COMMISSION ON HUMAN RIGHTS
Forty-fourth session

SUMMARY RECORD OF THE 16TH MEETING
Held at the Palais des Nations, Geneva, on Thursday, 11 February 1988, at 3 p.m.

Chairman: M. SENE (Senegal)

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The meeting was called to order at 3.35 p.m.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF TUNISIA

1. Mr. MESTIRI (Tunisia) said that his country maintained close ties of friendship and co-operation with Senegal, the country from which the Chairman of the Commission came, and shared its concern to protect and promote human rights. He congratulated in particular the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which was to be commended on its efforts to carry out its mission. At the current session, the Commission on Human Rights had a particularly heavy agenda, which included items of far-reaching significance.

2. The Tunisian Constitution reflected his country's devotion to humanitarian values in general, as well as to the dignity of the human person, justice, freedom, peace and progress. Tunisia was committed to the promotion of rights and freedoms in all fields – civil, political, economic and social – and had ratified all the international conventions relating to human rights. The submission of its second periodic report to the Human Rights Committee in 1987 had marked the dawn of a new era: there had been a change of Government on 7 November 1987, in accordance with the Constitution and with the support of the entire population, and, by virtue of that change, democracy, political pluralism and respect for the law had been assured. Three weeks later, a very important law had been passed to regulate the conditions governing police custody and pre-trial detention. At the political level, several decisions had rapidly been taken and an amnesty had been granted to thousands of persons. Since 7 November 1987, therefore, actions had always spoken louder than words. Draft legislation on the organization of political parties, which was based on the same approach, provided for equality between all parties and for participation by the Tunisian people in political life. The Government had also taken decisions to strengthen the notion of a State subject to the rule of law, in particular by establishing a Constitutional Council. The State Security Court had been abolished to bring the Tunisian political system more into line with the International Covenant on Civil and Political Rights, which prohibited institutions of that kind.

3. Because of the changes it had undergone, Tunisia naturally attached the greatest importance to the promotion of human rights throughout the world, as well as to the activities of the United Nations in general and of the Commission on Human Rights in particular. It was proud of the work accomplished and the results achieved by the United Nations in the implementation of the International Covenants on Human Rights.

4. The Commission was meeting after the Israeli occupied Arab territories had been subjected for more than two months to upheaval resulting from the strengthening of Israeli oppression, which was designed to bring to its knees a people that had lost everything except its devotion to its cause and to its rights. The Israeli occupier took no account of the feelings of the Palestinian people, which was struggling to have its own independent State. The more the Israelis were condemned, the more they persisted in their policy, in contempt for the most elementary moral values and the relevant international instruments. An entire people, convinced of the legality of its cause, was struggling against a brutal war machine.
5. Everyone was aware that the situation in the Israeli occupied Arab territories was the result of a long-standing grievance. The Palestinian people was trying to alert the conscience of the world to its living conditions and to show that its claims were not theoretical, but stemmed from a will firmly entrenched in history. The truth could not be distorted by Israel's savage campaign of oppression against the Palestinian people. So long as Israel continued to occupy the Arab territories which it had seized by force, so long as the fundamental rights of the Palestinian people continued to be violated and so long as the Palestinian people was deprived of its right to self-determination and of the right to have its own State, the situation would continue to exist. Respect for the rights of the Palestinian people in the occupied Arab territories called for a just and comprehensive solution to the Palestinian problem, which had existed for half a century. Tunisia was in favour of an international conference on peace in the Middle East, provided that all the parties concerned were associated in such a conference, including the Palestine Liberation Organization, which was the only true representative of the Palestinian people.

6. The international community had to take a definite stand on that issue, in accordance with the Charter of the United Nations and the relevant international conventions and norms. It was all the more desirable that a joint position should be adopted at the current session of the Commission now that Palestinian children, in particular, were the victims of violence in the occupied Arab territories. The Commission had to condemn Israeli oppression in those territories, and especially the practice of torture, and should appoint an ad hoc committee to investigate the matter. It had to insist even more firmly that the economic, social and cultural rights of the Palestinian people should be respected, for an important stage had been reached the preceding year regarding the implementation of the International Covenant on Economic, Social and Cultural Rights.

7. There was no major difference between the situation in the occupied Arab territories and that in South Africa, where apartheid and the racial discrimination inflicted on the African population were an affront to human dignity. The Israeli occupation of the occupied Arab territories and the system of apartheid were a disgrace to all of mankind. Despite all the efforts being made by the United Nations and other bodies, the situation in South Africa was becoming worse and every year saw an increase in the number of persons detained and the number of victims of the most brutal torture, as well as the deterioration of the living conditions of the entire population of South Africa and Namibia. It was therefore essential to reaffirm the need for intensified efforts to eliminate apartheid and to put an end to all assistance to the racist régime in the commercial and economic fields, as well as with regard to investments, arms and nuclear energy. That was the least that could be done. Silence or mere verbal condemnation was not enough and merely cast doubt on the efforts of the international community in general and of the Commission in particular.

8. He appealed, on behalf of Tunisia, to all peace-loving States to work together to impose respect for human rights wherever those rights were being violated. Respect for human rights would, of course, continue to depend on the liberation of peoples still being subjected to colonialism and racial discrimination.
9. A radical solution had to be found to the tragedy of the Palestinian people, which had been in the headlines for some time, so as to put an end to the injustice from which it was suffering and enable it to establish its own independent State. The international community should face up to its responsibilities with regard to Palestine and hold a conference on peace in the Middle East with a view to finding a just and equitable solution.

10. He trusted that the work of the current session would be crowned with success, for the Commission was working on behalf of humanitarian causes, of the maintenance and promotion of moral and cultural values and of the right to live in freedom and dignity.

11. The CHAIRMAN said that the Minister for Foreign Affairs of Tunisia had shown, by his statement, that his country was in the forefront of the efforts being made to protect and promote human rights and fundamental freedoms. It was clear that Tunisia was anxious to promote a constructive dialogue and strengthen co-operation and solidarity with a view to economic and social development. The Commission, which had taken due note of Mr. Mestiri's appeal, hoped for the victory of man over oppression, injustice, fear and ignorance and for a better world.


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.2/1987/8/Rev.1 and Add.1, parts I and II)


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 (a)) (continued) E/CN.4/1988/37, chapter I, section A, draft resolution IV)

IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 17 (b)) (continued) (E/CN.4/1988/2, 33, 34, 35 and 37, chapter I, section A, draft resolution III; A/RES/42/47, A/42/492 and 493)

12. Mr. STRUYE (Belgium) said that the Commission was again faced with one of the greatest challenges of the times, the struggle to eradicate apartheid completely. He was bound to note, however, that no progress had been made since the last session. His country, which was deeply concerned about the situation in South Africa and about the alarming reports of the disastrous daily effects of apartheid, had taken note with interest of the interim report of the Ad Hoc Working Group of Experts, which gave an extremely detailed account of human rights violations in southern Africa.
13. The parliamentary elections held in South Africa in May 1987 had been a victory for those members of the white community who were opposed to change, thereby confirming that the white minority did not want the black majority to take part in the political process. That very regrettable development could significantly delay the advent of a multiracial and democratic South Africa. As had constantly been repeated, apartheid could not be reformed and had to be abolished. To that end, the South African authorities had to create the necessary conditions for a genuine national dialogue, namely, the unconditional release of political prisoners, the lifting of the ban on ANC, PAC and other political parties and the lifting of the state of emergency.

14. Apartheid brought its daily round of misery for the black population of South Africa. His country had condemned with indignation the imprisonment and torture of children. The major strike by miners in 1987 had been a reminder, if that was necessary, of the intolerable conditions with which black workers had to cope. Every month there had been dozens of victims as a result of clashes between rival black groups and the feeble attempts by the South African authorities to put an end to such carnage contrasted with the oppression that was unleashed when the interests of the white minority were threatened.

15. World opinion was increasingly being mobilized in favour of the abolition of apartheid, and the signs of solidarity were growing. The South African authorities had to understand that, in order to avert disaster, they must dismantle that abhorrent system without delay and accord everyone without exception the enjoyment of civil and political rights. His country continued to believe that the elements for creating a democratic society in South Africa were still present and that it was the task of the United Nations and of Member States to help promote them, in the context of a process of peaceful change.

16. His country took every opportunity to make the South African authorities aware that it condemned apartheid and intended to encourage any change that would lead to its abolition. It had taken part, with its partners in the European Community in the drafting both of restrictive measures relating to trade with South Africa and of constructive measures, as part of active support for organizations engaged in non-violent struggle against apartheid.

17. The importance accorded by Belgium to Namibian independence found concrete expression in its participation in the United Nations Council for Namibia. South Africa's unlawful occupation of that Territory led to many human rights violations and it was essential to put an end to such practices as the torture and ill-treatment of prisoners and arbitrary arrests and detentions. As was also well known, many persons had died in detention.

18. His Government once again recalled that, although it was unable, for reasons of a legal nature, to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid, that in no way prevented it from contributing to the elimination of apartheid through international co-operation, in accordance with the Charter of the United Nations. His delegation therefore disagreed with some of the conclusions which had been reached by the Group of Three and which had been repeated for some years by the authors of resolutions relating to the matter, both in the Commission on Human Rights and in the General Assembly. Unlike the Group of Three, which concluded in its report that transnational corporations operating in South Africa were "accomplices in the crime of apartheid" and that they "must
be prosecuted for their responsibility in the continuation of that crime" (E/CN.4/1988/32, para. 34), his Government did not think that the maintenance of trade ties as such with South Africa had an adverse effect on the human rights situation in that country. Belgium and its partners in the European Economic Community had prepared and updated a Code of Conduct for Companies with Subsidiaries, Branches or Representation in South Africa. Very recently, the Ministers for Foreign Affairs of the member countries had approved a consolidated report on the implementation of the Code. They had noted with satisfaction that relations between companies and trade unions representing black workers continued to develop, that common wage scales were applied by companies to all wage-earners without distinction as to race, that the wages of over 95 per cent of black workers were equivalent to or higher than the minimum wage recommended in the Code and that many companies pointed out that they had special policies for training and promoting black workers and provided them with a wide range of additional benefits. It was also regrettable that the Group of Three concluded, in paragraph 49 of its report, that "the crime of apartheid is a form of genocide, similar in nature to Fascist and Nazi crimes", for that interpretation was contradicted by law, history and the facts. Such statements did not help to achieve the common objective, which was to abolish the apartheid régime.

19. His delegation welcomed the adoption by consensus of the General Assembly resolution on the implementation of the programme of action for the Second Decade to Combat Racism and Racial Discrimination, which ought to make the most effective contribution possible to the elimination of those scourges. It was also pleased to note, from the reports of the Secretariat, that the objectives of the Second Decade had been incorporated into the programmes of United Nations bodies under a number of very specific activities. The idea that a subject taken from the plan of activities for 1985-1989 should be considered every year should also be adopted until the end of the Decade and his delegation would give its support to all truly concrete activities, particularly in the field of education.

20. His delegation, which was convinced that no society was safe a priori from racial discrimination, attached the utmost importance to government action to combat racism.

21. Mr. VARGAS, Chairman/Rapporteur of the Group of Three established under the International Convention on the Suppression and Punishment of the Crime of Apartheid, introducing the Group's report (E/CN.4/1982/32), said that, under article VII of the Convention, States parties undertook to submit periodic reports on the legislative, judicial, administrative or other measures which they had adopted and which gave effect to the provisions of the Convention. The Group of Three, which was composed of the representatives of Ethiopia, Nicaragua and Sri Lanka, had held its eleventh session at the United Nations Office at Geneva from 25 to 28 January 1988. It had had before it a note by the Secretary-General concerning the status of the Convention and the submission of reports by States parties (E/CN.4/1988/30), as well as reports submitted since the forty-third session of the Commission by the Ukrainian Soviet Socialist Republic (E/CN.4/1988/30/Add.1), Hungary (Add.2), Mongolia (Add.3), Byelorussian Soviet Socialist Republic (Add.4), Algeria (Add.5), Argentina (Add.6), Bangladesh (Add.7) and Sri Lanka (Add.8). The Group had examined each report in the presence of the representatives of the States parties, who had provided explanations concerning the measures taken to give effect to the Convention and had replied to members' questions. All the
representatives had strongly condemned the policy of apartheid, which they regarded as a crime against humanity and a threat to international peace and security, and had taken the view that the adoption of comprehensive and mandatory sanctions against South Africa and other measures to isolate the régime would make an effective contribution to the restoration of peace in the region. The three members of the Group, for their part, had called for the adoption of sanctions in accordance with Chapter VII of the Charter of the United Nations.

22. The Group of Three had continued to consider whether the actions of transnational corporations operating in South Africa and Namibia came under the definition of the crime of apartheid and whether legal action could be taken under the Convention against them. In the light of the views expressed by States parties to the Convention, the Group had held that transnational corporations in South Africa exhausted South African and Namibian natural resources, which belonged to the people, exploited the labour force of that region with the single aim of making larger profits and strengthened the apartheid régime by helping to perpetuate the oppression of the African majority and the repression against those fighting for their independence. The Group, which had been of the opinion that further examination of the matter was needed, had called upon those States parties which had still not done so to submit their views and information on the question of transnational corporations. It had also recommended that the Commission should request the Secretary-General to make an appeal to that effect to States parties.

23. In its conclusions, the Group had commended States parties which had submitted periodic reports and had urged in particular those which had not yet submitted their initial reports to do so as soon as possible, as required under article VII of the Convention. The Group, which had taken note with satisfaction of the new accession to the Convention in 1987, had nevertheless expressed concern that, as at 31 December 1987, only 86 States had become parties to the Convention and had urged all States which had still not done so and, in particular, those which had jurisdiction over transnational corporations operating in South Africa and Namibia to ratify the Convention.

24. The Group had noted that, with a few exceptions, the overwhelming majority of States and world public opinion were in favour of comprehensive mandatory sanctions against the apartheid régime and support for the people of South Africa and Namibia. It appealed to States parties to strengthen their co-operation at the international level in order to implement fully and expeditiously the decisions taken by the Security Council and other competent organs of the United Nations and its specialized agencies with a view to the prevention, suppression and punishment of the crime of apartheid. The Group remained convinced that the most peaceful means of putting an end to the system of apartheid was to apply comprehensive and mandatory sanctions against the racist régime of South Africa.

25. The Group of Three would submit a draft resolution in due course.

26. Mr. SELÉ (Mozambique) said that, not content with committing flagrant and massive violations of human rights in South Africa that were unprecedented in modern history, the apartheid régime was extending its hegemony and violent repression to neighbouring countries, where it was spreading terror, destruction and death.
27. The current situation in Mozambique was the result of the undeclared war which the racist South African régime had been waging against it and which was the main obstacle to the consolidation of that young nation's independence. The objectives of the agreement signed in 1984 between the People's Republic of Mozambique and South Africa with a view to the establishment of a climate of peace and good neighbourliness between the two countries had still not been attained. Armed bandits made murderous and destructive attacks throughout the country and had recently set about abducting children under the age of 10 for the purpose of inducting them into their ranks, where they were trained to kill and destroy. From 1982 to 1986, the terrorists' activities had resulted in the destruction of 1,500 shops and co-operatives, 1,800 schools and 490 hospitals and health centres and had caused, directly or indirectly, the death of 500,000 persons, over half of whom had been under the age of five. The armed bandits, who avoided direct confrontation with the Mozambican army, were trying to wipe out the agricultural and industrial infrastructure and transport and communications networks, thereby forcing Mozambique to devote a large share of its financial and human resources to the war and preventing it from investing in the exploitation of its natural resources.

28. Under of the policy of clemency adopted by the People's Republic of Mozambique, the People's Assembly had passed an amnesty law in 1987 for all Mozambicans who wished to abandon terrorism and crime so that they could return to society and take part in the country's development.

29. South Africa's use of armed bandits was part of a plan to force the countries and peoples of the region to submit to its economic domination. The incursions into southern Angola at the end of 1987 by South African army units had created an explosive situation in the region and there was every reason to believe that South Africa was stepping up its involvement with UNITA with a view to carrying out further acts of aggression inside the country. The Pretoria régime was worried about the resistance put up by the Angolan armed forces and was trying to provide encouragement to its own soldiers, who had recently suffered severe setbacks. South Africa's attitude showed that it was capable of violating all the principles that governed relations among States. His delegation called for the immediate and unconditional withdrawal of South African forces from Angolan territory and reaffirmed its solidarity with the people and Government of Angola.

30. His delegation gave its full support to SWAPO, which was the only legitimate representative of the Namibian people, and once again rejected the policy of linking the implementation of many resolutions of United Nations bodies and, in particular, Security Council resolution 435 (1978) to considerations extraneous to the issue.

31. No reform by the South African Government could alter the essence of the the apartheid system and it was essential for the international community to continue to bring pressure to bear with a view to ensuring that apartheid was abolished, that the state of emergency was lifted, that Nelson Mandela and other political prisoners were released and that negotiations were opened with the African National Congress and the other organizations struggling to establish a democratic and just society in South Africa. Stability, peace, security and development in southern Africa depended on the elimination of the apartheid régime by those who had created it or by those who were suffering under it. In that connection, it was encouraging to note that world public opinion had a better understanding of the true nature of the conflict and of southern Africa's problems.
32. Mr. MADAR (Somalia), noting that racial discrimination in South Africa had been under consideration by the General Assembly for more than 40 years, said that institutionalized racism continued to be the most extreme example of the violation of human rights at the present time. That was why apartheid had been declared a crime against humanity, a form of genocide and a crime demanding punishment under international law. Yet, in South Africa and Namibia, human rights were now more in peril than ever before.

33. The continuing state of emergency was a matter of the gravest concern, for it gave the police and security forces almost limitless power to arrest, detain, torture and kill opponents of apartheid, including small children and adolescents. The increasing use of capital punishment against freedom fighters and patriots was additional evidence of the desperation of a régime that maintained power only by intimidation and force.

34. It was particularly deplorable that the people of Namibia suffered both from the inhumanity of apartheid and from the oppressive weight of a harsh military occupation. The history of liberation struggles showed, however, that the desire of oppressed people for freedom always prevailed.

35. One of the most troubling aspects of the international campaign against colonialism and racism in southern Africa was the assistance given to South Africa by its main trading partners and by many transnational corporations, in which connection the Somali Government welcomed the information provided by the Special Rapporteur. There was no doubt that such collaboration had the most serious consequences for the fundamental human rights of the majority of the population of South Africa and Namibia and for the security and stability of the neighbouring States, since it contributed to the entrenchment of apartheid, encouraged South Africa in its illegal occupation of Namibia and its policy of aggression, prevented the oppressed peoples of southern Africa from enjoying their natural resources, prolonged the legitimate struggle against oppression and made the tragedy of racial conflict inevitable. His delegation appealed to the countries concerned to realize that there would be war in South Africa unless the situation was changed by peaceful means. Sanctions were, however, still the only means available to the international community.

36. It had been little more than a decade after the defeat of nazism that the South African Government had launched its apartheid plan. The evidence of the past 30 years had only served to reinforce the international community’s judgement that the policy of apartheid was a crime against humanity. Apartheid was not simply a moral issue, for it also threatened international peace and security and therefore called for urgent action on the part of the international community.

37. His delegation was pleased to note that 85 States had ratified or acceded to the International Convention on the Suppression and Punishment of the Crime of Apartheid. There could be no relaxation in opposition to apartheid during the Second Decade to Combat Racism and Racial Discrimination. The highest priority had therefore rightly been given, in the Programme of Action, to measures aimed at putting an end to apartheid, which spared no aspect of the lives of its victims, since it was enforced by the Constitution and laws of a police state.
38. In the interests of peace, it was necessary to continue to do everything possible to combat racism and racial discrimination, to eliminate apartheid once and for all and to establish a non-racial democratic society in a unified South Africa, with the full participation of its people. Somalia was convinced that, one day, Namibia too would take its place in the community of nations.

39. Mr. CHEN Shigiu (China), thanking the Under-Secretary-General for Human Rights for his introductory statement, noted that, during the past year, the racist regime of South Africa had continued to intensify its repression against black people and had obstinately pursued its policy of racial discrimination and apartheid to the detriment of the human rights situation in southern Africa. Peaceful rallies, strikes and demonstrations by black workers and students against the denial of the democratic rights of blacks had been brutally suppressed; detainees, including children, had been arrested, tortured and inhumanly treated, the state of emergency had been extended and strict press censorship had been imposed.

40. Simultaneously, the authorities of South Africa had resorted to deceptive tactics by proposing a so-called reform to whitewash itself. The facts, however, gave the lie to their so-called readiness to share power with the black people. They professed their willingness to negotiate with the black population, but refused to release the arrested black leaders or to lift the state of emergency and the ban on liberation movements, and they had intensified the policy of bantustanization.

41. The situation in Namibia was no less disturbing, for South Africa disregarded the just demand of the international community and the Charter of the United Nations itself. In defiance of Security Council and General Assembly resolutions, it continued its illegal occupation of Namibia and had extended its apartheid system there.

42. In an attempt to prevent the front-line States from supporting the just struggle of the people of South Africa and Namibia, South Africa had subjected those countries to political subversion, economic sabotage and armed aggression. It had repeatedly invaded Angola and attacked Zambia, Zimbabwe and Mozambique in blatant violation of their sovereignty and territorial integrity, thus seriously jeopardizing peace and stability in the region.

43. South Africa's apartheid system was the most barbarous form of oppression in the modern world and its colonial rule over Namibia was the last bulwark of colonialism on the African continent. Such practices ran counter to the tides of the times and could not be tolerated in the civilized world. For years, the racist régime had been condemned from all sides, whereas the downtrodden black people of South Africa and Namibia enjoyed deep sympathy and solidarity, as was apparent from the many Security Council and General Assembly resolutions designed to isolate the racist régime completely and to force it to abandon its criminal policies. Regrettably, certain political forces and economic interest groups - of which the list drawn up by Mr. Khalifa, Special Rapporteur, provided a convincing illustration - continued to maintain relations with the South African authorities, abetting them in their arrogance and prolonging the sufferings of the South African and Namibian peoples. His delegation trusted that the Secretary-General would continue to provide the assistance required for the preparation of Mr. Khalifa's report and the other
relevant studies and that, very soon, the Governments of the countries concerned and the economic interest groups would side with the righteous cause and cease their collaboration with the South African régime.

44. The plan of activities for the period 1990-1993 just adopted by the General Assembly for the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination demonstrated the will of the international community to eliminate racism and apartheid completely. In that connection, his delegation wished the Under-Secretary-General for Human Rights, who was responsible for co-ordinating activities and programmes relevant to the Decade, every success. It trusted that the Commission would play an active role in promoting the implementation of the Programme of Action.

45. The Chinese Government had already made its contribution to the Trust Fund, as it had been invited to do along with other Governments, non-governmental organizations and individuals by resolutions of the General Assembly and Economic and Social Council.

46. China was a party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, by which it abided strictly. It therefore had no contact with the South African racist régime. It would continue resolutely to support the South African people in its struggle against racist rule and for basic human rights and racial equality, as well as the Namibian people in its struggle against colonialism and for national self-determination and independence. It trusted that the international community and all justice-loving countries would take joint action in exerting greater pressure on the South African régime so that the evil system of apartheid and South African colonial rule in Namibia would end at an early date.

47. Mr. LINDGREN ALVES (Brazil) said that, although a quick glance at the agenda for the current session showed how much importance the Commission attached to the problem of apartheid in South Africa and its consequences for the region, a closer reading of the documents submitted demonstrated that the evils of the apartheid régime went beyond the strict framework of the agenda items relating to the problem because no other system of government currently violated so many rights at the same time.

48. The report of the Ad Hoc Working Group of Experts (E/CN.4/1988/8) attested to the sombre creativity of the apartheid régime. As if the state of emergency and the measures accompanying it were not enough and as if divisive tactics had not already resulted in numerous deaths among the black population, a new kind of repression had been put into practice involving the arrest and physical assault of children. The authorities tried to justify themselves by stating that children had increasingly been used in the struggle to dismantle apartheid. Whether or not young people took part in demonstrations, however, the violence of the oppressed was certainly no excuse for brutal repression by the oppressors. The international community as a whole was aware that original responsibility for the unrest lay in the régime's institutions. It was the denial of the most elementary rights of the majority by a powerful minority that sowed the seeds of rebellion; the violence inherent in the privileges maintained by force that caused South Africa to deny Namibia the right of self-determination and to attack its neighbours; and the racist régime, through the actions of its regular forces
and its support of illegal armed groups in Angola and Mozambique, that co-operated in the establishment of a new kind of mercenarism, as indicated by Mr. Enrique Bernales Ballesteros in his report to the Commission.

49. Brazil had reiterated its support for the Second Decade to Combat Racism and Racial Discrimination at the General Assembly's most recent session and had commented on the activities being implemented, as well as those proposed in the Programme of Action. In its view, the periodic reports submitted to the Committee on the Elimination of Racial Discrimination should be disseminated more widely and put to better use to avoid duplication and thus save valuable time. It was therefore pleased to note that, in his study on the achievements made and obstacles encountered during the First Decade (E/CN.4/Sub.2/1985/7 and E/CN.4/Sub.2/1987/6), Mr. Eide shared that point of view.

50. Brazil welcomed the adoption without a vote of General Assembly resolution 42/27 and its plan of activities for 1990-1993, the call for the immediate implementation of the activities proposed for the first half of the Decade which had still not been undertaken and the idea that measures to combat apartheid should be given priority. It feared that, in future studies on the Second Decade, a Special Rapporteur might come to the same conclusion as Mr. Eide, namely, that the continued existence of the apartheid régime in South Africa showed that the main aim of the Decade had not been achieved. Brazil understood that the initiative lay with the South African people, but none the less believed that concerted international action could play a vital role in helping the South African majority to exercise its inalienable rights and give tangible expression to its just aspirations.

51. Mr. AZIKIWE (Nigeria) said that, in the light of the atrocities perpetrated by the racist régime in South Africa to which the delegations of the front-line countries and the liberation movements had referred and some of which were described in detail in the report of the Ad Hoc Working Group of Experts (E/CN.4/1988/8), he welcomed in particular the efforts of persons of good will who were sacrificing part of their time and resources to keep the campaign against apartheid going, as well as the efforts of countries which, like the Nordic countries, had taken concrete measures to demonstrate their solidarity with the oppressed peoples of South Africa and Namibia.

52. The situation in South Africa continued to be a matter of great concern. The past two years had marked the most aggressive phase in the policy of oppression and intimidation of the black population, whose fundamental rights were persistently being violated.

53. Nigeria regarded apartheid as a crime against humanity, as an affront to the dignity and conscience of mankind and as a threat to international peace and security. Along with the nuclear arms race, apartheid was the greatest threat to human survival. There could be no peace and stability in southern Africa so long as apartheid had not been eradicated. That was why Nigeria took every available opportunity to appeal to the international community, and to the Western countries in particular, to use their power to force the racist régime to abandon apartheid. Nigeria would continue to support any measure likely to bring about the total collapse of the racist régime.
54. The fight against apartheid and racism was one facet of the liberation struggle in Africa; the struggle for the liberation of Namibia was another. With its illegal occupation of that territory, the Pretoria regime was ruthlessly suppressing the legitimate aspirations of the Namibian people for self-determination and independence. Notwithstanding United Nations resolutions, culminating in Security Council resolution 435 (1978), the racist régime persisted in dehumanizing and brutalizing the overwhelming majority of Namibians with the support of foreign economic and other interests, which were hampering the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and efforts to eliminate colonialism and apartheid in southern Africa.

55. While extolling the virtues of peaceful change and non-violence, South Africa's friends hastened to apply such strong measures as sanctions where their own interests were best served, as, for instance, in the Libyan Arab Jamahiriya, Nicaragua, Poland and Iran. It was regrettable that economic considerations took precedence over moral and humanitarian issues. The industrialized countries gave assurances of their sympathy with the victims of apartheid, but were not ready to take the reasonable action required to dismantle that abhorrent system.

56. Nigeria doubted the validity of the argument that investment by foreign economic interests generated profits which contributed to the social improvement of the peoples of southern Africa. It was therefore in favour of the updating of the list prepared by Mr. Khalifa, Special Rapporteur.

57. Not content with committing acts of savagery and destruction on its own territory, the racist régime was subjecting the whole of southern Africa to its terrorist campaigns, constantly violating the sovereignty and territorial integrity of neighbouring States, disturbing their peace and security, destroying their economic and social infrastructure and endeavouring to destabilize their Governments. To remedy that situation and reduce the negative impact which sanctions might have on those countries, Nigeria had, at the most recent Summit Meeting of Non-Aligned Countries held in Harare in September 1986, initiated the Africa Fund for relief to the front-line States, to which all countries, organizations and individuals were invited to make generous contributions.

58. A Group of Three had been set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid to consider reports submitted by States parties to the Convention, to determine the extent and nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa and to examine the legal action that could be taken under the Convention against corporations whose operations fell under the crime of apartheid. All States parties should submit their reports to the Group, as provided for in article VII of the Convention, and States which had still not ratified the Convention, particularly those that had jurisdiction over transnational corporations operating in southern Africa, should do so without delay.

59. Nigeria had never hidden its misgivings about the possibility of reforming apartheid, which, in its view, would have to be dismantled. It was obvious, however, that the Pretoria régime was not prepared for a peaceful
transition. It would have to be forced to abandon its criminal policy and the
capacity of southern Africa's black majority and of the front-line States to
resist racist aggression should be strengthened.

60. Mr. GOSHU (Ethiopia) said that the intransigence of the racist régime of
South Africa in maintaining the heinous system of apartheid in the face of
condemnation by the international community was an affront to that community.
Apartheid was an institutionalized violation of human rights that could not be
reformed and should be eradicated.

61. After four decades of international struggle against racial
discrimination, the entire international community, including those of its
members which supported the racist régime, had realized that apartheid was a
political anachronism. If, some day, perhaps in the immediate future, the
cause of justice and equality emerged triumphant over the oppressors of the
black population of South Africa, that would be a tribute to the efforts of
the United Nations, its organs and all other progressive and peace-loving
forces throughout the world. In that connection, the interim report of the
Ad Hoc Working Group of Experts was a formidable dossier containing vivid
instances of flagrant violations of human rights in South Africa and of the
all-out efforts being made to combat racism and racial discrimination. His
delegation congratulated the members of the Ad Hoc Working Group of Experts in
that regard and trusted that their mandate would be renewed so that they could
continue with their remarkable task.

62. The situation in South Africa had not improved in 1987, but had in fact
deteriorated, posing a serious threat to peace and security in the region and
throughout the world. Children under the age of 19 who had staged peaceful
demonstrations remained in detention. Detention without trial was practised
widely, and in an arbitrary manner, under the June 1987 emergency
regulations. Cases of torture and acts of violence by the security forces
were frequent and the number of persons who had died while in custody, in
mysterious circumstances, had increased. Kidnapping and murder were rife.

63. It was a truism that violence bred violence. The racist régime used such
brutal violence against its own people that the population of South Africa had
resorted to the only language that the racist régime understood. Armed with
sticks and stones, the black population had fought armoured vehicles, machine
guns and all other modern weapons of repression. In the light of the lessons
of history, his delegation was confident that the struggle of the people of
South Africa and Namibia would be crowned with success.

64. Ethiopians understood fully what it meant to fight when pitted against a
seemingly powerful foe. When their country had been invaded by fascist Italy
in the 1930s, they had been very poorly armed. Yet, with determination and
courage, they had delivered crushing blows to the aggressors. History was
replete with instances of massive heroism when superior equipment had not
helped the oppressor to triumph and where the forces of injustice had
disappeared in the face of the determined struggle of peoples.

65. Notwithstanding the merit of peaceful diplomatic efforts, it had to be
recognized that only through bitter and protracted struggle would the peoples
of South Africa and Namibia be able to secure their rights.
66. Developments in Namibia attested to continued massive violations of the rights of the black population, for the terrorist régime of Pretoria had extended the application of South African legislation to Namibia in utter defiance of United Nations decisions and resolutions.

67. In his delegation's view, the international community should condemn the dramatic escalation of human rights violations in South Africa and denounce the widespread practice of detaining and incarcerating children under the age of 19. Ethiopia joined with those who had called for the unconditional and immediate release of Nelson Mandela and all other political prisoners in South Africa. It also called on the Security Council to impose comprehensive and mandatory sanctions against the South African régime in fulfilment of its responsibility under Chapter VII of the Charter.

68. It was high time for the States which had still not done so to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid, particularly those having jurisdiction over transnational corporations operating in South Africa and Namibia. His delegation also stressed the need for international action to save the lives of the Sharpeville Six and to obtain the release of all political prisoners.

69. Assistance should also be extended to front-line and neighbouring States to enable them to withstand the economic and political destabilization and military aggression of the racist clique. In that connection, Ethiopia expressed appreciation to the Nordic countries, which had demonstrated their willingness to aid those States, as was apparent from the joint meeting of the Ministers for Foreign Affairs of the Front-line States and the Nordic countries held in Arusha in January 1988. The international community had a duty to assist all victims of racism and racial discrimination and to make concerted efforts to bring about the total demise of the apartheid régime.

70. Mr. LOMEIKO (Union of Soviet Socialist Republics), speaking on agenda items 6 and 7 and, in particular, on the report of the Ad Hoc Working Group of Experts concerning violations of human rights in southern Africa (E/CN.4/1988/8), said that the apartheid régime, which had been condemned by the international community as a crime against humanity, entailed a complete lack of rights for the majority of the population amounting to slavery. That repression of the people was based on laws to separate the races and its purpose was to uphold the régime's domination. The acts of oppression perpetrated by the régime included ill-treatment of detainees, who were beaten and humiliated, the disappearance of political leaders and the shooting by the army, police and security forces of demonstrators who protested against the colonial racist order. In those circumstances, the national liberation movements which themselves turned to violence could not be condemned, since it was impossible to put an end to apartheid by peaceful means. Those movements had to act as they did if they were to achieve their objective, namely to give power to the people, as reaffirmed at the Second Conference of the African National Congress (ANC) in June 1987.

71. The Pretoria régime continued to occupy Namibia, a territory for which the United Nations had been made responsible. It had set up a so-called "transitional" government, which was a puppet government, with a view to imposing a neo-colonial solution, whereas only United Nations decisions and Security Council resolution 435 (1978) in particular provided a recognized international basis for a political solution. South Africa used Namibia as a
base for acts of aggression against neighbouring States - Angola, Mozambique, Zimbabwe and others. The acts of terrorism committed against those countries had caused material damage amounting to billions of dollars. In 1987, more than 300 South African soldiers and officers had entered Angola with armoured vehicles and aircraft. An invasion categorized by the Security Council in resolution 602 (1987) which had had the support of the Soviet Union, as a flagrant violation of the sovereignty and territorial integrity of Angola and as a threat to international peace and security.

72. The Soviet Union supported the struggle being waged by the Namibian people, under the leadership of SWAPO, against the colonialist régime and was in favour of the granting of immediate independence to Namibia in accordance with United Nations decisions. The main reason for the growing aggressiveness displayed by South Africa and the continued occupation of Namibia was the political, economic and military assistance that the racists received from certain circles. That policy of co-operation with apartheid was, however, now in jeopardy.

73. In that connection, his delegation noted that the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1, para. 10) had explained that, although the ruling party in South Africa was dominated by the Afrikaaners, whose antagonism towards the English-speaking whites who controlled most businesses dated back to the Boer war, the two communities were bound together by an unholy pact that guaranteed the existence of a ruthless Afrikaaner State, which, in turn, assured the survival of the white economy. That was why, according to Mr. Khalifa, the revolt of the black population was directed not only against the political system, but also against the business system. Under pressure from the world community, some countries which co-operated with South Africa had been forced to declare certain economic sanctions against it, but such sanctions were of a purely symbolic nature, for they were accompanied by a multitude of loopholes which made it possible to provide the racists with assistance. For example, the ban on supplying nuclear technology to South Africa was combined with reservations that made it meaningless.

74. In the Soviet Union's view the adoption of sanctions against Pretoria, in accordance with Chapter VII of the Charter, was becoming increasingly urgent. The transnational corporations which exploited South Africa's human and natural resources with the complicity or participation of their countries of origin were acting in violation of United Nations decisions and providing a material basis for the continuation of apartheid in South Africa and the illegal occupation of Namibia. Those corporations were, moreover, part of the apartheid system. For example, they had their own police forces which, along with the South African security forces, imposed rough justice on those who were fighting against apartheid. The work carried out by the Special Rapporteur Mr. Khalifa, to highlight the collusion between the transnational corporations and Pretoria was extremely useful and should be continued.

75. The Soviet Union called for mandatory sanctions against South Africa and the cessation of all co-operation with that régime, with a view to speeding up its collapse and contributing to the establishment of a democratic and equitable society. It condemned the wholesale repression practised by the régime and called for an end to arbitrary Rule and for the release of Nelson Mandela and the thousands of other political prisoners. It requested
protection for all organizations that favoured a democratic solution and, in particular, for ANC. It appealed to all States to take effective measures to make the Pretoria régime put an end to its repression of the African people and to apartheid.

76. Mr. JEBARI (Observer for Morocco), speaking on agenda items 6, 7, 16 and 17, said that South Africa had attracted more attention since the proclamation of the state of emergency in June 1986, for events in the country had been widely reported in the media. The repression was becoming increasingly brutal, the illegal occupation of Namibia was still going on and many acts of aggression had been committed against the front-line States. The South African régime was reinforcing its policy of apartheid and defying the will of the international community because it was determined to crush the will of the black population.

77. Referring to the report of the Ad Hoc Working Group of Experts on violations of human rights in southern Africa (E/CN.4/1988/8), he said that his country was concerned at the situation of black children, who seemed to be increasingly affected by the repression. It strongly condemned the practices of the régime, which were contrary to the rights of the population, and called for steps to be taken, under Chapter VII of the Charter and United Nations resolutions, in order, first, to help the South African population put an end to racial discrimination and establish an egalitarian democratic State; secondly, to introduce the necessary structures to enable the population to exercise its right to self-determination; and, thirdly, to end the state of emergency and take measures to investigate all the events that had taken place since it had been proclaimed.

78. More than 20 years had elapsed since the General Assembly had terminated South Africa's mandate over the territory of Namibia, but the South African régime maintained its colonial domination and refused to recognize the national rights of the Namibian people. Morocco supported the cause of the South African and Namibian peoples and condemned the establishment of a so-called "transitional" government in Namibia. It trusted that the United Nations proposal for a settlement leading to the independence of Namibia, as set forth in Security Council resolution 435 (1978), would be implemented. To that end, all States and transnational corporations should suspend co-operation with the South African régime in all fields. The international community, expressing itself in various bodies, had requested the Security Council to impose economic sanctions against South Africa in accordance with the provisions of Chapter VII of the Charter of the United Nations.

79. The States bordering on South Africa and Namibia were being subjected to a genuine escalation of South African acts of aggression, which posed a threat to peace and security throughout the world and jeopardized the political and economic stability of the States in question and of Angola and Mozambique in particular.

80. In short, the very real tragedy affecting southern Africa and the serious consequences to which the policy of the racist Pretoria régime gave rise again pointed to the need to put an end to that régime. Morocco therefore called on those States which traditionally had ties with South Africa to bring pressure to bear on it to make it respect the rights of the black majority and of the sovereign States in the region. In his report, the Special Rapporteur,
Mr. Khalifa (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1), had updated the list of transnational corporations, banks and other organizations which gave assistance to the South African régime. Morocco considered that the Special Rapporteur should be encouraged in his task, for it was convinced that Pretoria's economic power, backed up by foreign investment, had adverse effects for the human rights of the black population. There were, however, some encouraging elements which emerged from the report and gave cause for optimism, such as the drop in investment in South Africa and certain boycotts of goods manufactured in South Africa.

81. With regard to the report of the Group of Three set up under the International Convention on the Suppression and Punishment of the Crime of Apartheid (E/CN.4/1988/32), Morocco had signed the Convention and was opposed to racial discrimination everywhere in the world, not only in Africa. It joined in the appeals made by the General Assembly at its forty-second session in November 1987 that all States, and especially those whose transnational corporations operated in South Africa or Namibia, should be urged to ratify the Convention.

82. With regard to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination, it was his delegation's view that the results achieved during the First Decade and the obstacles encountered should be evaluated, that co-operation among States and specialized agencies should be strengthened and that States should be asked for their views and comments.

83. Mrs. SINEGIORGIS (Ethiopia), recalling that her delegation had asked to speak in exercise of its right of reply following the statement made the previous day by the World Union for Progressive Judaism regarding the Falashas, said that she wished to set the record straight and bring a few facts to the Commission's attention. The Falashas were Ethiopians who had the same historical, cultural and physical features as the rest of the population. They spoke the same language, had similar customs and had lived with other Ethiopians in harmony for centuries and would continue to do so.

84. Unfortunately, when a natural disaster had afflicted Ethiopia in 1984-1985, those citizens had been lured to the Sudan, in the hope - soon to be disappointed - of obtaining food assistance there. They had then been forcibly taken to Israel. What the Falashas had found in Israel was very different from what the World Union for Progressive Judaism would have the Commission believe. They had been settled in areas bordering on certain Arab countries to be used as a buffer to protect Israeli citizens against attack. They had been forcibly drafted into the Israeli army, which was short of manpower, and, what was even more appalling, had been subjected to a brutal process of judaization, including forced baptism and circumcision, in order to make Jews of a people which had never been Jewish.

85. Her delegation took particular exception to the fact that the World Union for Progressive Judaism had raised the issue of its compatriots forcibly taken to Israel when the Commission was considering the burning issue of the situation in South Africa. In its view, what was involved was a misleading attempt to give respectability, by bringing the matter up before the Commission, to what had simply been an act of piracy forming part of the Israeli campaign to depopulate an African State. The plight of those
Ethiopians was well documented and included numerous cases of suicide by Falashas who had preferred death rather than the humiliation of becoming second-class citizens in an alien country. The Government of Ethiopia had also made it known that it was determined to repatriate the Falashas to what had been their homeland for generations. It therefore reiterated its appeal to the international community for assistance in the speedy repatriation of its compatriots.

The meeting rose at 6.05 p.m.