

UNITED NATIONS ECONOMIC AND SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/1985/SR.15
18 February 1985
ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Forty-first session

SUMMARY RECORD OF THE 15th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 13 February 1985, at 3 p.m.

<u>Chairman:</u>	Mr. CHOWDHURY	(Bangladesh)
later:	Mr. KHEMEL	(Ukrainian Soviet Socialist Republic)

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The meeting was called to order at 3.30 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN announced that the Bureau, which had just met, recommended that since the Commission was behind schedule, an extended meeting should be held, if necessary, on the afternoon of Friday, 15 February. If there was no objection, he would take it that the Commission wished to adopt that recommendation.
2. It was so decided.
3. The CHAIRMAN, referring to the difficulties which had been brought to the attention of the Bureau concerning the publication of documents, invited delegations to inform the Secretariat of any problems they encountered in that regard. The Secretariat would do everything it could to help them. It should be noted, however, that not all documents could be ready so soon after the closure of the most recent session of the General Assembly, which had taken some decisions of relevance to the Commission's work.

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 to 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)

4. Mr. OMAR (Observer for Egypt) stressed that the situation in southern Africa was one of the most serious affecting human rights and the rights of peoples.

5. The South African régime was persisting in its defiance of international public opinion, which had repeatedly and rightly condemned its racist policy and its policy of apartheid, directed against the African majority: mass transfers of population, establishment of small subjugated tribal States, and devastation of agricultural lands, where the African population was doomed to hunger and disease and reduced to slavery - all those facts should give rise to the greatest concern. The Ad Hoc Working Group of Experts had recommended that the policy of apartheid should henceforth be regarded as a form of genocide, and it would be well for the Commission to authorize it to continue its investigations in that field in order to supplement its information.

6. Egypt, a country which was closely linked to Africa and which had played a historic role on the continent, whole-heartedly condemned apartheid in South Africa and approved any measure aimed at intensifying resistance to that policy, including the imposition on South Africa of the sanctions provided for in Chapter VII of the Charter. It could not fail to see the threat which South Africa represented for the stability of the African continent and, therefore, security in the world. It disapproved of all those who supported the South African régime in any way, thus enabling it to persevere in its intransigent attitude. It also condemned the so-called "constitutional reform" introduced by the South African Government in a desperate attempt to create the impression that the situation was improving. The international community must call for the establishment of democracy in South Africa and an end to the policy of apartheid.

7. The South African régime was continuing its illegal occupation of Namibia, in defiance of Security Council resolution 435 (1978). Egypt was aware of the responsibility which the South West Africa People's Organization (SWAPO) had with regard to leading Namibia to independence. It therefore supported its just struggle and would do so to the end.

8. Egypt, which was firmly opposed to the racist régime, had ceased all relations with it; it endorsed the action taken by United Nations organs and the Organization of African Unity to meet the aspirations of the African majority in South Africa and Namibia.

9. Referring to the Declaration and Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination, which had been held at Geneva in 1983, and to resolution 38/14, by which the General Assembly had proclaimed the Second Decade to Combat Racism and Racial Discrimination, he said he was pleased to stress that there was no racial discrimination in Egypt. Egypt's Constitution, legislation and policy were based on humanism. Egypt was a party to all the international instruments on human rights. It would continue to combat all forms of human rights violations in southern Africa and to strive for the respect, everywhere in the world, of those fundamental rights.

10. Mr. MIDDLETON (Observer for Canada) stressed that the Government and people of Canada had always demonstrated their abhorrence of apartheid.

11. Canada agreed with the Commission that the system of apartheid, which was all-pervasive in the political, economic and social life of South Africa, and the legislation on which it was based, constituted an affront to the norms that guided civilized States. As a former ambassador of Canada to South Africa, he could say from personal experience that not a day passed in South Africa when all races were not confronted by the inequities of that system. Everyone was aware of the corrosive effects of apartheid on the social fabric of the country and the poverty and hardship that it brought in its wake to millions of persons who were denied, through their racial classification alone, a rightful place in the economy of their country. Apartheid eroded morale, impoverished the spirit and in one way or another diverted the attention and energies of all South Africans from the preoccupations and concerns that existed in normal societies. South Africa was a troubled and fragmented country whose future concerned the entire world.

12. However, Canada could not give its agreement, in some cases, concerning the methods to be used to eradicate apartheid. His Government had always believed and continued to believe in peaceful change, in conformity with the Charter of the United Nations, since it was aware that violence bred violence and that a military challenge was met by a military response which endangered large numbers of innocent people.

13. To express its opposition to apartheid and to make a contribution to the process of peaceful change, the Canadian Government had over the years taken a number of measures: it did not recognize and had never recognized the so-called independent homelands; in 1963, it had imposed an embargo on the sale of arms and military equipment to South Africa, long before the Security Council had made it mandatory; it had withdrawn official Canadian trade promotion operations from South Africa, denied export credit facilities to South African importers and refused insurance for Canadian investments in South Africa; it had instituted a voluntary code of conduct which Canadian companies were requested to follow in their employment practices in South Africa, but it did not accept the premise of the report by Mr. Khalifa that the presence of Canadian companies represented economic support of apartheid; it had taken certain measures in the sports field to discourage contact between Canadians and South Africans representative of the régime, both in Canada and abroad; it contributed every year almost \$Can 400,000 to the United Nations Trust Fund for South Africa and to the United Nations Educational and Training Programme for Southern Africa; it had contributed \$Can 140,000 to Canadian non-governmental organizations to help them to finance certain self-help projects and, during the current year, it would directly finance other self-help projects to an amount of \$Can 300,000; it had allocated \$Can 1.5 million to a university scholarship programme for non-whites in South Africa; lastly, it had contributed \$Can 600,000 through Canadian unions for labour-training projects in South Africa.

14. His Government had been pleased to welcome Bishop Tutu at Ottawa in December 1984 and had given him assurances of Canada's total opposition to apartheid and its willingness to study any new measures which might contribute to peaceful change in South Africa.

15. Realism compelled the recognition that the situation in South Africa was not static. The constitutional changes were very disappointing in their extent, but the fact that changes had been made meant that there could be others. Important amendments had been made to labour legislation with the result that black workers could exert some economic influence and, by extension, political influence. The very existence of the United Democratic Front was encouraging, as the Ad Hoc Working Group noted. Recent statements in the South African Parliament could give the impression that the Government accepted the need for major changes, but the vagueness and limited nature of the proposals made were disturbing and unacceptable to major black leaders.

16. That said, apart from what the Government of South Africa might or might not be willing to do, social and economic pressures in South Africa also gave ground for hope of significant change. It was clear that South Africa could not remain as it was and that a minority could not continue to rule a majority so completely and for so long. To hasten the change, it was the responsibility of the international community not only to bring appropriate political pressure to bear on South Africa but also to continue to capitalize on the new trends and developments within the country. His delegation was particularly in favour of the adoption of practical measures and initiatives which would induce South Africa to bring its policies into line with accepted international norms.

17. His delegation welcomed the work done by the Ad Hoc Working Group of Experts, which, in its latest report (E/CN.4/1985/8), had made a number of thoughtful recommendations. Those recommendations formed a useful framework for discussion and warranted further study with a view to determining what additional practical measures Member States could take to put an end to apartheid.

18. His delegation also took note of the comments made with regard to Namibia in the report of the Ad Hoc Working Group of Experts. The developments which the Group had addressed only underscored the determination of all members of the Commission to act in such a way that South Africa would put an end to its illegal occupation and that independence would be granted to Namibia at the earliest possible moment, in accordance with the arrangements outlined in Security Council resolution 435 (1978).

19. Mr. SINDELO (Observer for the African National Congress) said he wished to begin by thanking the Commission for its invaluable contribution to the struggle against apartheid, a crime against humanity. He particularly commended the Ad Hoc Working Group of Experts, which was active in exposing the sordid crimes of apartheid, at a time when the racists and their allies were at pains to prove that apartheid was dying.

20. It was one of the ironies of history that while 1985 marked the fortieth anniversary of the victory over nazism and fascism - a victory for which the black people of South Africa, too, had paid with their blood - it also marked, for the majority of South Africans, nearly 40 years of untold suffering from the brutalities, horrors and institutionalized violence of a Nazi-type régime. That coincidence had prompted the South African blacks to ask how it was that the massacres and exterminations carried out by the Nazis and the concentration camps they had set up could evoke such strong feelings of revulsion while today, when schoolchildren were killed in cold blood, when striking black workers' demands were answered with bullets, when prisons were bursting with people whose only crime was to oppose oppression and tyranny, when men, women and children were dying of starvation in the bantustans in a country which claimed to have one of the highest standards of living in the world for its privileged white population, some countries which had gallantly fought against nazism continued actively and materially to support the apartheid terrorist régime. The South African people was awaiting a reply to that question and, in the meantime, placed all its confidence in the Commission.

21. The reports of the Ad Hoc Working Group of Experts which were before the Commission (E/CN.4/1985/8 and 14) amply demonstrated the atrocities committed by the Pretoria régime, which was violating nearly all international human rights instruments and rules of international law. In view of the noisy propaganda campaign waged by the racist régime and orchestrated by some Western capitals to give a new, respectable image to apartheid by pretending that a step had been taken in the right direction and to bring the racist régime out of its isolation, ANC wished to restate the facts. Apartheid could not be reformed: it must simply be destroyed. The international community had a duty to do everything in its power to achieve that end.

22. Everyone was aware that all the efforts made to bring pressure to bear on the racist régime, in accordance with Chapter VII of the Charter, so as to find a peaceful solution to the problem of apartheid had been systematically sabotaged by the allies of racist South Africa, in particular by the United States of America. ANC was persuaded that the so-called "constructive engagement" of the Reagan

Administration, which was concerned only with the military superiority of the United States and the strategic interests of imperialism, was merely designed to prop up a régime bent on genocide. The responsibility for the crimes committed in the name of apartheid must therefore be equally apportioned between the Government of the United States of America and other Western countries. While some Western capitals were praising the "peace initiative", the racist régime had announced the amounts, which were very eloquent, of some of its expenditures: under defence, £2,086 million, i.e. an increase of 21.4 per cent; under police, £437 million, i.e. an increase of 44 per cent; under secret services, £46 million, i.e. an increase of 25 per cent. At the same time, the mobilizable "defence" forces had risen from 547,000 men in 1983 to 625,000 in 1984. Thus, it was that the Pretoria régime had been able to proceed feverishly with its hateful policy: the establishment of a tricameral parliament designed to create the illusion of power-sharing among whites, Coloureds and people of Indian origin; acceleration of bantustanization under which millions of Africans not only lost their inalienable right to African citizenship but were also abandoned en masse in the most backward areas of the country, where thousands of women and children were dying from starvation with no prospect of survival; forced removals of black populations, which had had devastating effects on family life; and many other disgraceful practices.

23. Since popular resistance to those crimes was growing, the régime had intensified the reign of terror: arbitrary arrests of opponents of apartheid; detention without trial and without any recourse to courts of law; torture and death in detention - all had become permanent features of the daily life of the black majority.

24. The people of Namibia had not been spared the agonies of apartheid: not only did the racist régime stubbornly refuse to implement United Nations resolutions, in particular Security Council resolution 435 (1978) on the decolonization of Namibia, but it had also exported its terror to that Territory, in order to perpetuate the pillage of its natural and human resources. Despite the trappings of a civilian administration, which was in the hands of mere puppets, it was the fascist army that was in virtual control of the country. It was the same army that used Namibian territory for periodic savage armed attacks on sovereign neighbouring States, in particular Angola, part of whose territory it continued to occupy.

25. It was a well-known historical fact that a determined people in quest of freedom could not be held down for ever. Nothing would stop such a people, and those of southern Africa had shown, through their actions, that they were no exception.

26. South Africa was currently engulfed in great political upheavals. Throughout the territory, the South African people was waging a resolute battle against fascist tyranny. The black workers, who constituted over 70 per cent of the work-force but who lived in horrible conditions, were giving proof that they were capable of using their combined strength not only for the betterment of their economic position but also for political change. The same was true of the students, who protested against the situation of education under the apartheid régime. The creation of the United Democratic Front, which embraced all sections and strata of the South African population, was evidence of the failure of the régime's attempts at "divide and rule". All those efforts were encouraged by the military wing of ANC and, in their turn, they gave new impetus to the armed struggle waged by ANC against the fascist army, which, as was now known, was not invincible.

27. ANC had always expressed its willingness to resolve the problem of South Africa by peaceful means. It remained prepared to enter into talks with the Pretoria régime, but they must be on the elimination of apartheid and on the modalities for the transfer of power from the minority to the majority. That said, ANC wished to state clearly that there had been no contact of any kind between it and the Pretoria régime. ANC did not see how there could be any question of talks while African leaders were languishing in prison or in exile. It failed to see what the talks could be about while the bantustanization process continued and whole black populations were being removed to arid lands.

28. The people of South Africa daily demonstrated its awareness that, in the final analysis, it would be its own liberator. That, however, in no way minimized its appreciation of the contribution of the international community.

29. ANC had taken note of the recommendations of the Ad Hoc Working Group of Experts and would like to make a few brief comments in that regard. With respect to the recommendation to envisage the possibility of requesting the International Court of Justice to give an advisory opinion on the denationalization of black Africans as a result of the policy of bantustanization, ANC urged, in view of the seriousness of the question, that it should be left for OAU to consider in consultation with the liberation movements in southern Africa.

30. ANC urged the Commission unreservedly to condemn the apartheid régime and its collaborators. It reiterated its call for the imposition of mandatory economic sanctions against the South African régime, in accordance with Chapter VII of the Charter of the United Nations. It called for an effective arms embargo against the Pretoria régime. It urged that maximum pressure should be brought to bear on the racist régime to decolonize Namibia through the speedy implementation of Security Council resolution 435 (1978). It called upon the Commission to demand that further efforts should be made to secure the release of Nelson Mandela and all political prisoners in South Africa and Namibia. It also requested the Commission to demand that all freedom-fighters should be accorded prisoner-of-war status, in conformity with the 1949 Geneva Conventions and the relevant protocols. It called for the provision of all-round support to the liberation movements in southern Africa, ANC and SWAPO, and to the "front-line" States.

31. In conclusion, he expressed the hope that, at its current session, the Commission would take important decisions aimed at the destruction of apartheid, an objective which ANC was relentlessly pursuing.

32. Mr. HOYNCK (Federal Republic of Germany) noted that his Government had on many occasions condemned racism wherever it occurred, particularly in the case of South Africa, a country which had embodied apartheid in its legislation.

33. During the past year, the South African Government had amended its Constitution. It might be that in the eyes of that Government, those amendments constituted some progress: indeed, the new Constitution contained elements providing for parliamentary representation for the Coloured and Indian communities. A quarter of a century previously, that might have seemed promising, but today the world expected much more from South Africa. The Coloured and Indian populations considered the changes to be insufficient. However, the main point was that the reforms completely ignored the rights of the black population, who constituted the vast majority in the country. His Government did not advocate revolution, but it was in favour of prompt changes in accordance with the evolution of a world where the principle of equality and the right to self-determination were universally recognized. Time was of the essence.

34. The latest report of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa (E/CN.4/1985/14) illustrated once again the effects of the policy of apartheid. In view of the great importance of that report, his delegation was in favour of extending the mandate of the Ad Hoc Working Group.

35. The Government of the Federal Republic of Germany would continue its efforts to improve the economic and social situation of the victims of apartheid. That was also the goal of the Code of Conduct for European Firms, in the elaboration of which his Government had participated decisively within the European Community and which sought to ensure equal treatment for white, black and Coloured workers in South Africa.

36. The reforms undertaken in South Africa would be the beginning of a peaceful change only if they were followed by decisive steps towards a new social order that met with the consensus of all South Africans. The statement made by President Botha on 23 January seemed to reflect a growing awareness of the fact that fair consultations with all groups of the population and notably the black community were indispensable to reach peaceful and democratic solutions that satisfied the requirements of all the communities in the country. His Government expressed the hope that the promised changes, concerning the preparation of new constitutional reforms, and the review of regulations relating to nationality and local administration would soon be forthcoming in the light of those demands. The review of the policy of forced removals, announced by the South African Government, should lead to an immediate and complete abolition of that inhuman practice. The Government of the Federal Republic of Germany was unrelentingly pursuing its critical dialogue with the South African Government. Its over-all attitude towards that Government was in accordance with the principles underlying its foreign policy in general: implementation of human rights, right to self-determination, renunciation of force, and respect for the sovereignty and territorial integrity of States. It therefore hoped to contribute to a speedy and peaceful change in South Africa and to the prompt accession of Namibia to independence on the basis of an internationally recognized act of self-determination by the people of that Territory.

37. With regard to the report of the Special Rapporteur on 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 (E/CN.4/Sub.12/1984/8 and Add.1 and 2), his delegation believed that economic relations with South Africa should not be ipso facto qualified as having adverse consequences for the enjoyment of human rights. Severance of economic relations had never, in the long run, had the expected effects. Furthermore, his delegation wished to reaffirm that, contrary to allegations to that effect, his Government practised no military or nuclear co-operation with South Africa.

38. His delegation welcomed the proclamation by the General Assembly of the Second Decade to Combat Racism and Racial Discrimination. It hoped that the activities of the international community included in the Programme of Action would produce positive results. His Government would endeavour to help to achieve the objectives of the Decade.

39. Mr. KHMEL (Ukrainian Soviet Socialist Republic) noted that item 17 (b) had been included in the Commission's agenda since 1980 and that, in accordance with the task entrusted to it by the General Assembly, the Sub-Commission on Prevention of Discrimination and Protection of Minorities was to have submitted in 1982, at the thirty-eighth session of the Commission, a study on the ways and means employed to fight against racial discrimination within the framework of the First Decade to Combat Racism and Racial Discrimination. However, the Second Decade had begun and the study in question had still not been submitted. Consequently, his Government wondered whether the Commission might not be unduly delayed in performing the task entrusted to it, and it noted that other studies of lesser importance had already been completed.

40. However, racism and racial discrimination were still among the world's dangerous scourges, and the exploitation of peoples, imperialism, hegemonism and slavery and oppression were still widely practised under the pretext of the superiority of the white race. The colonialist system, born from that prejudice, had been eliminated at the end of the First World War, but it had been replaced by fascism, which itself had unleashed the Second World War and was being maintained in the disguised forms of the hateful régimes of apartheid in South Africa and zionism in Israel. Those policies, taken to the extreme, were designed in such a way that those who possessed the means of production exploited certain groups of the population with impunity. The example of South Africa and Israel was not unique, since there were other countries where ethnic minorities were also exploited, but the substantive question remained the same everywhere and the international community had a duty to fight against the causes and consequences of racial discrimination. In that connection, his Government had always supported the efforts made by the United Nations to implement the international instruments for combating racism and racial discrimination and had contributed to that implementation not by abstract theories but within the framework of the experience of world socialism, in which there were no inequalities.

41. However, the equality of all human beings could be guaranteed only through appropriate legislation, particularly with regard to education, respect for rights and the maintenance of public morality. It was thus guaranteed by the State of the Ukrainian Soviet Socialist Republic, where the scourge of racism and racial discrimination was unknown.

42. The racist régime of South Africa continued to commit flagrant violations of human rights and its policy of apartheid had been condemned, in particular under the Convention on the Prevention and Punishment of the Crime of Genocide. It could be asked in that regard whether the States parties to the Convention actually respected their commitments, in view of the responsibilities of the transnational corporations established in South Africa and Namibia.

43. His delegation sincerely hoped that the Commission would urge the General Assembly to see to it that Mr. Khalifa's report (E/CN.4/Sub.2/1984/8 and Add.1 and 2), which contained a list of companies and banks assisting South Africa, was published in the official languages of the United Nations and sent to all countries so that it could be given wider circulation among the media and organizations concerned.

44. Mr. ERMACORA (Austria) pointed out that it had taken the European world 20 years to become aware of the evils of the policy of apartheid. However, the main problems posed by that policy had already been indicated clearly in an old United Nations document, the report of the Commission on the Racial Situation in the Union of South Africa (A/2505). At the time, the report had had little influence on world public opinion. At present, the situation was quite different. The reports of the Ad Hoc Working Group of Experts reached many more persons than 20 years previously and they guided opinion with regard to the policy of apartheid. Those reports had done a great deal to develop the conscience of the world and delegations in the United Nations. It was to be hoped that they would not be stored in archives but disseminated widely, if possible in languages other than the usual working languages, and that they would be sent to the Parliaments of States.

45. In South Africa, there were three racial communities which were forcibly separated, a separation which was not equal but discriminatory. Moreover, that separation was imposed by the most severe means. The South African Government claimed that apartheid was being abolished, but the basis of that policy continued to be maintained by a legislation which the Ad Hoc Working Group of Experts had been describing and analysing in its reports since 1968. It was possible that some improvement had been made in the employment sector and that the Immorality Act was beginning to lose its importance. African trade unions could be organized, and it had been announced that Nelson Mandela would be released if he undertook to renounce the use of force. However, apartheid continued to exist in three main forms: in the homelands policy and its consequences; in constitutional provisions, despite their reforms; and in security legislation, which was still applied. He would deal with the three aspects in succession.

46. The homelands policy had had the effect of withdrawing South African citizenship from their inhabitants, or at least of creating uncertainty on the matter. The homelands were in fact puppet States, and Austria could not recognize them. He supported the recommendation made in the report of the Ad Hoc Working Group of Experts (E/CN.4/1985/8), based on a proposal by Professor Dugard, concerning the submission of a request to the International Court of Justice on the question of citizenship. While mindful of some reservations expressed on the subject by the delegation of Colombia, he thought that such a recourse would be a symbolic step showing that the world was not remaining silent. The international community would thus demonstrate its intention of halting a development similar to that which had begun under Hitler at the time when a distinction had been made between nationals and citizens of the Reich and which had led in 1941 to the denationalization of German Jews.

47. The constitutional reforms had consolidated the provisions which had the effect of excluding blacks from the Government. What South Africa should actually adopt was a tricameral system with the right of veto for black representatives when decisions had to be taken on vital questions.

48. The security laws were still applied. The report of the Ad Hoc Working Group of Experts provided many examples of the continued use of torture and brutality by the security forces. The report referred to the statement by one witness that, with regard to the behaviour of the members of those forces, "They kill very easily". The severity of the security laws was at the root of the apartheid system: to bring about the abolition of that system, it would be necessary to begin by abolishing the security laws. Deploing that the Commission had to confine itself to making appeals to the world, he stressed that South Africa should agree to collaborate with the United Nations so that ways could be found of changing the apartheid system peacefully.

49. The legal situation with regard to Namibia was very different from that in South Africa. Namibia was an occupied territory for which the United Nations had a legal responsibility - a responsibility which it was unable to exercise. In exercising that responsibility, the United Nations would have elaborated a model legal and economic order in which all the races would be able to live together; advisory services would have been offered in that regard. The recommendations of the Ad Hoc Working Group of Experts on Namibia concerned harsh measures; that was because the humanitarian appeals had not been heeded. However, the Commission's role was to contribute to the solution of the problem of Namibia by human rights means.

50. Referring to the report by Mr. Khalifa (E/CN.4/Sub.2/1984/8 and Add.1 and 2), he said it was regrettable that the search for economic profits did not coincide with the morality presupposed by international human rights instruments.

51. His delegation noted, in conclusion, that the study on apartheid and genocide contained in document E/CN.4/1985/14 was the continuation of a previous study and was included within the context of the development of international penal law. Even where specific measures could not be taken, the United Nations should not stop considering that aspect. It could be said that the study in document E/CN.4/1985/14 was an important United Nations contribution to the development of public international law.

52. Mr. KULU (Kenya) said that the reports of the Ad Hoc Working Group of Experts (E/CN.4/1985/8 and 14) provided further proof of the repressive, inhuman acts committed by the Pretoria régime against the peoples of South Africa. Furthermore, through its propaganda, the racist regime of South Africa was trying to divert international attention from the true situation of the black population, subjected to practices which were the causes of the political tensions and social conflicts prevailing in the entire region. The escalation of violence was inevitable so long as the black population continued to be deprived of its rights to democracy, equality and justice.

53. Kenya had not forgotten the bitter war it had waged to achieve freedom and independence. Hence, it was deeply concerned about the economic and military co-operation which some Members of the United Nations maintained with South Africa, and it urged those countries to adopt all appropriate measures to isolate the South African régime. Moreover, South Africa should immediately put an end to its illegal occupation of Namibia, whose people should be able to exercise at the earliest possible opportunity its right to self-determination in accordance with Security Council resolution 435 (1978), which remained the only basis for a peaceful transition to independence. Kenya had clearly stated its position at the thirty-ninth session of the General Assembly, and it would continue to support the cause of the liberation of the Namibian and South African peoples. In that connection, he recalled the comment made in the South-West Africa case by the International Court of Justice, which had rightly reaffirmed that the enforcement of restrictions exclusively based on race, colour or national or ethnic origin constituted a denial of fundamental human rights and a flagrant violation of the principles of the Charter.

54. Mr. RAVENNA (Argentina) recalled that his country had a heterogeneous population. From the outset, it had opened its doors to "all men of goodwill", as stated in the preamble to the National Constitution adopted in 1853. Even before that date, in the years following its emancipation in 1813, Argentina had abolished

slavery and proclaimed the equality of all men without distinction on grounds of race, colour or religion. Those values were still very much alive in the Argentina of today. That was why his country was dismayed by the atrocious violations of human rights disclosed once again in the report of the Ad Hoc Working Group of Experts (E/CN.4/1985/8).

55. His delegation denounced the deterioration of the situation of the black population in southern Africa. The so-called constitutional amendments merely weakened that population's position under the pretext of a broadening of the parliamentary base of the system. His delegation also condemned the policy of bantustanization and the withdrawal of nationality which it entailed for the black inhabitants of the bantustans.

56. The application of the policy of apartheid was made possible by the existence of a repressive apparatus which was constantly reinforced. The intensity of the repression could be seen from the number of executions during the past few years, mass arrests, torture inflicted on political militants, ill-treatment of detainees, etc. The violations of human rights thus committed by South Africa were accompanied by a policy of aggression against the "front-line" States, in defiance of international law. South Africa was also depriving the Namibian people of its right to self-determination.

57. Argentina had supported since the beginning Mr. Khalifa's study on the adverse consequences 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). It considered that the measures aimed at isolating the Pretoria régime were the most appropriate means of bringing pressure to bear on South Africa. The Argentine Government had therefore imposed a strict cultural and sports boycott. His delegation noted that in the report in document E/CN.4/1985/8, Aerolineas Argentinas had once again been included among the companies which maintained commercial relations with the colonialist and racist régime; however, the company had stopped its flights to South Africa in 1981. He therefore requested that the mistake should be corrected.

58. Argentina had voted in favour of the Declaration and Programme of Action for the Second Decade to Combat Racism and Racial Discrimination. It had also been one of the first countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination and, in accordance with article 9 of that instrument, it submitted its periodic reports at appropriate intervals. Moreover, Argentina was drafting an act for the ratification of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it had signed on 6 June 1975. In general, his country endeavoured to implement effectively the principles which it defended in international bodies with regard to the action to be taken against serious violations of human rights.

59. Mr. NICOLAIDES (Cyprus) deplored the fact that racial discrimination continued to exist in the modern world; apartheid was an institutionalized form of racism and was the basis for the whole political, social and economic structure of South Africa. Moreover, it constituted a source of tension not only in southern Africa but also in the world. Unfortunately, the report of the Ad Hoc Working Group of Experts in document E/CN.4/1985/8 indicated a deterioration of the situation. The torture and murder of political prisoners, detentions without trial, ill-treatment of trade unionists and black workers, massive repression of peaceful demonstrations and many other facts confirmed that human rights continued to be systematically violated in South Africa.

60. Faced with that situation, the international community had been unable to obtain practical results. It should none the less continue its efforts to eradicate the inhuman system of apartheid, and the Commission should continue to make its contribution to those efforts. Another particularly condemnable aspect of South Africa's policy was bantustanization, which was a mockery of self-determination. Its ultimate goal was to denationalize black South Africans. In addition, South Africa was continuing its attacks on "front-line" States to prevent them from helping the liberation movements operating in southern Africa.

61. In that context, his delegation welcomed the fact that Bishop Desmond Tutu had been awarded the Nobel Peace Prize. That honour was not only a recognition of the personal contribution of Bishop Tutu and of the Church in general to bring peace and harmony in South Africa, it also symbolized the international community's awareness of the direct relationship existing between apartheid and international peace and security. He also welcomed the fact that important countries had recently taken some encouraging measures against apartheid. That gave reason to hope that the political, military, economic and other assistance given to the racist South African régime would soon diminish and come to an end.

62. The Namibian people continued to claim its right to self-determination. Cyprus supported the liberation struggle waged by SWAPO, which was the legitimate representative of that people. In the search for a political solution to the problem of Namibia, the Contact Group of Five assumed a heavy responsibility; it was to be hoped that it would soon resume its activities and give renewed impetus to the negotiation process.

63. Cyprus, which strictly implemented the resolutions adopted by all United Nations bodies on the subject of racial discrimination and apartheid, deplored the fact that the First Decade to Combat Racism and Racial Discrimination had yielded few tangible results. His country would participate fully in the implementation of the Programme of Action for the Second Decade, hoping that better results would be achieved. It considered that the implementation of the resolutions of the United Nations and specialized agencies on racial discrimination was essential to ensure the credibility of the institutions which the international community had created.

64. Mrs. ABDALLA (Syrian Arab Republic) said that her country supported all the peoples fighting to enforce their rights, in particular the people of South Africa, subjected to the policy of apartheid of the racist régime, whose aggression extended to Namibia. She recalled, in that connection, that her country had been one of the 13 co-sponsors of the first draft resolution against apartheid, submitted to the General Assembly in 1952. She would like to know how countries and transnational corporations could continue to defend a system which had been condemned for years by numerous bodies and meetings. How was it that the will of the international community was still not respected and that the South African régime and the Zionist régime continued their policy of oppression, occupation, persecution and torture, with the help of the United States of America? When one was aware of the crimes of apartheid, one understood better the relations which it maintained with the Zionist régime.

65. In South Africa, the whites constituted only one fifth of the population, but they possessed 87 per cent of the lands, those rich in resources of all kinds. The blacks, on the other hand, possessed only the most arid lands. The racist régime was trying to reduce that percentage further by establishing bantustans and by forcibly transferring the black population there. Thus it was that in Ciskei,

population density amounted to 125 persons per square kilometre whereas that territory contained only 5 per cent of the arable lands. In those circumstances, the black population was doomed to poverty, while the whites spent millions of rand at the casinos which had been set up in the bantustans.

66. The oppression of the black population of the bantustans was continuing and Amnesty International, in particular, had referred to numerous human rights violations in those territories. Nine million blacks were currently deprived of all their civil rights, including the right to citizenship, and their situation was steadily worsening. The International Commission of Jurists had stressed that aspect of the situation in its statement the previous day. That form of racial discrimination was even more odious than all the others, inasmuch as it made the blacks strangers in their own country.

67. All human rights in South Africa were therefore still being violated, even though the international community continued to condemn the policy of the apartheid régime in the same way that it condemned the policy of the Zionist régime. The Zionist authorities stated, moreover, that apartheid was a domestic problem, that it was necessary to protect the rights of whites in South Africa and that international opinion must not interfere in that situation.

68. The forced removals of population were increasing, particularly in Natal. Since, under the law, no African could remain more than 72 hours without a work permit, many Africans seeking employment were imprisoned. It was impossible for blacks to change their type of activity and to move, for example, from agriculture to another sector. The bantustans were therefore full of unemployed persons, while the average earnings of whites were 12 times higher than those of blacks. Malnutrition and infant mortality were very widespread, and the number of cases of tuberculosis was increasing.

69. The Internal Security Act, which conferred exceptional powers on the South African authorities, permitted the arrest of any black of more than 16 years of age who did not work and had no pass. Blacks and whites were segregated in public places, and personal relations between members of the two communities were prohibited. Hundreds of intellectuals, trade unionists and students were imprisoned. Furthermore, the police did not hesitate to use fragmentation bullets containing toxic chemical substances. Mr. Nelson Mandela continued to be detained in very bad conditions, although several well-known personalities, British in particular, had called for his release.

70. The co-operation between the Zionist and South African régimes was well known. After the adoption by the General Assembly, in 1975, of a resolution declaring zionism to be a form of racism, an Israeli journalist had dared to say that it was unacceptable for people who had just come down from the trees to put forward their own ideas. The Zionist and South African régimes both suffered from a superiority complex and felt able to ignore numerous United Nations resolutions, owing to the veto which the United States of America had in the Security Council and that country's military assistance. That policy was directed not only against blacks, and Arabs, but also against all peoples in the world, inasmuch as racism created very serious international tensions. The United States of America, which lectured other countries and posed as a champion of freedom and human rights, turned a deaf ear to the complaints of thousands of prisoners, widows and orphans not only in South Africa but also in Palestine and Latin America. All those who permitted such a tragedy must be told "Enough"!

71. Her country paid a tribute to the peoples of southern Africa, Namibia, Palestine, the occupied Arab territories and South Lebanon, and to all the liberation movements in Latin America and elsewhere in the world that were fighting for their rights, and in the first instance, to Mr. Nelson Mandela, who was struggling against apartheid.

Mr. Khmel (Ukrainian Soviet Socialist Republic) took the Chair.

72. Mr. CHAGULA (United Republic of Tanzania) commended the Ad Hoc Working Group of Experts on southern Africa and the Group of Three for their valuable work (see E/CN.4/1985/8 and 27). Although the institutionalization of racial oppression by the South African régime had been condemned repeatedly, South Africa had managed to make only cosmetic changes to the apartheid system. The principle of white superiority, set forth for the first time in 1941 by the South African Nationalist Party, and justified philosophically and theologically since, had been renamed apartheid, or separate development, and then camouflaged as the "homeland system". That system of racial discrimination, allegedly based on language, culture and tradition, permitted 4.5 million whites to oppress 23 million blacks who were banished to homelands, where they became citizens of puppet régimes. As the blacks had to live in certain areas, many workers were forced to leave their families in order to avoid starvation. Women, who were not allowed to live with their husbands, employed in the so-called white areas, were forced either to break the law or to become unfaithful, and children saw their fathers only on rare occasions.

73. The blacks living in the bantustans were deprived of their rightful citizenship and did not have the right to vote; they were deported from their own country, hounded by the South African police as "unlawful immigrants", and were denied the right to participate in South Africa's political life. According to the Ad Hoc Working Group of Experts on Southern Africa and to other sources, 12 million blacks had been exiled to the so-called "homelands", 3.5 million more had been forcibly moved, and a further 2 million would have to leave the white areas in the near future. As for the so-called "urban" blacks and the blacks from the bantustans who worked in the white areas, they continued to suffer from various forms of racism and repressive laws such as the pass laws, the resettlement laws, the Internal Security Act, and the Reservation and Separate Amenities Act. South Africa attempted to justify that inhuman system, akin to nazism, by pretending that the blacks were free to satisfy their political aspirations in the homelands, where people were dying of hunger.

74. Although those facts were spelled out in detail in the report of the Ad Hoc Working Group of Experts on Southern Africa and other documents, they should be repeated, for South Africa claimed to have made reforms, which might mislead people of goodwill who had only just overcome their own legacy of racial discrimination. Those men and women might be tempted to regard the fraudulent reforms, particularly those which had been promised several weeks previously by President Botha, as a step in the right direction. The representative of a powerful Western country had even argued, the past year, that white South Africans could choose, by peaceful means, to accord the black majority political rights and that the concept of political justice was not alien to them since they could not fail to remember their own struggle against what they had regarded as unjust political domination. It had also been argued that the South African régime could understand from its own experience the indignity of political inequality. That was the result of the South African régime's propaganda, to which some Western leaders had succumbed.

75. Even if that argument was sincere, the same yardstick should have been applied in other areas of the world not allied to the West. However, the fact was that it ignored reality and history. Apartheid was based on the concept of racial superiority, philosophically and theologically justified in the same manner as nazism had been. Furthermore, during the Second World War, P.W. Botha and his colleagues in the Afrikaner Nationalist Party had hoped that the Third Reich would be victorious. They had openly admired Hitler and attacked the Government of Jan Christiaan Smuts for supporting the Allies. When the Nationalist Party had assumed power in 1948, it had established the Herrenvolk theory of apartheid. Today South Africa had 317 racial statutes that made apartheid resemble Hitler's Nürnbeg laws against the Jews. In 1984 alone, more than 50,000 blacks had been arrested under the notorious pass laws; over 100,000 South African citizens were currently in prison, the vast majority of them blacks.

76. When Mr. P. Botha had been Minister of Coloured Affairs, thousands of Coloured families had had to leave Cape Town, where they had lived for generations, and the Ad Hoc Working Group of Experts on Southern Africa indicated in its report (E/CN.4/1985/78) that the entire black population in Cape Town would be removed to the barren area of Khayelitsha. Once he had become Minister of Defence, Mr. Botha had masterminded the invasion of Angola in which South African troops had massacred more than 600 Namibian refugees, including women and children. As Prime Minister, Mr. Botha had forced blacks to leave white-zone areas, increased penalties for pass law violations, caused squatters' shelters to be bulldozed and strengthened legislation against dissidents, of whom many had been murdered in prison. Lastly, under Mr. Botha as President, more than 160 black opponents of apartheid had been killed, over 1,000 injured and more than 3,000 arrested. That was a brief history of the current head of the apartheid system, who was now pretending to wave an olive branch in order to deceive the rest of the world!

77. The apartheid system could not be reformed; it must be destroyed. Verbal rejection of apartheid reinforced resistance to the demand for isolation of South Africa and encouraged the black population to believe, as Bishop Tutu had said, that from the standpoint of the West, blacks were expendable. Bishop Tutu had also said that South African blacks were uneasy when they saw that Governments of Western countries were prepared to welcome the head of a Government which took no account of the existence of 80 per cent of its citizens, whom it stripped of their citizenship and turned into aliens in their own land and who uprooted 3.5 million of them within the framework of a "final solution", similar to that envisaged by Hitler.

78. The Commission should support measures which could put an end to that system, including the mandatory economic sanctions provided for under Chapter VII of the Charter. Even if it was unjust and immoral for the international community to delay the destruction of apartheid, it would ultimately disappear as a result of its own brutality. History had shown that, in the last analysis, a nation could not live half slave and half free and that the forces of freedom finally won. Moreover, human nature was such that human beings would continue to struggle for their dignity and freedom until they achieved victory or death, and the Pretoria régime could not kill all the opponents of apartheid.

79. Events during the past year brought home the message that all men were involved in apartheid and that neutrality was not possible. A choice must be made, regardless of the colour of one's skin or one's nationality: apartheid must either be fought or supported tacitly.

80. Namibia also continued to suffer under the apartheid system, resulting from the illegal occupation of that Territory by South Africa. Security Council resolution 435 (1978) had still not been implemented, South Africa had occupied Angolan territory and had intensified its policy of destabilizing Angola, Mozambique, Zimbabwe and Zambia. In so doing, South Africa was acting in the same manner as Hitler's Germany, with the tacit encouragement of some powerful Western countries which, however, denied their involvement.

81. All countries, including Israel, had to fulfil their moral responsibility by ceasing to treat South Africa as a partner, which encouraged it in its policy of aggression. The United States of America must reconsider its so-called "constructive engagement" policy in South Africa, which had helped to intensify the acts of violence, oppression and aggression committed by that country. All peace-loving nations must support change in southern Africa and help the "front-line" States to strengthen their security and develop their economies, in the interest of a durable peace in the region and therefore in the world. It was also necessary to give the southern African liberation movements (ANC, PAC and SWAPO) all possible moral and material support in their struggle against South African oppression.

82. Lastly, the Commission and all humanitarian organizations, including non-governmental organizations, should intensify their campaigns for the release of all political prisoners in South Africa, in particular Mr. Nelson Mandela, the authentic leader of ANC, who had been detained by the apartheid régime for 22 years.

The meeting rose at 6.30 p.m.