COMMISION ON HUMAN RIGHTS

Forty-fourth session

SUMMARY RECORD OF THE FIRST PART */ OF THE 20th MEETING

Held at the Palais des Nations, Geneva, on Monday, 15 February 1988, at 3 p.m.

Chairman: Mr. SENE (Senegal)

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*/ The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.20/Add.1.

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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.
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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The meeting was called to order at 3.25 p.m.

STATEMENT BY THE SECRETARY OF STATE FOR THE ADVANCEMENT OF WOMEN AND HUMAN RIGHTS OF GABON

1. The CHAIRMAN, speaking on behalf of the Commission, said that he was happy to welcome the Secretary of State for the advancement of women and human rights of Gabon, who was also an eminent jurist. Gabon's achievements in economic, social and cultural development over the last 20 years had been spectacular. Knowing that country well, he could attest to the enthusiasm of the people of Gabon for the main ideas of the Age of Enlightenment and the universal principles of human rights.

2. Mrs. ROGOMBE (Secretary of State for the advancement of women and human rights of Gabon) said that she was gratified, on the fortieth anniversary of the adoption of the Universal Declaration of Human Rights, to be able to apprise the Commission of her country's deep faith in the advent and development of human rights. The significance that Governments attached to respect for human rights and the fundamental freedoms of the individual was indicative of the importance which the concept of human dignity had assumed for the conscience of mankind since time immemorial. The adoption by the General Assembly of the Universal Declaration, an instrument of high legal and moral value, had constituted a new approach which had subsequently brought about changes in certain attitudes relating to respect for human rights. Undeniable results had been secured by the international community in its codification work, leading to the adoption of a genuine International Bill of Human Rights, as a result of the entry into force of important international instruments. Despite a broad consensus in the acceptance of those principles, however, the extent of physical and moral violence in the world was still a matter for regret.

3. Thus, the dispossession and continuing colonization of the Namibian people by the racist régime of South Africa, in collusion with foreign interests, was unacceptable. Only the relevant resolutions of United Nations bodies, such as Security Council resolution 435 (1978), could be considered as valid measures, designed to guarantee the independence of the Namibian people. Gabon solemnly reaffirmed its unshakeable support for SWAPO, the worthy representative of the Namibian people, in its inexorable struggle for the self-determination of that people. The assistance extended by Gabon to the Namibian people had included scholarships awarded to students and receiving a certain number of refugees.

4. Gabon condemned the policy of apartheid. The international community must require the Pretoria régime to end the indiscriminate repression, the bantustanization, banishment and harassment of the black people, and call for the unconditional release of Nelson Mandela and all other political prisoners, as well as for direct negotiations with the ANC and all other representatives of the black people. The apartheid policy should not be reformed but purely and simply abolished. The South African population as a whole should decide on the destiny of their country, on democratic bases.

5. She had carefully studied the report by the Secretary-General on the question of the violation of human rights in the occupied Arab territories, including Palestine. Like its predecessors, the report once again showed that the occupation by the Israelis of Arab territories, including Jerusalem, was
not only a denial of the very principles of international law, but also a
course that involved danger for the very survival of Israel. The Commission
ought not to confine itself to listing Israeli exactions in the occupied Arab
territories. It must find concrete solutions in order to bring to an end the
suffering and humiliation of a people who must also enjoy their fundamental
rights. Her Government strongly reaffirmed its condemnation of the occupation
by violence and the introduction of terror in the Arab territories subject to
Israeli domination. Nothing could justify the daily harassment of the
civilian populations, the banishment, arbitrary arrest of women and children
or the systematic torture designed to dash the hopes of self-determination of
an entire people. The dramatic increase in the repression, typified by the
Israeli "iron fist" policy, would certainly not bring peace to the region.
That was why the early convening of an international peace conference under
United Nations auspices, with the participation of all the parties concerned,
including the PLO, the legitimate representative of the Palestinian people,
must be a priority for the international community. Her Government was
persuaded that Israel's withdrawal from the territories occupied since 1967
was the prerequisite for a lasting peace.

6. Gabon was resolutely engaged in the struggle being waged throughout the
world to restore dignity to man, and it considered that respect for human
rights was the mainspring of man's moral and material self-realization, as
well as the prerequisite for the full expression of his talents. Human rights
stemmed from a desire for a life which would allow everyone to enjoy the
respect due to his person, physically and intellectually, and should therefore
not be reduced to the concept of material comfort or claims on the State by
the individual. They formed a code of conduct incumbent both on individuals
and States. Consequently, the denial of the exercise of those rights would
set the stage for social and political disorder, hostility between nations or
groups within a single nation. In that respect they affected the daily life
of everyone.

7. In that belief, the Gabonese Republic had always considered human rights
as the basis and objective of a policy of the overall development of man.
Further, the preamble to the Gabonese Constitution referred to the declaration
of the rights of man adopted in France in 1789 and to the Universal
legislative provisions protected the physical and moral integrity of
individuals, the enjoyment of property, the right to employment, prosperity,
education, health and other rights, in token of Gabon's wish to guarantee
and safeguard human rights. Also, because the overall development of man was at
one and the same time the basis and objective of its policy, Gabon had taken a
variety of measures to ensure the implementation of various international
instruments relating to human rights and was endeavouring to incorporate their
principles into its national legislation. For Gabon, a society in which laws
and human relations were informed by respect for human dignity and social
conflicts were resolved without prejudice or discrimination of any kind was
the ideal to which each State should aspire, without losing sight of the need
to inculcate in each citizen a feeling of responsibility vis-à-vis the rights
and freedoms of others.

8. Gabon had made significant progress in that direction when it had
established in 1987 a ministerial department responsible for human rights,
whose main role was to secure respect for the rights and freedoms of citizens
as guaranteed by the Constitution and the legislation in force and to promote
rights in a dynamic sense, bearing in mind changes in society while safeguarding cultural assets. The Department of Human Rights sought to promote the advent of the rule of law and to enlist public support for it. A seminar, held very recently, on legal services in the countryside would be a starting point for a campaign to popularize the law and should make for a better understanding of human rights and fundamental freedoms at all levels of society.

9. Gabon did not indulge in self satisfaction and was aware that much still remained to be done. It affirmed its commitment to the important cause of the defence of human rights and the rights of the citizen, and the Gabonese Government would do its utmost to help to achieve objectives common to all who defended that cause. It was to be hoped that the efforts being made by men and by national and international institutions would restore dignity to man everywhere.


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; E/CN.4/1988/37, Chapter I, Section A, draft resolution V)


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)

10. Mr. NGO HAC TEAM (Observer for Democratic Kampuchea) said that one of the fundamental purposes set out in the Charter was to achieve international co-operation by encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion. The most repellent form of racism was unquestionably the policy of apartheid of the Pretoria régime, the political, constitutional, legal and social system that awarded all privileges to a white minority to the detriment of millions of blacks who lived in poverty and were denied their fundamental rights simply because of the colour of their skin. His delegation congratulated Mr. Khalifa, the Special Rapporteur, and the Ad Hoc Working Group of Experts on their respective reports, which gave an overall view of the traumatic human rights situation in southern Africa. His delegation remembered the massacre of the children of Soweto and Sharpeville and was deeply indignant at the arbitrary
The detention of a large number of black children, whose sole offence was to call for their parents to be freed and who were tortured unhesitatingly by an inhuman régime. The people and Coalition Government of Democratic Kampuchea, who were also struggling for their sacred right to self-determination, supported the struggle of the South African people, under the leadership of their legitimate and authentic representatives, to achieve what was rightfully theirs, namely, human dignity. Despite the unanimous demand of the international community, the Pretoria authorities disregarded the appeals for the immediate and unconditional release of Nelson Mandela and other political prisoners whose only crime was to wish for democracy, justice and freedom in the land where they were born. For more than 25 years, the General Assembly and Security Council had been demanding that Pretoria should cease its policy of apartheid.

11. Despite the condemnations, the Pretoria régime persisted in its illegal occupation of Namibia as well as its uninhibited exploitation of the population and natural resources of the territory. At the same time, it was launching acts of aggression, subversion and destabilization against what was known as the Front-line States, heightening the tension in southern Africa and endangering international peace and security. The delegation of Democratic Kampuchea reiterated its unfailing support for the Namibian people and SWAPO, as well as for the peoples and Governments of the Front-line States, the violations of whose sovereignty and territorial integrity it strongly condemned. There was no justification for deferring the implementation of Security Council resolution 435 (1978) on Namibia.

12. Neither the arrests, arbitrary detention measures, repression, "denationalization" of individual policy nor the acts of aggression perpetrated against the Front-line States could offer a solution. The continuing intransigence and the total disregard for the principles and rules of international law shown by the Pretoria authorities called for further concerted efforts on the part of the international community to implement global and mandatory sanctions, which had become the only way to vanquish that régime. Only the total elimination of apartheid and the establishment of a multiracial and democratic society in a united South Africa constituted a solid foundation for a just and durable solution to the problems of the region.

13. It was incumbent on all, in conformity with the terms of the Final Declaration of the International Conference on Childhood, Repression and the Law in Apartheid South Africa, held at Harare in September 1987, to extend continuing support to the South African and Namibian peoples who were fighting for democracy, justice, equality and human dignity, in a word, for a more fraternal world.

14. Mr. SALAM (Observer for the Syrian Arab Republic) said that at a time when the international community was indicating more and more sharply its disapproval of the policy of racial discrimination, the Ad Hoc Working Group of Experts noted in its report (E/CN.4/1988/8) a worsening in the violations of human rights in South Africa and in the oppression endured by the rightful owners of the country. Far from confining itself to those practices, the racist régime was launching military attacks against neighbouring countries. Thus, between 4 and 26 December 1987, Angola had been the target of some 40 attacks. In June 1986, South Africa had also restored the state of emergency, accompanied by an impressive deployment of military and police forces and strict control of the media.
15. The ongoing co-operation by certain countries and transnational corporations with the racist régime would continue to strengthen the latter's policy of racial discrimination and would merely perpetuate the oppression of the black population, as well as the unlawful occupation of Namibia and the pitiless struggle against the various liberation movements. To collaborate with the régime was to encourage it in its aggressive policy vis-à-vis the aspirations of the African people for self-determination and independence. If left to its own resources and deprived of the moral and material support of the countries which for the time being condemned it only in words, it would not be able to persist in its policy.

16. His delegation saw a marked resemblance between the South African and Israeli régimes, whose collaboration was also condemned by the United Nations. It rejected the idea that co-operation with the South African régime helped to improve the situation of the black population and that it would be unrealistic to take legal measures and to punish the corporations that were engaged in plundering the natural resources of the indigenous population. Indeed, such co-operation was incompatible with the campaign led by the United Nations against racial discrimination. The conference scheduled to be held at Hararé in May 1988 would provide an opportunity for supporting the struggle of the African population, and would mark a further stage in the efforts deployed for the release of the imprisoned patriots like Nelson Mandela. The international community should also continue to co-operate with liberation movements such as the ANC, the PAC and SWAPO.

17. In the context of the programme of measures to be implemented during the Second Decade to Combat Racism and Racial Discrimination, the international community would assign priority to the anti-apartheid campaign and to the support its victims deserved. However, should the plan not also take account of the struggle to be waged against racial discrimination in other regions of the world and thus eliminate once and for all the two bastions of racial discrimination?

18. His delegation welcomed the effective role played by the international organizations, including the specialized agencies, in publicizing the nature and dangers of racial discrimination throughout the world. However, it once again deplored the arbitrary policy adopted by the racist régime of South Africa against the black population and its military and nuclear co-operation with the Israeli régime, which was also behaving in a most despicable manner in the occupied Arab territories. Both régimes should understand that a day would come when the aspirations of the peoples would prevail.

19. Mr. OMAR (Observer for the Libyan Arab Jamahiriya) said, with reference to agenda items 6 and 7, that for the second time since its session opened, the Commission was confronted with violations of human rights perpetrated by a racist régime. Establishing a parallel between the policies and practices of Israel and South Africa, he referred to the racist oppression, and the brutality endured by the indigenous population, the violations of the Charter of the United Nations, of resolutions of United Nations bodies and of international human rights instruments, all acts which were a source of danger, aggression and destabilization in each region. In the Middle East as in southern Africa, those régimes endangered international peace and security. They were collaborating closely in achieving dangerous objectives, basing their co-operation on aggression, and were receiving aid from a common
source, from a country which, however, had set itself up as a defender of human rights and which could have become a real champion of that cause if it had shown objectivity.

20. The report of the Ad Hoc Working Group of Experts (E/CN.4/1988/8) contained ample information on the murders, torture, measures of detention and ill-treatment inflicted on the indigenous population and, above all, on the policy of racial discrimination pursued by the South African racist régime, which had no regard for human life. The international community was unfortunately incapable of ending that tragic situation which, however, was an affront to it. His delegation congratulated Mr. Khalifa, the Special Rapporteur of the Sub-Commission who, in his report (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1), underscored the attempts to minimize the scope of the aid granted to the South African racist régime. Mr. Khalifa should continue his efforts to unmask the accomplices of that despicable régime which was plundering the natural resources of the black population. As the Special Rapporteur commented, the critical human rights situation in South Africa and Namibia was dependent on the volume of assistance accorded to Pretoria in all spheres and all kinds of assistance eventually led to a form of military support. Consequently, more assistance to the racist régime meant more racial discrimination. Quoting paragraph 24 of the Special Rapporteur's report which stated that the deeds of those who rejected the list of companies that assisted the South African régime "have not matched their prayers and their appetite has not matched their piety", he said that he did not believe that those concerned had ever known the meaning of prayer or piety.

21. Plunged into a tragic situation and unable to find a solution, the black majority could express its resentment only by recourse to struggle. It was regrettable that a linkage was being established between self-defence and violence, and that it was being alleged that violence was not the only answer to apartheid and would not bring it to an end. Driven into a corner, although the black population was peace-loving, had it any alternative? Why was the South African Government delaying so long in beginning the dialogue? His delegation believed that violence should be placed in its proper context and should not be used as an argument in order to obscure the facts. It considered that opposition to sanctions on the feeble excuse that economic pressure would be ineffective and would harm the black population was somewhat strange, particularly when it came from a country which had not hesitated to impose severe sanctions on Nicaragua and the Libyan Arab Jamahiriya, mining ports and launching a barbaric attack in the early hours in which innocent people had died in their sleep.

22. The international community had a heavy responsibility for the situation in South Africa and it must end the suffering of the black majority. The permanent members of the Security Council bore a still more heavy responsibility, since they were supposed to maintain international peace and security. If some of them had put their selfish interests on one side, and had agreed to apply the provisions of Chapter VII of the Charter of the United Nations, they would have secured the downfall of the despicable racist régime of South Africa.

23. Mrs. BALJINNYAM (Observer for Mongolia) said that respect for the right of peoples to self-determination and independence was an essential precondition for world peace, stability and social progress. The situation in
southern Africa was a flagrant violation of that right, and as the interim report (E/CN.4/1988/8) of the Ad Hoc Working Group of Experts showed, it was deteriorating and was characterized by violence and repression in daily life. The racist régime of Pretoria continued to escalate terror in order to preserve its institutionalized system of apartheid, thus threatening peace and stability not only in the region but throughout the world. The international community, which had condemned apartheid as a crime against humanity, needed to take decisive and effective measures against such atrocities.

24. Mongolia's position was well-known. Its Government had always indicated its absolute condemnation of apartheid and all other forms of racial discrimination. It had no relations with South Africa and deplored the assistance granted to it by certain Western Powers in the political, economic and military spheres. Mongolia supported the efforts made by the United Nations to eradicate that evil, and in particular General Assembly resolution 42/23 G, which set forth a whole series of measures to be taken and called on the Security Council to adopt mandatory sanctions against South Africa.

25. With regard to the harmful 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, her delegation commended the Special Rapporteur of the Sub-Commission, Mr. Khalifa, for his exhaustive study (E/CN.4/Sub.2/1987/8/Rev.1 and Add.1) and believed that his useful work should be continued. The illegal occupation of Namibia and the cruel exploitation of the Namibian people by South Africa was an act of aggression and a direct challenge to the international community. As the Special Rapporteur pointed out, more assistance to the apartheid régime meant more apartheid. Transnational corporations operating in South Africa and Namibia must be considered as accomplices in the crime of apartheid, in accordance with article III of the International Convention on the Suppression and Punishment of the Crime of Apartheid. The independence of Namibia was long overdue and the relevant United Nations plan should be implemented unconditionally, in conformity with Security Council resolution 435 (1978). Her delegation welcomed Security Council resolution 601 (1987) as an important step towards resolving that problem.

26. With regard to agenda items 16 and 17, Mongolia, which was a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, appreciated the work performed by the Group of Three (E/CN.4/1988/32) and reservedly supported its conclusions and recommendations, and in particular its statement (para. 57) that the most peaceful means available to the international community to put an end to apartheid consisted of imposing comprehensive and mandatory sanctions against the racist régime in South Africa.

27. Her delegation hoped that all States which had not yet done so would ratify or accede to the Convention, in particular those States which had jurisdiction over the transnational corporations operating in South Africa. The international community should ensure compliance with United Nations decisions calling upon States Members to terminate any collaboration with the racist régime in South Africa. In conclusion, her delegation reaffirmed the strong support of the Mongolian Government for the struggle of the South African people and the Namibian people and its solidarity with the national liberation movements and the populations of the front-line States.
28. Mr. MTANGO (Observer for the United Republic of Tanzania) said that the Commission's discussion of agenda items 6, 7, 16 and 17 had shown that while a number of delegations deplored the obnoxious system of apartheid, they were not yet prepared to make the sacrifices needed to eradicate it. It had been argued, for example, that changes were taking place because individual white South Africans had held talks with the leaders of the ANC. The truth was otherwise. The persons who had met the ANC leaders in Dakar had been full of good intentions, but had no say whatsoever in the determination of South African policies. The leaders of the Government had vehemently denounced the talks in question and the white electorate in South Africa had replaced a liberal opposition by an extreme white-wing neo-fascist one. Since its re-election, the Government had promised not reforms, but more repressive measures, and repression had indeed been intensified. Further, prominent leaders of the business community were leaving South Africa; if changes were taking place, they would have stayed to enjoy the fruits of change.

29. The contacts between business circles and the ANC might signify some hope of a change, as one delegation had maintained, but they had been induced by the threat of an economic disaster resulting from intensified sanctions which proved that with sanctions, when they existed, were conducive to dialogue. Logic would thus demand that the United Kingdom and others should impose more sanctions to induce South Africans to take the Dakar path, i.e., to advocate negotiations with the authentic leaders of the black community.

30. Africans, including the majority of black South Africans and the frontline States, advocated sanctions not because they would be painless, but because they were a necessary sacrifice. The United States delegation had repeated its position that sanctions should not be imposed because they would harm the people they were seeking to help and would cause serious damage to the economy of the southern African region. His delegation disagreed with those arguments, because nothing hurt more than apartheid, than regular visits to the graveyard to bury the victims of brutality, than to hear the screams of tortured children. The effect of sanctions would not hurt more than the killings, maiming and terror unleashed on the front-line States and other neighbouring States of South Africa.

31. The third objection of the United States delegation was that comprehensive sanctions were ineffective in practice. His delegation was not at all convinced about that, particularly since free market logic was being applied. Indeed, of the hundreds of transnational corporations with investments in South Africa, 406 were from the United States, 364 from the United Kingdom and 142 from the Federal Republic of Germany. That had not prevented the United States from benefiting from the sanctions drive. Its exports to South Africa during the first seven months of 1986 had shown no change in value, but during the same period, its imports had fallen by 50 per cent. In other words, the United States had considerably improved its trade balance with South Africa. The United States had enjoyed more favourable terms of trade than the United Kingdom and Japan. In the same period, United Kingdom exports to South Africa had increased by 15.5 per cent while exports had declined by 20 per cent, hence a gain of 4.5 per cent in balance of trade terms. It could be said that the United Kingdom had benefited from the application of sanctions. Japan had increased its exports by 17.5 per cent while its imports had decreased by only 10 per cent. It would therefore be desirable for Japan to accelerate the decline in imports from South Africa by expanding its trade with independent African States.
32. Generally speaking, sanctions had thus led to a decline in imports from South Africa for those three major trading partners. Consequently, it could not be said that sanctions were ineffective. It was also significant that the three trading partners had gained rather than lost. Therefore, even if one was to cling to the argument of self interest, independently of any moral consideration, it was possible to exert more economic pressure on South Africa without detriment to the economies of the countries imposing those measures.

33. His delegation had endeavoured to show that South Africa could be affected without necessarily affecting those who were requested to impose the sanctions. The truth was that the South African economy was vulnerable. Many economists believed that it was a siege economy and that, contrary to the popular view, it was proving extremely vulnerable to sanctions and incapable of adapting to isolation from the world capital markets.

34. Even if the immediate and direct effects of disinvestment were limited, the indirect effects had been an undermining of investor confidence and the further isolation of South Africa. Its economic growth had been inhibited and investment patterns disrupted. The South African Government and industry were taking those threats seriously since in 1986, the South African Chamber of Commerce had sent a delegation of businessmen to Spain, France and the United Kingdom to lobby against disinvestment. South Africa had opened a financial consulate in Zurich to keep channels open to the foreign banks and recently the South African coal industry had opened an office in London to counter the growing campaign in favour of sanctions against South African coal. It should be repeated that the argument to the effect that sanctions were ineffective was untenable.

35. His delegation therefore appealed to the major Western countries not to provide protective cover for the white minority in South Africa and to stop buying South African gold, coal and steel. They should boycott South African fruit, even if they were labelled as products of Swaziland or Ciskei. Further, the United States and the other Western countries should suspend their air links with South Africa, since that would certainly induce more businessmen to put pressure on the South African Government to negotiate power-sharing with black leaders. It should be emphasized that the interruption of air links was a non-violent action and that the black population would not suffer either economically or in any other way.

36. Finally, it would be necessary to revive the Commission's interest in the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid as an area for effective action. If there was a genuine desire to punish all the crimes committed in the name of apartheid, the alleged technical difficulties arising under the Convention could be resolved through negotiations. Unless the international community relentlessly pursued all avenues to end apartheid, southern African would soon be involved in a racial conflagration of unparalleled magnitude.

37. Mr. do ESPIRITU SANTO (Observer for Angola) said that the climate of insecurity, fear, terror and racial segregation in certain régimes that refused to comply with international rules and deprived peoples of their right to self-determination, independence, equality and development had assumed very disturbing proportions and might have unpredictable consequences. That was
the case with the South African racist régime whose policy of apartheid, colonial occupation of Namibia and military aggression against independent neighbouring States was a factor making for destabilization and insecurity in southern Africa.

38. A number of countries were making laudable efforts to bring that situation to an end. The People's Republic of Angola was endeavouring, as a matter of priority, to ease the serious tensions hanging over the region. The Government had taken countless initiatives with a view to achieving a ceasefire in Namibia, securing that territory's accession to independence, halting the raids launched against the independent countries of the region and establishing peace and co-operation in southern Africa. However, the arrogance of South Africa, which rejected the successive resolutions adopted by the United Nations Security Council, was impeding the efforts of the international community and the People's Republic of Angola.

39. It was 22 years since the United Nations had terminated South Africa's mandate over Namibia in 1966 and almost 10 years since the adoption of Security Council resolution 435 (1978) which provided for the withdrawal of South African troops from Namibia and the organization of free elections. The Pretoria régime made no secret of its expansionist intentions. It had recourse to manoeuvres to torpedo United Nations resolutions, to armed aggression in order to establish in power men who would do its bidding in the neighbouring countries, as well as to violent and brutal repression of the liberation movement. For Angola, the Namibian question was a colonial question, and it arose from the presence of the army, police and administration of the racist régime, imposed against the will of the Namibian people. In Namibia, there was an oppressed people faced with an illegal colonial Power. Independence for that territory was imperative and could be achieved only under United Nations auspices, by the implementation of Security Council resolution 435 (1978), the only tenable basis for a settlement of the problem.

40. His Government condemned the systematic raids on the front-line States, especially Angola, which already had resulted in over 60,000 dead, material losses in excess of $12 billion and more than 600,000 displaced persons. At the present time, thousands of innocent men, women and children in Angola and Mozambique were being killed or maimed, thousands of people had been made homeless and were now refugees. In Botswana, Zimbabwe and Zambia, racist agents laid bombs. In South Africa, thousands of blacks had died as a result of violence since the racists had taken power. In Namibia, hundreds of people were dying, were maimed for life or turned out of their homes.

41. Further, the apartheid régime, supported by one of the super-Powers, was financing, training and arming terrorist groups like UNITA and REMANO to reinforce the racist army in its strategy of destabilization in southern Africa. The raids launched by South Africa from illegally occupied Namibia, where thousands of soldiers and large quantities of weapons were concentrated, had led to the occupation of part of southern Angola. Pretoria had responded to the condemnation of the international community and the adoption of Security Council resolution 602 (1987) by increasing its occupation forces and had put the crowning touch on its arrogance by an illegal visit, by
Pieter Botha to southern Angola. His delegation wished to condemn those violations of the sovereignty of an independent State and to alert the international community to the danger which such an occupation constituted.

42. Angola for all that had not forgotten the 20 million blacks who were deprived of their fundamental rights in South Africa, the bantustanization policy which sought to divide the blacks and to turn them into aliens in their own country, the repression carried out against the opposition, even when it demonstrated peacefully. It had not forgotten the arbitrary detentions extended without a trial or proof of guilt, the partiality in sentencing that was, invariably unfavourable to anti-apartheid activists and the large-scale death sentences. The extension of the state of emergency for two years had resulted in over 10,000 persons in detention and hundreds of dead and injured, including children. In that connection, his Government called for the unconditional release of all political prisoners, particularly Nelson Mandela.

43. The international community had a heavy responsibility and it could not remain passive when freedoms were denied. All the objective requirements were met for the application of the measures prescribed in Chapter VII of the Charter of the United Nations. It was unfair to argue that the imposition of sanctions against South Africa would make the living conditions of the black population worse, since as matters stood, its very right to life was being threatened. For Angola, the struggle continued and victory was assured.

44. Mr. RODRIGUEZ CUADROS (Peru) said that, a few days earlier the South African regime had dealt another blow to the myth, which it had created, of "bantustanization", by intervening in Bophuthatswana. Its action had taken place 10 years after the phony independence of Transkei. Thus, at Mmabatho, the colonialist dream of so-called free tribal territories, a system intended to perpetuate apartheid, had faded still further. In South Africa, such events were no more than episodes in the long history of the exploitation, domination and routine repression of the population. After acceding to power in 1948, the Nationalist Party had established and institutionalized the system of apartheid. Thus, South Africa had become the only State to violate human rights, not by departing from the law, but instead by applying it. South Africa also violated international law by its illegal occupation of Namibia and its raids against the front-line States. The situation was that a State had, as a result of its legal nature, placed itself in a position of illegitimacy. Peru supported the struggle of the ANC, which represented the legitimate interests of the population.

45. The fact that the question was included on the agenda of the General Assembly and of the organs in the United Nations system that dealt with human rights should not cause one to lose sight of the actual situation in South Africa. Whereas article 1 of the Universal Declaration of Human Rights stated that all human beings were born free and equal in dignity and rights, in South Africa each individual was compartmentalized, as it were, depending on the colour of his skin. Articles 13 to 17 of the Declaration, mainly concerned with the right to freedom of movement and residence and the right to own property, were infringed in South Africa by the system of bantustanization and by the Group Areas Act. Article 21 of the Declaration which stated that everyone had the right to take part in the government of his country and the right of access to public service was infringed in South Africa, where 85 per cent of the population was unable to exercise that
right. Article 23 of the Declaration, relating to the right to work and to equal pay for equal work was violated by the provisions regulating conditions of employment and payment, since white workers earned salaries seven times higher than those of black workers. Article 26 of the Declaration, concerning the right to education, was routinely infringed in South Africa. Already in 1954, the South African Prime Minister Verwoerd had stated that Africans had no place in the European community and that there was therefore no reason to give them an education to enable them to integrate in that community. Segregation extended to the system of education and the schools for the black population were less well endowed and equipped than those for the white population.

46. Trade union freedoms and the right of association were also flouted, as was the right to strike and the right to freedom of expression. There were countless cases of arbitrary detention, involuntary disappearances, arrests of children, attempted murder, torture, death sentences on political grounds, police and administrative interference and infringements of freedom of conscience and religion. A repressive police apparatus frequently attached little importance to the fundamental right to life. The judicial apparatus did not hesitate to apply capital punishment depending on the skin colour, particularly for allegedly "political" offences by those who were struggling to assert their legitimate rights.

47. As Professor Dugard had very rightly stressed, the law had four functions in South Africa: it constituted a legal order based on racial discrimination; it legitimized discriminatory practices and thus relieved them of immorality; it sought to deceive the outside world; and it created an atmosphere of crisis which, in the view of the Government, justified the most brutal measures of repression.

48. Confronted with that situation, the people of South Africa was fighting for its own future through the ANC and the PAC, which were in the forefront of the struggle waged for more than 20 years to destroy the system of apartheid. That international cause rallied not only the majority of the States Members of the United Nations, but also religious, trade union, parliamentary and political movements and human rights organizations. The world-wide protest movement had led to the adoption of sanctions against South Africa, not only in the United Nations context but also within the Commonwealth, the European Community and the United States Congress. However, the results achieved thus far were very inadequate. The only way to exert pressure on the racist régime was to adopt comprehensive and mandatory sanctions under Chapter VII of the Charter. Unfortunately, when sanctions of that order had been proposed to the Security Council, a number of States had used their veto to neutralize any action.

49. It had been argued that the adoption of such sanctions should be avoided because they would involve further suffering for the South African population and the front-line States. That was untrue. In 1959, the former Chairman of the ANC, Albert Luthuli, had said that an economic boycott of South Africa would certainly mean suffering for the South African population, but that it was the price that would have to be paid if it enabled the bloodshed to be halted quickly. Mr. Luthuli had already asked the major Powers to apply severe sanctions to destroy the shameful system of apartheid. The problem was therefore to eliminate the possibility of the use of the veto. That was
required by the spirit of the Universal Declaration of Human Rights, morality, the highest traditions of freedom of the countries who enjoyed the right of veto, and the memory of the Sharpeville and Soweto victims.

50. Peru had always supported the national liberation movements of southern Africa, the front-line States and the Organization of African Unity in the struggle waged to eliminate apartheid and to restore peace to the region. One could no longer maintain an ambiguous attitude in a situation which was an affront to human dignity. Unless the Security Council adopted comprehensive and mandatory sanctions against South Africa under Chapter VII of the Charter, it would be helping to maintain that odious system. The campaign against apartheid called for political and ideological differences to be put aside. That just cause, for which thousands of South African patriots had given their life and many others were being detained and in danger of execution, must triumph without delay.

51. Mr. ASSAD! (Observer for the Islamic Republic of Iran) said that the current debate reflected the deep concern of the international community vis-à-vis the problem of apartheid in South Africa and the urgency attached to adopting and implementing the forceful measures long advocated by the majority of countries. However, a small group of States was unfortunately thwarting any effective action.

52. The documents before the Commission, particularly the interim report of the Ad Hoc Working Group of Experts on southern Africa (E/CN.4/1988/8), and the majority of the statements that had been made gave a sufficiently clear picture of the apartheid system and what it involved in the form of institutionalized racism and segregation, repression, the illegal occupation of Namibia and aggression against the front-line States. Immediately after the victory of the Islamic revolution in Iran, his Government had severed all political, economic, cultural and military ties with the Pretoria régime; it had subsequently pursued a policy of unequivocal opposition to apartheid and supported the legitimate struggle of the peoples of South Africa and Namibia, as well as the principle of the sovereignty and territorial integrity of the front-line States. The inhuman system of apartheid must be eliminated from Azania and must not be preserved under a facade of superficial reform or fallacious pluralism. But why had the situation worsened in South Africa in recent years and the régime become more aggressive? The Pretoria régime had no hesitation in turning to the use of brute force against the ever increasing resistance on the home front and in Namibia as well as the mounting international pressure because it continued to enjoy the support of its traditional Western allies. International condemnation weighed little against the political, economic, military and cultural support granted to the Pretoria régime, and the multinational corporations which were the accomplices of the crimes of apartheid could hardly justify themselves by arguing that they applied a certain code of conduct in South Africa.

53. Notwithstanding the demagogic condemnations of apartheid by those who opposed the adoption of mandatory and comprehensive sanctions against the Pretoria régime, the black population of South Africa and Namibia and all right-thinking people could only conclude that those attitudes tended to assure the perpetuation of the South African régime. Confronted with mounting pressure from abroad and at home for the abolition of apartheid, the hypocritical mentors of Pretoria indicated support for the ridiculous policy of "constructive engagement", leading to an absurd "dialogue" between the
predator and its victims. Thus, the authentic rights of the black majority were sacrificed to the long-term policy, economic and military interests of the powers that be, and the slaughter continued unabated in southern Africa. It was obvious that the aid given to certain black elements in South Africa was intended, not to promote the rights of the black population but merely to create local sympathies in order to have a certain influence should the old order finally collapse.

54. In response to the outcry of the black majority in southern Africa and the concern of the international community, the Commission should resolutely condemn the apartheid régime in order to encourage those who were struggling in southern Africa and to call to hypocritical supporters of apartheid to task.

55. Mr. DLOVA (Pan Africanist Congress of Azania) said that his organization was in favour of a dialogue with the white leaders, as attested by the peaceful demonstrations organized at Sharpeville and elsewhere in 1960. However it had been apparent at that time that 95 per cent of the settlers were wedded to the idea of white domination by force of arms. The decision to embark on an armed struggle had therefore had to be taken in particularly difficult circumstances, since almost all of the whole of Africa had still been under white domination. The PAC was still committed to peace, but had learned from experience that peace in freedom could only be achieved through a combination of concerted international action and growing resistance on the part of the population of South Africa. In the last year, the combatants of the Azanian People's Liberation Army (APLA), the PAC's military wing, had demonstrated the potential of that resistance to the settlers.

56. As far as the status of the settlers was concerned, the PAC had made it clear that European rule in South Africa had been established by force and that it had been maintained by force in Namibia and Azania. It had informed the settlers that the liberation of the blacks would simultaneously be an act of naturalization for them and that they would not need to change the colour of their skins to be Africans. The majority of the population rejected the idea that South Africa belonged to anyone and everyone. South Africa belonged to Africans of all races, namely, of African origin, of Asian origin as well as of European origin, provided the latter group accepted the principle of "one man, one vote" and renounced their bloodstained title of conquest.

57. The PAC was committed to the establishment of a non-aligned democratic State in Azania in whose life former settlers, ANC supporters and all the other social and political forces of the country would take part. The PAC was aware, however, that the mainstream of the white community would continue for years to belong to the Nationalist Party or its equivalent. It was also aware that when the settlers came to realise that they had lost the war, they would begin to talk about the transition. The PAC was not opposed to such an idea provided that the settlers showed they were willing to talk about renouncing their title of conquest. The PAC did not claim that other forces did not exist, since history had shown that often those who denied the existence of other forces did not resist the temptation to seek to exterminate them and embarked either on a course of genocide or of endless civil war. That was why the PAC wished to avoid any exclusivism. Nation building was an inclusive rather than an exclusive process, and those who sought the liberation and long-term stability of the country should comply with the positions taken by the Organization of African Unity, the Non-aligned Movement and the United Nations and participate in a non-sectarian process.
58. In conclusion, the PAC thanked all the peoples and all the countries of good will which, independently of ideological considerations, extended disinterested support to South Africa's struggle against apartheid and against the colonial forces.

59. Mr. HARTLEY (World University Service) said that his organization represented national committees in 44 countries throughout the world and was particularly active in the areas of education, women's development, refugees and human rights.

60. The image of current relative tranquillity in South Africa, induced by media restrictions and the virtual military occupation of the black townships and suburbs, deceived no one. The various aspects of the systematic human rights violations intrinsic to the apartheid system had already been evoked and he would therefore concentrate mainly on the situation in the educational sector, which had been one of the prime targets for repression by the régime because of its strong opposition to the system. Thus, those who had demanded the abolition of the racist Bantu education system and its replacement by a system more equitable and responsive to the aspirations of the majority of the population had been severely penalized; thus, all the members of the executive of the National Education Crisis Committee "NECC" were currently, being detained without trial and even, in some cases, without a charge. The NECC, representing parents, teachers, students and community representatives, had been set up to try to find a solution to the crisis situation which had engulfed the education of the black population since the early 1980s. The conflict could only worsen, and the World University Service appealed to the international community to condemn the arbitrary arrests and demand the immediate release of the members of the NECC.

61. Although classes had resumed almost everywhere in the black schools, attendance continued to be sporadic and repression extremely harsh; the State had imposed the carrying of police-sanctioned identification cards, carried out selective repression against students and teachers and often sent the police and the army into the schools. That situation had triggered off many boycotts and other forms of resistance which in turn had produced outbreaks of police repression, frequently with casualties. Moreover, administrative sanctions were being used increasingly against teachers thought to be politically active. The Bantu education system could not be reformed; it must be abolished.

62. In 1987, the State had also adopted unprecedented measures to limit the autonomy of the universities in South Africa and to turn university authorities into extensions of the police. Special legislation required the university authorities to report students participating in protest movements against apartheid in their establishments and to take disciplinary action against those who were believed to be the instigators, defenders or organizers of any non-violent civil disobedience campaign. Failure by the university to comply with the demands of the State would make them liable to forfeit part or all of the substantial assistance they received from the State. Moreover, the universities were infiltrated by students in the service of the security police. Those forms of intimidation and pressure, as well as the arrests and other forms of harassment, were commonplace, so much so that many students lived in hiding and attended classes only sporadically, out of fear of being arrested when leaving the class. The new legislative action on education had been denounced by a broad range of South African and international
organizations and needed to be unequivocally denounced, since they augered badly for the already dismal human rights situation in South Africa. The South African Government had an obligation to guarantee all members of the academic community the civil, political, economic, social and cultural rights recognized in the two International Covenants on Human Rights. The generally deteriorating pattern of human rights in South Africa was particularly visible in the sphere of education, and should be carefully monitored.

63. The World University Service joined in the call for clemency for the Sharpeville Six, two of whom were students. All had been convicted, on the flimsiest notion of "common cause", with those who had actually killed a government employee during the Vaal Triangle uprising, and they had incurred the most severe sentence possible.

64. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) rejected any notion that apartheid could be partially reformed and said that it must be abolished, since it constituted the most systematic violation of human rights.

65. Afrikaners believed that their settlement in South Africa was divinely ordained and considered that they were perfectly entitled to commit the most blatant violations of human rights and to dispossess, exploit and penalize Africans by laws specially designed for that purpose. Thus, article 10 of the Internal Security Act now empowered the Minister of Justice to order the detention of any person he believed to be engaging in activities which endangered or were calculated to endanger the security of the State and the maintenance of public order. Since the Commission's last session, the situation in South Africa had deteriorated further, particularly with the renewal of the state of emergency, which had paved the way for numerous arbitrary arrests and detentions without trial, torture and ill-treatment of detainees and authorized severe restriction orders for opponents of the régime. It was no longer possible to calculate the number of dead and of persons in detention, many of them children.

66. South Africa's violations of human rights extended to the Namibian people, who were subjected to the same system of oppression and inhuman treatment. The illegal occupation of Namibia must be brought to an end without delay in conformity with the plan contained in Security Council resolution 435 (1978).

67. His organization appealed to the South African Government to lift the state of emergency, to release Nelson Mandela and all other political prisoners, to lift the ban on political organizations, to allow all exiles to return to their country and to abolish apartheid.

68. Although it might seem unwholesome to compare exploitation and human rights violations, there was an undeniable parallel between the situation of the Palestinians under Zionist rule and the Africans under Afrikaner Nationalist rule. Both peoples were the victims of racial discrimination, both had been robbed of their land and the labour force of both was being exploited. In 1975, the General Assembly in resolution 3379 (XXX) had declared zionism to be a form of racism and racial discrimination. The ideologies of zionism and apartheid postulated the inherent inferiority of their victims, which justified discrimination, expropriation and repression. The logic of those ideologies extended to the possibility, if not the
probability, of extermination, and allowed Israel and South Africa to place themselves above the law and to declare the primacy of their self-defined survival. Such a philosophy was a threat to world peace and a danger to mankind as a whole.

69. The struggle against racism, racial discrimination and apartheid required the collective efforts of all members of the international community, and the International Organization for the Elimination of All Forms of Racial Discrimination urged the international community to find a way of abolishing apartheid rapidly, before it was too late.

70. Mr. GOODFELLOW (Amnesty International) said that the fact that human rights violations in South Africa were no longer the focus of attention as a year or so ago, because of the official censorship and curbs imposed on the domestic and international press, did not mean that they had ended. On the contrary, opponents of apartheid continued to be imprisoned or detained without trial on an extensive scale and the torture and ill-treatment of prisoners remained commonplace. Several political trials were in progress or in prospect about which there must be serious reservations, since they sought to portray as treason peaceful activities in protest against the régime and because of the reliance often placed by the courts on the testimony of detained State witnesses, who might be subject to pressures.

71. One such trial had resulted in six people being sentenced to death. They were awaiting execution, with many other condemned persons at Pretoria Central Prison. In the past, the South African Appeal Court had been looked to in order to remedy the more questionable decisions of the lower courts, but in the case of the Sharpeville Six, it had confirmed the sentence while acknowledging that none had been shown to have contributed to the councillor's murder during a riot and despite evidence that some had been convicted on the basis of statements extracted under torture or ill-treatment. In the last two years the use of the death penalty had increased. In 1986, 164 persons had been hanged and the exact number of persons condemned in Transkei and the other "homelands" declared to be "independent" was not known. As in previous years, blacks constituted the majority of persons sentenced to death.

72. Another ominous development had been the growing incidence of attacks on critics of the régime and the failure of the authorities to bring those responsible to justice. The killings of Victoria Mxenge, a Durban lawyer, Matthew Goniwe and three other human rights activists, Fabian Ribeiro and his wife killed soon after they had appeared in a television film on human rights violations under the state of emergency and, more recently, Sicelo Dhlomo, an 18-year-old former political detainee, found shot dead after he had been interrogated by security police about an interview he had given to an American television company on his conditions of detention. The fate of three Port Elizabeth black community leaders remained unknown. The authorities had announced an investigation on all those affairs, but it was still to be seen whether the culprits would be identified and brought to justice. Many political militants and others in South Africa believed that those killed had been victims of extrajudicial executions.

73. The state of emergency, in force since June 1986, conferred on the police and other security forces wide powers of arbitrary arrest and detention which they used with impunity if they could be said to have acted "in good faith". Those currently being held included community leaders, journalists,
clergymen, trade unionists and student activists, of whom some had been held since the proclamation on the state of emergency and others repeatedly detained for shorter periods. In a letter smuggled from his prison, one detainee had described the very bad conditions of confinement in a common cell, with 30 other prisoners, whose average age was 17.

74. Amnesty International was continuing its work for prisoners of conscience and on behalf of victims of torture, unfair trials and the death penalty in South Africa. It appealed for the immediate and unconditional release of all prisoners of conscience, for fair and prompt trials for all other political prisoners and for concerted action to stop the use of torture. It believed that there should be impartial investigations into all cases of political killings and that all death sentences, particularly those of the Sharpville Six should be commuted.

75. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) drew attention to the important role assumed by the United Nations in the process of accession to independence of territories subject to colonial domination and said that that role had not yet come to an end since the people of Namibia and of South Africa were still subject to colonialism, racism, racial discrimination and apartheid.

76. Apartheid, based on an ideology that consisted of classifying human beings according to the colour of their skin, was tantamount to the institutionalization of nazism in South Africa and the question arose of how that theory, which had been held in check in the case of Hitler's Germany or Mussolini's Italy, had taken root in South Africa. It was for the Christians of the whole world to say whether they confirmed the theory of the South African racists who asserted that they had been elected by God to govern South Africa and to defend the principles of Western Christian civilization.

77. Apartheid, with its succession of killings, torture, humiliation and slaughter of the majority of the population could only be compared to the slavery of the past.

78. Retracing the history of the territory of Namibia since 1919, he expressed surprise that the United Nations, which was currently legally responsible for the Territory, was powerless to enforce the law. One might well wonder who protected the Pretoria régime to the point where it was impossible to take specific steps against it to prevent it from continuing to sign away the future of the Namibian people.

79. The South African régime had also assigned itself the objective of destabilizing all that part of southern Africa that had acceded to independence in April 1974, when a democratic régime had been established in Portugal. There were persons nostalgic for colonialism and colonial slavery who were actively involved in the acts of aggression perpetrated by the Pretoria régime against the independent States of southern Africa and, in particular, against Angola and Mozambique.

80. The South African régime's ambitions extended beyond the zone of conflict in southern Africa, and since November 1985, its armed forces had been using the airports and seaports of Equatorial Guinea in order to develop a strong military base in that country, giving them supreme control of the Gulf of Guinea and more particularly the possibility of involvement vis-à-vis the
populations and the States of that region that were hostile to apartheid. Officially, the presence of South Africa was justified on the grounds of development assistance, which was rather surprising on the part of a régime that oppressed its own people, denied the Namibian people the right to self-determination and did its utmost to destabilize neighbouring countries. On their side, the authorities of Equatorial Guinea behaved as though they were completely unaware of the machinations of the Pretoria régime at home and abroad and the real objective of the South African Government, which was in effect to condemn the neighbouring countries to underdevelopment. The Commission on Human Rights should follow the example set by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had adopted a resolution at its thirty-ninth session (1987/10) in which it had called upon Equatorial Guinea "to cut all military links with South Africa".  

81. The Organization of African Unity (OAU), whose objectives included the elimination of colonialism, repeatedly denounced the apartheid régime and associated itself with all initiatives at the international and African levels to achieve the abolition of that régime. It was incomprehensible that, despite the reiterated resolutions of the OAU and the initiatives taken against the Pretoria régime, and in spite of all the declarations of the African heads of State and Government, Equatorial Guinea, a member of the OAU, granted the unanimously condemned Pretoria régime military facilities. In those circumstances, it was more difficult to ask the international community to take the claims of the independent African countries into consideration and to impose sanctions on South Africa. The members of the OAU should exert pressure on the authorities of Equatorial Guinea to suspend all military and other relations with the South African authorities whose presence in that region was a serious threat to the peace and security of the continent. Unless the OAU reacted promptly, the South African régime might extend its military occupation to the entire continent.  

82. The International Movement for Fraternal Union among Races and Peoples called on the Commission on Human Rights and the international community as a whole to support the ANC, the PAC and SWAPO as well as the UDF and all those who were combating the odious apartheid régime, taking into account the fundamental differences between a national liberation movement and a terrorist group. A way must be found of enabling Namibia to accede to independence as early as possible and unconditionally, to grant assistance in all spheres to the front-line States and in particular to Angola and Mozambique and to induce the South African forces to withdraw as soon as possible from Equatorial Guinea by applying pressure on the Government of that country to break off its relations with the racist régime of Pretoria.  

83. The CHAIRMAN said that the Commission had concluded its consideration of agenda items 6, 7, 16 and 17.  

The summary record of the second part of the meeting appears as document E/CN.4/1988/SR.20/Add.1