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

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


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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.
Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid (continued)

Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination (continued)

Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (continued)
1. Mr. BLATCHFORD (Indigenous World Association) said that the Cactus Valley/Red Willow Springs Community had found itself a victim of political land disenfranchisement under the 1974 Navajo-Hopi Land Settlement Act. The land in question had been set aside for the Navajo and Hopi tribes in 1882. At that time, they had already been occupying the land, as they were today. Historically, Indian lands had always been respected, both by the Spaniards and the Americans. The policy of accommodation, however, had in time become a policy of compulsory education, forced removal, homestead expansion, allotment of Indian land and Indian land border reorganization, a policy which had continued until the present.

2. In 1980, representatives of the Hopi and Navajo tribes had attended the Bertrand Russell Tribunal in Rotterdam to air their conflict with the Government of the United States. The Tribunal had held that the United States had committed the universal crime of genocide and ethnocide in war crimes against humanity in accordance with the Universal Declaration on Human Rights. The case had been transferred to the United Nations Sub-Commission on the Prevention of Discrimination and Protection of Minorities and was still with it.

3. The passage of the Navajo-Hopi Land Settlement Act had brought into focus a dispute between the government-sponsored Navajo and Hopi tribal councils; under the Indian Reorganization Act of 1934, the United States Government had instituted among the tribes a form of government known as "tribal councils" - which did not resemble the traditional councils operating with the consensus of each tribe - in an attempt to consolidate tribal affairs by dealing with a corporate body rather than with the various communities.

4. The Navajo had voted against the reorganization, but had been unable to prevent its implementation. Indian reservations had ultimately become a Federal operation and the tribal council disputes came under Federal supervision.
5. Relocation amendments in 1980 had established deadlines for relocations and the assumption of jurisdiction for the tribal councils, but the relocation process was conducted by a federal agency which, in breach of the Navajo Treaty of 1868, was endeavouring to implement a starve-out and push-out policy among the Navajos. Those who had accepted voluntary relocation faced frustration no different from that of their relatives still living on the partitioned lands. Stress, trauma and depressions had surfaced in the form of alcoholism, drug abuse and mental and physical illness. That situation was the most notable example of the gross violation of fundamental human rights and basic freedoms the Western hemisphere had ever known.

6. Mr. BARSH (Four Directions Council) said that his organization was taking the floor to acknowledge, with regret, that comments recently made to the press by some indigenous Canadians suggesting that the situation of indigenous peoples in Canada was comparable to apartheid and accusing the Canadian Government of hypocrisy for its active involvement in anti-apartheid activities within the United Nations and the British Commonwealth might inadvertently have given aid and comfort to the regime in Pretoria. His organization had learned that the Pretoria régime had made direct overtures to indigenous Canadian organizations in an attempt to generate additional negative publicity and to undermine Canada's legitimate role in international struggles against apartheid.

7. The last thing his organization wanted was for Canada to decrease its efforts to promote self-determination in southern Africa; indeed, it would prefer Canada to increase its efforts in that regard, not only because they might help to bring a speedier end to the suffering of indigenous Africans but also because the experience of participation in the struggle against apartheid might also help Canadians to come to a better awareness of the colonial aspects of their own relationship with the indigenous peoples of North America. Africans and North American Indians shared common ties of historical experience which should make it possible for both peoples to co-operate. They should never compete for international support or attention.

8. His organization recognized with appreciation the past support the indigenous peoples had enjoyed from African States in the United Nations and would consider it fitting if the further protection of indigenous rights became an African priority, after the urgent situation in southern Africa had been resolved. Another African-United Nations initiative, the World Charter of Nature, had mirrored the values and priorities of North American Indians and the African position of the right to development conformed closely to their own.

9. His organization reaffirmed its commitment to immediate and effective action on southern Africa and emphasized its absolute refusal to have any relations whatsoever with the current South African régime.

10. Mrs. FATIO (Baha'i International Community) said that her organization welcomed the progress report by Mr. Eide on the achievements of the First Decade for Action to Combat Racism and Racial Discrimination and obstacles encountered during that time. The Baha'i International Community believed that the greatest obstacle to the elimination of racial discrimination was the persistence of racial prejudice in individuals from childhood. In the Baha'i view, children must be educated in the anthropological and spiritual fact that all human beings were members of one human family and her organization
welcomed the General Assembly's decision to hold a round table of experts in 1992-1993 to discuss the preparation of teaching materials to combat racism and racial discrimination.

11. The existence of racism was perpetuated by acts of domination by one racial group over another. Such acts had been a deplorable feature of international relations in contemporary times. Colonialism extended and legitimized discrimination and in its extreme forms had inflicted intolerable injustice upon peoples. More recently, many civil wars and international conflict had been fuelled by the desire of one racial group to dominate another. The Baha'i writings called for the elimination of all forms of racial bigotry and the enhancement of co-operation among races and nations on a basis of mutual respect.

12. The history of the subjugation of various racial groups had frequently led to the institutionalization of racial discrimination, the more subtle manifestations of which were often ingrained in social institutions. In the Baha'i view, every individual must combat that drift towards complacency in himself and in society.

13. Racial discrimination was sustained by gross extremes of wealth and poverty, such economic injustice often itself being the product of entrenched racial discrimination. It tended to lead poor racial groups to harbour grievances, thereby compounding racial conflict. In the Baha'i point of view, such gaps between rich and poor must be narrowed.

14. Racism had frequently accompanied cultural oppression. Racist attitudes had given certain cultures a privileged position while denigrating others as inferior. Disadvantaged peoples must be freed from racist discrimination and allowed to realize their potential and thus contribute to the social, cultural and moral progress of their own societies and mankind.

15. Her organization welcomed the General Assembly's authorization of a global consultation on racism to be held in 1988 and hoped that it would include a discussion of those obstacles and seek to promote education and the principle of human unity as a means of eliminating racial prejudice.

16. Ms. BANDETTINI DE POGGIO (International League for the Rights and Liberation of Peoples) said that Namibia, where the military-civilian ratio was 115 and where war fed poverty and nullified all efforts towards development, seemed doomed to live permanently under the military control established by the Pretoria Government. The apparent situation of stagnation was, however, actually changing from bad to worse.

17. The dramatic events of 1987 had proved the clear intention of the Pretoria Government to use authoritative measures and military violence to normalize the whole region of southern Africa and had demonstrated that if the international community could not enforce the resolutions of the United Nations, there would be no possibility of a peaceful solution in southern Africa. The apartheid régime would accept change only under international pressure. The Namibian issue had already been clearly defined in juridical terms and could give rise to international action which would also have a corrective effect on the whole of southern Africa.
18. Tensions would increase as long as the South African Government continued its aggression. The international community had a duty to support the cause of Namibia, and to enable its people to exercise their fundamental right to independence.

19. In South Africa, the state of siege, the security laws and rules governing life in the homelands, detention and physical punishment, banning and expulsion, trials of opposition members of the UDF on charges of treason, torture and disappearances, threats and harassment, identity laws and the death penalty all contributed to a human rights situation of the utmost gravity.

20. In 1987, protests by the churches had led the Government to assimilate priests to terrorists when they called for reforms or when they denounced the Government's terror-based repression strategy. Also in 1987, international humanitarian organizations and South African interracial groups had appealed to international public opinion on behalf of the many hundreds of children imprisoned for "public violence". One of the year's most important events had been the strike organized by the National Union of Miners for better and safer working conditions. In Namibia, peasants were being prevented from finding a way out of their extreme poverty by the denial of their economic right of development. As far as educational and cultural rights were concerned, illiteracy among the black population was as high as 60 per cent and the Afrikaans language had become an instrument of cultural isolation and manipulation. The consequences of apartheid were most keenly felt in the public health services in terms of infant mortality and malnutrition.

21. In conclusion, her organization believed that the core of the problem continued to be compliance with Security Council resolutions 435 (1978) and 566 (1985).

22. Mr. SANZ (Pax Romana) said that his organization regarded apartheid as an act of violence and an affront to human dignity and protested strongly against the arbitrary detentions and the behaviour of the South African security forces. At its twenty-fifth assembly, held in Rome in September 1987, it had called on all men and women throughout the world, and on the Catholic Church in particular, to work towards a change in the situation in South Africa.

23. The international community, through the United Nations, had three basic instruments for dealing with apartheid and related problems in the form of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, the International Convention on the Suppression and Punishment on the Crime of apartheid of 1973 and the International Convention against Apartheid in sports of 1985. Of the 158 Member States of the United Nations, only 124 were parties to the first Convention, 86 were parties to the second and 21 were parties to the third. States which had not signed those instruments included developed countries which did not appear to endorse the struggle of the people of South Africa in the context of the international community and international solidarity. He suggested that economic interests might prevent them from signing the international instruments and discontinuing their trade with South Africa. General Assembly resolution 42/56 of 30 November 1987 had once again called on States which had not ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid to do so, particularly States with jurisdiction over transnational corporations operating in South Africa and Namibia. The
majority of the countries which had voted against that resolution were
developed countries. While Governments reflected on the political and
economic expediency of signing the Conventions, men, women and children were
suffering in South Africa and Namibia.

24. The inhabitants of the independent "homelands" had ceased to be
South African citizens, had lost their political and economic rights and had
become a pool of cheap labour for the white minority, while the South African
Government continued to move thousands of black citizens to the "homelands".

25. The situation of children who had been arrested and imprisoned on the
grounds that they were a danger for State security was especially tragic.
Some 8,000 children were still detained and were unable to contact their
families, doctors or lawyers.

26. South Africa had condemned 263 persons to death by hanging, of whom 46
were political prisoners. He appealed to the Chairman and the Commission to
take steps to ensure that those executions were not carried out. His
organization hoped that through the work of the Commission and its
repercussions on the political and communications media and public opinion, a
solid bloc could be built up to combat apartheid in the context of the
continuing struggle for a more humane and fairer society.

27. Ms. BLOEM (World Federation of Methodist Women) said that an improvement
in the situation of the children in detention in South Africa should become a
priority for all who believed in the protection of children and in human
rights. It was known that a significant proportion of the persons admitted
each year to adult prisons in South Africa were under 18. In addition, there
were the children incarcerated in reformatories, homes and in a variety of
institutions, including police cells, awaiting trial.

28. The area most underfinanced was the work being done by lawyers on behalf
of children detained without trial under the Emergency Regulations, children
arrested on petty criminal charges and children who were not represented in
the Family Courts. Less than 1 per cent of South African children appearing
before the courts had legal representation. Even in the Family Court,
judicial decisions were frequently taken without the family being informed of
the hearing. Her organization was about to set up a legal centre for children
in South Africa which would also examine the effects on them of apartheid.

29. The effects of apartheid on children had also been discussed in a broader
context when officers of the World Methodist Council and World Methodist
Federation met President Botha in November 1987. Their requests had included
the unconditional release of Nelson Mandela and other political prisoners, the
lifting of the state of emergency, the provision of non-racial education, the
abolition of the Group Area and Population Registration Act and the initiation
of negotiations for representatives of all South Africans for a future of
participation with equal rights. The meeting, however, had ended in deadlock,
with Mr. Botha continuing to deny that there were any political prisoners in
South Africa.

30. In conclusion, she drew attention to a paper entitled "The political
context of the war against children" delivered by Frank Chikane,
Secretary-General of the South African Council of Churches at the
International Conference on Children, Repression and the Law in Apartheid
South Africa held in Harare in September 1987.
31. Ms. SINDAB (Commission of the Churches on International Affairs) said that a total news blackout in South Africa and Namibia prevented the world from hearing about the continuing atrocities in those countries and in the frontline States. Under the continuing state of emergency, the townships were virtually occupied by South African security forces. Thousands of young people had been detained and many abused, tortured and killed as part of a deliberate policy of destroying political opposition. Studies by scholars and institutions showed that the torture of detainees was practised systematically and was a central element in South Africa's repressive state apparatus. The instances of torture quoted at the International Conference on Children, Repression and the Law in Apartheid South Africa reflected the brutality of the apartheid régime.

32. She drew attention to the "Sharpville Six" who were awaiting execution for their alleged role in the killing of a town official. Their lawyers had petitioned the President for clemency and all forms of international pressure must be used to support that petition. Because there were no foreign journalists in Namibia, the news blackout was even more effective than in South Africa. The situation continued to deteriorate due to South Africa's illegal military occupation. During a two-week period in 1987, 13 schools and 2 hospitals, all church-run, had been destroyed. Namibian churches were under special attack from the South African régime since they were virtually the only remaining channels for protest in Namibia. The issue of the forced conscription of Namibians into the South African army was another serious violation of international standards.

33. In the frontline States, particularly Mozambique and Angola, as a result of the war and economic destabilization, infant and child mortality were the highest in the world. In Mozambique, an estimated 3.8 million persons ran the risk of dying from famine as a result of a campaign of maximum destruction by the South African-backed rebel forces aimed at paralysing the economy. Entire villages had been destroyed, crops burnt and wells poisoned. Forty per cent of health centres and posts had been destroyed since 1982. UNICEF had estimated that to date land mines had mutilated between 10,000 and 15,000 women and children in Mozambique and Angola.

34. In the May 1987 meeting of church leaders and liberation movements convened by the WCC Programme to Combat Racism, a new level of opposition to apartheid had been achieved. At the World Council of Churches, activity was being intensified and a "World Day of Prayer for a Free Namibia" was to be organized on 4 May 1988 to commemorate the tenth anniversary of the Kassina massacre. In Washington, D.C., hearings on Namibia were to be held in May 1988 to focus attention on international policies in that country.

35. The World Council of Churches called upon the Commission to use all its influence to ensure the end of apartheid and thus the implementation of the United Nations Declarations and Conventions on human rights in South Africa and Namibia.

36. Mr. TJIRIANGE (South West Africa People's Organization) said that more than 20 years after the United Nations had assumed direct responsibility for Namibia and 40 years after the adoption of the Universal Declaration of Human Rights, the people of Namibia were still unable to exercise their right to self-determination, South Africa had not withdrawn from the territory and the United Nations could not fully discharge its responsibility as the lawful administrator of Namibia. South Africa's continuing violations of
international law had in recent years been aggravated by its refusal to negotiate in good faith and to accept the implementation of the United Nations plan for the independence of Namibia.

37. In Namibia itself, the South African régime had unleashed a campaign of terror, intimidation and physical elimination and SWAPO was receiving terrifying reports of torture, rape, destruction of property and killing of innocent civilians almost daily. People who ventured to move about without an identity card ran the risk of being beaten, tortured or killed. Newspapers in Namibia reported the atrocities committed by the South African Defence Force and allied gangs in the areas under curfew, including interrogation under torture to force the victims to admit their allegiance to SWAPO. It had also become a common practice for the South African occupation army to destroy crops on the pretext of tracking SWAPO guerrillas and to burn down villages on the grounds that they gave sanctuary to those guerrillas. Disappearances, rape and murder were equally commonplace. To sum up, the situation in Namibia was one in which a black person's life had no value, and he was portrayed as a terrorist if he opposed injustice.

38. Against that background, SWAPO once again appealed to the Commission to ensure that Security Council resolution 435 (1978) was implemented without delay. It also appealed to the United States Administration to stop linking Namibia's independence to the unrelated issue of the withdrawal of Cuban troops from Angola.

39. Mr. KOVILOV (World Federation of Democratic Youth) said that the Federation, which comprised youth organizations from over 100 countries, expressed great concern at the fact that apartheid, one of the most flagrant forms of racial discrimination, continued to exist in defiance of all norms of morality, international law and the demands of the international community. The widespread repression to which the South African population was subjected had become a daily occurrence and its victims included young persons and children.

40. The Pretoria régime was also trying to impose its will on neighbouring States. In continuing its illegal occupation of Namibia, the South African Republic increased tension in the region and created a serious threat to international peace and security.

41. His organization considered that the international community should adopt without delay urgent measures which could bring about the elimination of the apartheid system. In addition, comprehensive and mandatory sanctions should be imposed on the South African régime.

42. With a view to stabilizing the situation in southern Africa, it was necessary to ensure the independence of Namibia and to put an end to aggression against Angola.

43. The Federation consistently supported the just struggle of the peoples of southern Africa. In addition, his organization granted stipends every year to South African patriots. The apartheid problem could not fail to be cause for concern to the representatives of the youth movement of countries in Western Europe and the non-aligned States which maintained an active dialogue with the Federation on the matter.
44. In his delegation's opinion, the liquidation of the apartheid system was a necessary step for the realization of human rights in southern Africa in the economic, social and political fields.

45. Mr. BRODY (International Commission of Jurists) said that the report of a mission sent by his organization to South Africa in 1987 to examine the human rights situation there had described South Africa as a country where, for the majority of the population, the rule of law had no meaning, where courts were circumvented and their decisions ignored, where arbitrary arrests and detention were the norm and torture of detainees went unpunished, where censorship was a fact of life and journalists denied freedom of movement, where black children received greatly inferior education and were imprisoned and ill-treated for protesting against it, where lawyers representing black clients were harassed, and where black citizens suffered from internal exile in their own country. Acts such as the Internal Security Act enabled the security authorities to arrest anyone they wished for renewable 180-day periods without charge or trial. Under the Emergency Regulations, detainees were forbidden access to outsiders and on at least two occasions lawyers had been arrested for having conversations in court with their own clients.

46. The imposition of the state of emergency allowed the Government to by-pass Parliament and legislate directly by regulation, with little or no de facto judicial control. Thus, government regulations had given the security forces a free hand to act unhampered by legal restraints.

47. The members of the International Commission of Jurists mission had found many other violations of basic human rights in respect of, inter alia, freedom of movement, education and access to the professions, freedom of speech, freedom of association, freedom of assembly, freedom of the person, children, the administration of justice, the security service, the political institutions and the question of the homelands. The International Commission of Jurists had recently been informed that the members of its mission had had their visa privileges withdrawn by the South African Government. Such an act was further evidence of the latter's determination to conceal the scope of its repression.

48. Mr. LAURIJSSEN (International Confederation of Free Trade Unions) said that the political scene in South Africa remained extremely tense and that there was no indication that a long-term solution was likely to emerge in the immediate future. The current mood in Pretoria nevertheless appeared to be one of confidence that the Government was well in control. International disapproval was largely ignored because it failed to carry significant economic impact or real political persuasion. The continuation of the state of emergency, however, showed that the régime was not confident enough to govern although it had the assistance of an armour of security legislation at its disposal. One of its biggest worries appeared to be the trade union movement which it had not succeeded in crippling despite the arrest of hundreds of key activists, the bombing of offices and the destruction of properties. On the contrary, the independent black trade unions had grown in strength. An amendment bill to the Labour Relations Act sought further to curb the rights and activities of trade unions by using a biased revised definition of the concept of unfair labour practices. If adopted, the bill would make it impossible to have sympathy strikes, go-slow, picketing or stayaways. It also sought to remove the indemnity on trade unions, trade union federations, their office bearers and officials, when involved in "illegal" strikes or work stoppages.
49. In spite of policies of systematic repression and intimidation, 1987 had been one of the most turbulent periods in terms of social and industrial unrest in South Africa. The miners' strike, involving 340,000 workers and lasting for three weeks, had received wide press coverage abroad. The action, called by the unions as an ultimate form of protest over unscrupulous wage exploitation and totally inadequate safety provisions in the mines, had taken a heavy toll. Ten black miners had died, dozens had been injured and some 35,000 miners had been dismissed. The National Union of Mineworkers had not won the improved conditions for which it was fighting, but had obtained other significant benefits for the miners and had proved the strength of its mobilizing capacity despite the violent counteractions of the authorities. The strike had thus changed the face of labour relations in South Africa.

50. The starvation wages and intolerable working and living conditions of black South African workers had also led to three other major labour disputes. The strike of black postal workers in August 1987 had ended in a settlement of the dispute, although some 4,000 workers had not been reinstated in their jobs. In the transport sector, when 2,000 workers had stopped work at the beginning of August 1987, the employers had asked the police to force the strikers back to work. In April, another major strike had involved the workers employed by the South African Transport Services (SATS) on the railways, which had dismissed a total of 16,000 striking workers and carried out systematic propaganda against the strike.

51. The situation of black workers in Namibia was perhaps less publicized but equally dramatic. In July 1987, 4,000 miners had gone on strike against appalling living conditions, refusal of the right to live with their families, wages 25 times lower than that of white workers, the absence of protective equipment and the restriction of trade union activities. Although many miners had continued the struggle, about 2,000 had lost their jobs in the conflict.

52. An ICFTU delegation that had visited Namibia in November 1987 had seen how the people of that country were being terrorized. Workers and shop stewards had not been willing to discuss their economic and social conditions in each other's presence because they feared management informers and workers were totally dependent on their employer for food, clothing, school fees and even accommodation.

53. The hardship, suffering and exploitation of the black population in both South African and Namibia would only come to an end with the unconditional abolition of the apartheid system. His organization and its national affiliates in 97 countries supported the unanimous view of the black trade unions in South Africa that that aim could only be achieved if verbal and symbolic support and sympathy from international public opinion was accompanied by effective, comprehensive and mandatory sanctions against the apartheid régime.

54. Mr. DLOVA (Pan-Africanist Congress of Azanía), speaking in exercise of the right of reply, said that he had been embarrassed by the dishonest manner in which he had been quoted by the representative of the World Union for Progressive Judaism. It had been clear from his statement that he had never implied that he had any desire for the disappearance of Israel, but only questioned that country's intransigent attitude on the issue of Palestinian self-determination; the Palestinians might question in the long term the existence of the State of Israel in any part of historical Palestine.

The meeting rose at 8.15 p.m.