

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL
E/CN.4/SR.1583*/
19 February 1981
Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Thirty-seventh session

SUMMARY RECORD (PARTIAL)^{**/} OF THE 1583rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 3 February 1981, at 10 a.m.

Chairman: Mr. CALERO RODRIGUES (Brazil)

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*/ No summary record was issued for the 1582nd meeting.

**/ No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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Corrections to the records of the 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 discussion covered in the summary record began at 12.30 p.m.

ADDRESS BY THE CHAIRMAN OF THE SPECIAL COMMITTEE AGAINST APARTHEID

1. Mr. CLARK (Nigeria), Chairman of the Special Committee against Apartheid, paid a tribute to the Commission for its indispensable role in the struggle against apartheid and its active co-operation with the Special Committee, inter alia through the Ad Hoc Working Group of Experts on Southern Africa. The work of that Group evidenced the Commission's efforts to enhance the dignity and worth of the human person, which was a central preoccupation of the Charter.
2. At a meeting of Western European parliamentarians held at Brussels on 30 and 31 January 1981, the proposals contained in General Assembly resolution 35/206 D on an oil embargo against South Africa had been endorsed. The text of the relevant declaration would be forwarded to the Director of the Division of Human Rights.
3. He expected that the Commission would contribute to the growing campaign to put an end to apartheid and establish a democratic, non-racial society in South Africa, and would continue to provide evidence to refute the spurious propaganda of South Africa and its Western political and business allies. Those who claimed to see hopeful changes in South Africa had failed to produce any evidence that South Africa was moving towards a society in which all its citizens would enjoy equal respect, dignity and opportunities, without discrimination as to race and colour. The evidence was, rather, that the existing system of exploitation and domination, based on a racially divided society, was being maintained.
4. In South Africa, the white minority, constituting only one-fifth of the population, owned 87 per cent of the land, controlled the entire economic and political structure, and restricted by law the black majority's rights to land ownership, work and free choice of residence. Only those black Africans regarded as "economically productive" were allowed to live outside the so-called "tribal homelands". Black Africans were deprived of political and civil rights and were given inferior education. They could be arrested and detained indefinitely, and were denied the freedoms of expression and assembly.
5. He questioned whether any Government could legitimately deprive four-fifths of its citizens of such rights, and whether South Africa's policy could possibly be reconciled with the concepts, embodied in the Charter, of the promotion and encouragement of respect for the human rights and fundamental freedoms of all, without distinction as to race, sex, language or religion. He proposed to examine the appropriateness of submitting those questions to the International Court of Justice for a considered opinion.
6. The growing repression inside South Africa itself, that country's refusal to implement the United Nations plan for Namibia, and its acts of provocation and aggression against neighbouring independent African States confirmed the dangerous consequences of apartheid as a state policy and the truly Nazi nature of the régime. The Commission must seek more forcefully to implement the International Convention on the Suppression and Punishment of the Crime of Apartheid; he greatly appreciated the work it had already done pursuant to article X of that instrument.
7. A greater sense of urgency was called for. He hoped that some Member States would shortly institute legal proceedings or take other appropriate action against individuals, organizations, institutions and the representatives of States, particularly South Africa's responsible for the crimes of apartheid enumerated in article II of the Convention. Nigeria looked forward to the adoption of swift and effective measures against the perpetrators of such crimes and their accomplices abroad.

8. The Special Committee had requested the Commission to investigate crimes of apartheid against women and children in South Africa and had submitted relevant information to it. Examples of such crimes included the arrest, detention and torture of black schoolchildren protesting against their inferior system of education. The plight of women and children under apartheid had been the subject of a seminar organized by the Special Committee in Paris in June 1979, under UNESCO auspices, at which the break-up of families and the practice of child labour had been vigorously condemned. Since the Soweto massacre of June 1976, the repression of children in South Africa had been a major concern of the Special Committee. He hoped that the Commission would help in promoting effective international action to uphold the rights of the child in South Africa.

9. Measures to muzzle the black and liberal white press in South Africa had recently been intensified, as had the repression of trade unionists and church and community leaders. The South African authorities openly violated the rights of artists, sportsmen and writers who opposed apartheid. Such violations had prompted the adoption of General Assembly resolution 35/206 E, which he hoped the Commission would act upon.

10. The Special Committee would continue its campaign for the imposition of sanctions and the adoption of other measures to isolate South Africa. To that end, it had drawn up a comprehensive programme of work for 1981, including the holding, in May, of an international conference on sanctions against South Africa under the joint sponsorship of the United Nations and the Organization of African Unity.

11. The Special Committee would need the Commission's help in the campaign to free Nelson Mandela and other political prisoners and to secure the repeal of the laws under which death sentences were routinely passed on freedom fighters, contrary to the provisions of the Geneva Conventions of 1949 and Additional Protocol I thereto. The African National Congress had declared that it would abide by the Conventions and respect the human rights of combatants; he hoped that the Commission and other humanitarian organizations such as ICRC would seek to ensure that South Africa did likewise. The Special Committee would also need the Commission's help in dealing with the role of transnational corporations in supporting the apartheid régime. The Special Committee appreciated the Commission's work on that subject and would continue to assist it in its studies, which, he hoped, would extend to the work of all other organizations and individuals involved in propaganda and lobbying on behalf of South Africa. The Special Committee would co-operate with the Commission, during 1981, in organizing a seminar on effective measures to prevent transnational corporations and other established interests from collaborating with the racist régime of South Africa.

The meeting rose at 12.55 p.m.