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REPORT BY THE SECRETARY-GENERAL IN PURSUANCE OF RESOLUTION
246 (1968) ADOPTED BY THE SECURITY COUNCIL AT ITS 1397th
MEETING ON 14 MARCH 1968

1. This report is submitted to the Security Council in pursuance of the request made by the Security Council in paragraph 6 of resolution 246 (1968) "to follow closely the implementation of the present resolution and to report thereon to the Security Council not later than 31 March 1968".

2. Other operative paragraphs of resolution 246 (1968) contained the following provisions:

"1. Censures the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member;

"2. Demands that the Government of South Africa forthwith release and repatriate the South West Africans concerned;

"3. Calls upon Members of the United Nations to co-operate with the Security Council, in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;

"4. Urges Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution;"

3. Immediately upon the adoption of the resolution by the Security Council on 14 March 1968, the Secretary-General transmitted its text by telegram to the Minister of Foreign Affairs of the Republic of South Africa.

4. On 15 March, the Secretary-General handed to the Permanent Representative of South Africa an aide-mémoire in the following terms:

"The Secretary-General, following yesterday's meeting of the Security Council, plans to send to South Africa a personal representative for the purposes laid down in operative paragraph 2 of resolution 246 (1968) adopted

by the Security Council at its 1397th meeting on 14 March 1968. In this connexion the Secretary-General refers to the statements made in the Security Council by the representative of Pakistan, Ambassador Shahi, at the 1395th meeting on 4 March 1968 (S/PV.1395, page 13), and by the representative of the United Kingdom, Lord Caradon, at the 1397th meeting on 14 March 1968 (S/PV.1397, pages 12-13)."

5. By a note dated 30 March 1968, the Permanent Representative of the Republic of South Africa transmitted to the Secretary-General a communication dated 27 March 1968 from the Minister of Foreign Affairs of the Republic of South Africa in reply to the Secretary-General's telegram dated 14 March 1968 and the aide-mémoire he handed to the Permanent Representative of South Africa on 15 March 1968. The text of the communication of the Minister of Foreign Affairs of the Republic of South Africa is reproduced in annex I to this report.

6. By a note dated 18 March 1968, the Secretary-General transmitted the text of the resolution to the States Members of the United Nations, and referring in particular to operative paragraphs 2, 3 and 4, stated that he would appreciate receiving information as early as possible on the response of Governments to operative paragraphs 3 and 4.

7. As of 30 March 1968, the Secretary-General has received replies to his note of 18 March from the following Member States: Colombia, Congo (Democratic Republic of), Hungary, Madagascar, Malaysia, New Zealand, Sudan, Uganda, USSR and Venezuela. The reply from Colombia was a simple acknowledgement; the substantive parts of the other replies are reproduced in annex II to this report. Replies received subsequently will be circulated in addenda to the present document.

8. The Secretary-General would like to recall, in this connexion, that he has submitted to the Security Council previously, in documents S/8357 and Addenda 1 through 20, and in document S/8399, reports on the implementation given to resolutions previously adopted on the question of South West Africa by the General Assembly (resolution 2324 (XXII) of 16 December 1967) and by the Security Council (resolution 245 (1968) of 25 January 1968).

ANNEXES

ANNEX I

27 March 1968

Your Excellency,

1. I have the honour to refer to your telegram of 14 March 1968, as well as your subsequent intimation that you were planning "to send to South Africa a personal representative for the purposes laid down in operative paragraph 2 of resolution 246 (1968) adopted by the Security Council at its 1397th meeting on 14 March 1968". It is noted that operative paragraph 2 contains a demand "that the Government of South Africa forthwith release and repatriate the South West Africans concerned".
2. You will recall that the South African Government has on a number of occasions stated its position in regard to General Assembly resolution 2145 (XXI) of 27 October 1966 - see my statements to the General Assembly on 12 and 26 October 1966 as well as my dispatches to you dated 26 September 1967 and 15 February 1968 and the statement made to the General Assembly by South Africa's representative on 14 December 1967. My Government's views as expressed in these statements and communications apply with equal force to all resolutions, including Security Council resolutions, based on, or flowing from, General Assembly resolution 2145 (XXI).
3. Furthermore, in none of the debates conducted since the twenty-first session of the General Assembly has any serious consideration been given to South Africa's exposition of fact and law. While also the records of relevant proceedings abound with vituperation and emotional outbursts against my Government nowhere does one find any indication as to how the interests of the peoples of South West Africa are to be served by the action envisaged in the relevant resolutions.
4. It would seem that the present emotional approach to the issue of South West Africa derives primarily from the disappointment of a number of countries in the judgement of the International Court of Justice of 18 July 1966 in that that judgement did not further their own objectives. What was legally untenable must now be rationalized and put into effect by political majorities. It is conveniently

His Excellency U Thant,
Secretary-General of the United Nations,
New York

forgotten that the action in the International Court of Justice was not instituted by South Africa. It is likewise forgotten that before the proceedings were instituted, South Africa repeatedly indicated that where, in fact, she was voluntarily prepared to seek a solution to the problem by negotiation, she could not submit to demands for United Nations supervision. Within this framework South Africa made many efforts to find a reasonable basis for settlement of the question.

5. In 1951 she proposed that a new agreement be entered into with the remaining Principal Allied and Associated Powers of the First World War. South Africa went so far as to declare her willingness to have the idea of such an agreement sanctioned by the United Nations beforehand. But this did not satisfy the majority of the General Assembly.

6. Despite this, South Africa reconfirmed her willingness to arrive at an amicable arrangement; and towards the end of 1952 the United Nations Committee concerned could report agreement in principle on five points. The Committee itself expressed its appreciation of South Africa's efforts, but regarded itself so bound by its terms of reference that it could not accept anything less than South Africa's accountability to the United Nations.

7. Still South Africa did not close the door to finding a basis for negotiation. In 1958 we invited the members of the United Nations "Good Offices" Committee to visit South Africa and South West Africa. In the record of the discussions, the Committee expressed its appreciation towards South Africa for her frankness, friendliness and desire to find a mutually acceptable basis of agreement. In its subsequent report the Committee also mentioned a suggestion that some or other form of partitioning of South West Africa might provide the basis for a solution. This idea was, however, summarily rejected by the United Nations. This again illustrated that, irrespective of the merits of the situation, no recommendation or suggestion by a United Nations representative or group would be acceptable unless it merely re-echoes resolutions already adopted even though divorced from the realities existing in South West Africa.

8. Although a deadlock appeared to have been reached, South Africa still remained willing to find a basis for discussions and received the Carpio - Martinez de Alva Mission in 1962. That history is still fresh in our memories and I need not go

into details. We all know how the United Nations reacted to the joint communiqué issued at the conclusion of their visit. The communiqué was not to the liking of the majority and as far as the United Nations was concerned it therefore simply did not exist.

9. Again in 1966 when the International Court of Justice delivered a judgement which was not to the liking of the majority of the United Nations, that judgement was relegated to the wastepaper basket. Instead the majority in the Assembly, again ignoring the wealth of fact and legal argument presented to the Court, proceeded to take the law into its own hands.

10. The South African Government has never felt that it has anything to hide or to be ashamed of concerning its administration, policies and objectives in South West Africa. May I in this connexion refer to my Government's most recent efforts to ensure that full information on South West Africa is available for everyone genuinely interested to acquaint himself with conditions in the Territory. These efforts include:

(a) The full and detailed information given to the International Court in the pleadings and extensive expert testimony, together with the invitation to the Court to inspect the Territory and to see whatever it wished. The facts as presented by South Africa were fully documented, and they were eventually not disputed by the Applicant States. Yet all those facts were ignored by the General Assembly in the process of rushing to a condemnation of South Africa;

(b) The active participation by the South African delegation in the General Assembly debate on South West Africa during the twenty-first session in 1966;

(c) The publication and distribution to Governments and international organizations, including the United Nations, of the "South West Africa Survey, 1967";

(d) The invitation issued early in 1967 to the envoys of all Governments accredited in South Africa to visit all parts of South West Africa and see conditions for themselves;

(e) My letter to you dated 26 September 1967, setting out my Government's attitude towards resolution 2145 (XXI) and matters related thereto;

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(f) Statements made by South African representatives in the General Assembly on 11 and 14 December 1967;

(g) My letter to you dated 15 February 1968, containing an analysis of the Terrorism Act 1967, and a brief survey of the salient features of the trial, the State vs. Tuhadeleni and others, as well as a short exposition of progress made in South West Africa in various fields of human life.

11. One fact has clearly emerged and that is that any information and findings favourable to South Africa are summarily rejected and ignored by the United Nations. Similarly, mere assertions, mostly uninformed and often reckless, are eagerly accepted provided this would further the objectives of the majority.

12. My Government is not prepared to risk the creation of a Vietcong-like reign of terror and to sacrifice the well-being of the peoples of the Territory. Our duty is clear: the maintenance of order, stability and economic well-being. My Government will not allow bands of terrorists to roam the countryside at large murdering and intimidating peaceful communities and impeding their development. In the interests of all the peoples of South West Africa, convicted terrorists cannot be released nor can their release be discussed.

13. You will appreciate from the foregoing, particularly paragraphs 8 to 10, that South Africa has all along been ready and willing to enlighten whoever is objectively interested in the well-being of the inhabitants of South West Africa. In this light we shall be willing to receive your personal representative provided he is mutually acceptable, and provided also we can be assured that factual information made available to him will not, as so often in the past, be ignored.

Please accept, Your Excellency, the assurance of my highest consideration.

(Signed) H. MULLER
Minister of Foreign Affairs

ANNEX II

CONGO (DEMOCRATIC REPUBLIC OF)

[Original: French]
27 March 1968

"The only information that I can give you on behalf of my Government is that the Democratic Republic of the Congo does not maintain relations of any kind with South Africa.

"My Government has co-operated enthusiastically with all other fraternal countries in Africa and Asia in securing condemnation of South Africa's illegal acts by the international community.

"We expect Governments that maintain diplomatic or other relations with South Africa to use their influence to ensure that it does not once more trample underfoot the decisions of the international community."

HUNGARY

[Original: English]
25 March 1968

"On several occasions, the Hungarian People's Republic has made its position known concerning the inhuman policy of apartheid of the white settler's régime in Pretoria in general and concerning the illegal arrest and trial of South West African patriots in particular.

"It was reiterated recently in the note of 26 January 1968 addressed to the Secretary-General of the United Nations by the Permanent Representative of the Hungarian People's Republic that in expressing her disapproval of the universally condemned policy of apartheid of the white minority régime in Pretoria, Hungary was not maintaining diplomatic or any other relations at all with the South African régime.

"At the Security Council and in the other organs of the United Nations, the Hungarian People's Republic in joining to the majority of the Member States has

also expressed the opinion that the allies and major trading partners of South Africa by continuing their support to the racist régime in Pretoria cannot escape the responsibility for the illegal actions of that régime in relation to South West Africa. It has also joined to the majority opinion demanding effective measures to terminate the lawlessness practised by the Pretoria régime concerning the Territory of South West Africa.

"Persistently following the principles of its socialist foreign policy, the Hungarian People's Republic will continue to support appropriate measures aiming at the elimination of the policy of colonialism and racial discrimination advocated and practised by the South African régime.

"It will also continue to stand for the just cause of the people of South West Africa in their struggle against colonial and racial oppression and for regaining their freedom and independence.

"As an expression of the public opinion in Hungary against racism, the Hungarian Association for the United Nations made a statement on the occasion of the International Year for Human Rights. The text of the statement is enclosed."

"Statement

"The twentieth anniversary of the adoption of the Universal Declaration of Human Rights is being observed this year all over the world in the framework of the International Year for Human Rights. This occasion prompts progressive mankind to take stock of the situation as regards observance of human rights, including racial equality, today. Recent tragic events in the Republic of South Africa and in Rhodesia - where patriots fighting for national liberation and human dignity are kept unlawfully in prison by racist authorities, committed to trial in violation of the law or have been executed or their further killings are prepared - imperatively raise the demand that racial equality be enforced throughout the world as soon as possible.

"The Hungarian people most categorically condemns all forms of racial discrimination. The Hungarian Association for the United Nations sympathizes with the persons, groups and organizations fighting against racial discrimination,

wherever they may wage their fight in the Republic of South Africa, in Rhodesia suffering from the unlawful Ian Smith régime, in the Portuguese colonies, in the negro-inhabited areas of the United States or elsewhere. This is a duty imposed upon us, in addition to our conviction, by the constitution and the laws of the Hungarian People's Republic, which unequivocally condemn all forms of racial discrimination. This is our duty under the Charter of the United Nations, which professes in many forms the equality of man, and under the International Convention on the Elimination of All Forms of Racial Discrimination, which was worked out by States Members of the United Nations, our country, among them, and to which Hungary is also a party.

"We believe that the idea of racial equality will triumph all over the world, and we fight by all manner of means to ensure that it comes true at the earliest date possible."

MADAGASCAR

[Original: French]
25 March 1968

"The Malagasy delegation to the twenty-second session of the General Assembly was a sponsor of resolution 2324 (XXII) condemning the illegal arrest and trial of South West African patriots. Consequently, the Malagasy Government attaches particular importance to the implementation of this resolution and of the subsequent decisions taken by the Organization concerning the detention and trial of nationals of South West Africa.

"However, since the Malagasy Republic has no diplomatic or consular relations with South Africa, it was unable to approach the South African Government and prevail upon it to observe the provisions of Security Council resolution 246 (1968)."

MALAYSIA

[Original: English]
27 March 1968

"The Government of Malaysia has always unreservedly and unstintedly co-operated with the Security Council and it would continue to do so in the future. It has severed all relations with the apartheid régime of South Africa and regretfully has no influence on the racist government to obtain the release of the South West Africans concerned."

NEW ZEALAND

[Original: English]
20 March 1968

"The New Zealand Government's position in connexion with the international status of South West Africa and the trial in Pretoria of South West Africans charged under the South African Terrorism Act has been made clear by New Zealand's votes in favour of General Assembly resolutions 2145 (XXI) and 2324 (XXII). In accordance with the terms of General Assembly resolution 2324 (XXII) and Security Council resolutions 245 (1968) and 246 (1968) the New Zealand Government has expressed its concern to the South African Government, through the South African Consul-General in Wellington, about the holding of the trial, and its outcome, which disregarded entirely the United Nations standpoint in respect of the international status of South West Africa."

SUDAN

[Original: English]
29 March 1968

"... the Government of the Republic of the Sudan welcomes Security Council resolution 246 (1968) of 14 March 1968 concerning the detention and trial of South West Africans. The Government of the Republic of the Sudan will continue to lend its support to United Nations efforts aiming at the immediate release and repatriation of the South West Africans concerned, the establishment in the Territory of the authority of the United Nations and the exercise by the people of South West Africa of their right to self-determination and independence.

"The Government of the Republic of the Sudan had severed all relations with South Africa and enacted in 1963 the 'South Africa Boycott Act 1963' prohibiting trade and other international intercourse with the Republic of South Africa. The Government of the Sudan therefore regrets it cannot contribute to the implementation of the aforesaid resolution by making an approach to the Government of South Africa in order to obtain its compliance with the provisions of the resolution."

UGANDA

[Original: English]
28 March 1968

"With respect to resolution 246 (1968) the Permanent Representative of the Republic of Uganda to the United Nations wishes to reiterate Uganda's support for the resolution as a whole and particularly to its operative paragraphs 2, 3 and 4. Uganda's response to operative paragraph 3 of the said resolution has been to further tighten the trade boycott hitherto in effect against South African goods with the view to eliminate every recognizable trace of commercial intercourse that might be effected through the medium of any middle-man.

"The Government of the Republic of Uganda, however, reads in operative paragraph 4 an allusion to those Members of the United Nations who are the overt

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trading partners of South Africa. Uganda's position on this paragraph, therefore, is limited to persuading these (well-known) States to co-operate with the Security Council. Such a co-operation, Uganda believes, would go a long way in contributing to the struggle for freedom and self-determination of the people of South Africa."

UNION OF SOVIET SOCIALIST REPUBLICS

[Original: Russian]
29 March 1968

"The Soviet Union resolutely condemns the South African authorities' oppression of South West African national liberation fighters and consistently opposes the racist policies of apartheid and the attempts made to extend them to South West Africa.

"The feelings of the Soviet people concerning the oppression of South West African national liberation fighters were expressed by the Soviet Committee for the Solidarity of Asian and African Countries in its statement of 15 February 1968. The statement read in part as follows: 'The judicial farce performed at Pretoria in spite of the demands of progressive public opinion throughout the world violates the principles and rules of international law. Expressing the wishes of millions of Soviet citizens, the Soviet Committee for the Solidarity of Asian and African Countries indignantly protests against the shameful conviction of the South West African patriots and demands their immediate release and return to their homeland.'

"In accordance with the decisions of the Security Council and the resolutions of the General Assembly, the Soviet Union has, as we must again point out, severed all relations with the racist régime of the Republic of South Africa and now maintains no diplomatic, consular or commercial relations with that régime.

"Noting that the racist authorities of South Africa are still openly defying the United Nations and refusing to comply with the decision of United Nations bodies, including Security Council resolution 246 (1968), the Soviet Union feels compelled to emphasize the well-known fact that this defiant attitude of the

South African racists is based on the political, economic and other support of every kind which they are receiving from certain States. Those States have an obligation to embark on the path of strict compliance with the decisions of the Security Council.

"As to the Soviet Union, it is prepared to co-operate in every way to implement the Security Council resolution of 14 March 1968 and will support the South West African people's just struggle for liberation from the colonial racist yoke, for freedom and for independence."

VENEZUELA

[Original: Spanish]
20 March 1968

"As the Secretary-General has already been informed by a cable from the Permanent Representative dated 26 January 1968, the Government of Venezuela has no relations with the Government of South Africa. This fact does not favour co-operation or direct action concerning the observance of Security Council resolution 246 (1968), which the Venezuelan Government considers to be fundamental and requiring urgent implementation.

"The Chargé d'Affaires a.i. of Venezuela takes this opportunity to reaffirm to the Secretary-General the serious concern of the Venezuelan Government about the illegal actions and flagrant violations of the rights of these persons, which the Security Council has described as flagrant defiance of its decisions and of the authority of the United Nations."
