrocities committed by units of the Koevoet and the torture inflicted on the freedom fighters captured at Kassinga and detained in the Hardap Dam camp. At a time when the South African Government was continuing to extend the racist practices of apartheid to Namibia, it should be remembered that for 18 years the United Nations had been entrusted with responsibility for bringing that territory to independence. In its resolution 435 (1978), the Security Council had formulated a plan for Namibia which Senegal, a member of the Council for Namibia, had consistently supported. The implementation of that plan would help to reduce tension in Namibia and create a climate of co-operation. Unfortunately, South Africa did not respect the spirit of the resolution, and sought to gain time in order to impose an internal solution. Since the adoption of the plan by the United Nations, SWAPO, the sole representative of the Namibian people, had participated constructively in negotiations, which had led to an agreement on practical ways to implement resolution 435 (1978). A continuing impasse in the implementation of the plan as a result of the South African attitude could lead to an escalation of violence and destabilization of the region. The fate of Namibia was the keystone of a peaceful future for southern Africa.

87. Going beyond the framework of the report of the Ad Hoc Working Group of Experts on southern Africa, he referred to the concern of many States which wanted Africa to remain free of nuclear weapons but appeared to be powerless in the face of South Africa's nuclear policy. Unfortunately the support of certain countries was encouraging the Pretoria régime, which perhaps had nuclear weapons and whose troops were very well-equipped. According to the report contained in document E/CN.4/1985/14, the policy of "bantustanization" and that of homelands had as

their ultimate objective the slow but progressive suppression of the black population of South Africa. It was to be feared that the course being pursued by the white minority would lead to genocide. In its report, the Ad Hoc Working Group of Experts stated that "the criminal effects of apartheid amount to a policy bordering on genocide" (E/CN.4/1985/14, para. 1). The international community should be aware of that danger; in particular, those States which had not yet acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid should do so.

88. One of the recommendations made by the Ad Hoc Working Group of Experts was that an advisory opinion should be sought from the International Court of Justice on the process of depriving blacks of South African nationality. The African group was currently examining ways in which that proposal could be implemented in consultation with the International Commission of Jurists.

89. He emphasized that the resolutions adopted by overwhelming majorities by the General Assembly and those that had been laboriously negotiated in the Security Council would not be sufficient to make the South African authorities change their ways. Effective sanctions must be imposed and the arms embargo rigorously applied. In addition, the international community must support the struggle of the South African and Namibian peoples. In general, all possible steps must be taken to replace the anachronistic and barbarous system of apartheid by a free, democratic, multiracial and pluralist society. His delegation supported all the recommendations listed in the report of the Ad Hoc Working Group of Experts.

90. Mr. WOODRUFF (United States of America), speaking in exercise of the right of reply, stated that the economic situation in Poland was well known. It did not relate to the items under consideration, but the delegation of the United States of America had referred to it because that situation had often been mentioned with regard to the policy of the United States concerning economic sanctions.

91. Mr. SYTENKO (Union of Soviet Socialist Republics), speaking on a point of order, asked the Chairman to remind the representative of the United States of America of the subject being considered by the Commission.

92. Mr. WOODRUFF (United States of America) replied that the situation to which he was referring was not unconnected with the Commission's discussions, since it had been raised very often and noted in the report of the Ad Hoc Working Group of Experts. He deplored the fact that the statement by the observer for Poland had degraded the discussion.

The meeting rose at 6.15 p.m.