

UNITED NATIONS



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TWENTY-NINTH YEAR

1798th MEETING: 22 OCTOBER 1974

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/ . . .) are normally published in quarterly *Supplements of the Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

SEVENTEEN HUNDRED AND NINETY-EIGHT MEETING

Held in New York on Tuesday, 22 October 1974, at 3 p.m.

President: Mr. Michel NJINÉ
(United Republic of Cameroon).

Present: The representatives of the following States: Australia, Austria, Byelorussian Soviet Socialist Republic, China, Costa Rica, France, Indonesia, Iraq, Kenya, Mauritania, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon and United States of America.

Provisional agenda (S/Agenda/1798)

1. Adoption of the agenda
2. Relationship between the United Nations and South Africa:
 - (a) Letter dated 30 September 1974 from the President of the General Assembly to the President of the Security Council (S/11525);
 - (b) Letter dated 9 October 1974 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/11532)

The meeting was called to order at 3.50 p.m.

Adoption of the Agenda

The agenda was adopted.

Relationship between the United Nations and South Africa:

- (a) Letter dated 30 September 1974 from the President of the General Assembly to the President of the Security Council (S/11525);
- (b) Letter dated 9 October 1974 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/11532)

1. The PRESIDENT (*interpretation from French*): In accordance with the decisions taken by the Council at its 1796th and 1797th meetings I propose, under Article 31 of the Charter and in accordance with the pertinent provisions of the provisional rules of procedure, to invite the representatives of Algeria, Bangladesh, Cuba, the Congo, Dahomey, Egypt, the German Democratic Republic, Ghana, Guinea, Guyana, Madagascar, Mali, Mauritius, Morocco, Nigeria, Qatar, Saudi Arabia, Sierra Leone, Somalia,

South Africa, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yugoslavia and Zaire to participate, without the right to vote, in the Council's discussion of the question before it, and I request those representatives to take the seats reserved for them at the side of the Council chamber.

At the invitation of the President, Mr. Rahal (Algeria), Mr. Karim (Bangladesh), Mr. Mondjo (Congo), Mr. Alarcón (Cuba), Mr. Adjibadé (Dahomey), Mr. Abdel Meguid (Egypt), Mr. Florin (German Democratic Republic), Mr. Bouten (Ghana), Mrs. Jeanne Martin Cissé (Guinea), Mr. Jackson (Guyana), Mr. Rabetafika (Madagascar), Mr. Traoré (Mali), Mr. Ramphul (Mauritius), Mr. Slaoui (Morocco), Mr. Oghu (Nigeria), Mr. Jamal (Qatar), Mr. Baroody (Saudi Arabia), Mr. Palmer (Sierra Leone), Mr. Hussein (Somalia), Mr. Botha (South Africa), Mr. Kelani (Syrian Arab Republic), Mr. Driss (Tunisia), Mr. Kinene (Uganda), Mr. Humaidan (United Arab Emirates), Mr. Salim (United Republic of Tanzania), Mr. Yaguibou (Upper Volta), Mr. Petrić (Yugoslavia) and Mr. Mutuale (Zaire) took the places reserved for them at the side of the Council chamber.

2. The PRESIDENT (*interpretation from French*): Furthermore, I must inform members of the Council that I have received letters from the representatives of Barbados, Czechoslovakia and India requesting that their delegations also should be invited, under Article 31 of the Charter and the pertinent provisions of the provisional rules of procedure, to participate, without the right to vote, in the Council's discussion. In accordance with the customary practice, and with the assent of the Council, I propose to invite the representatives I have just mentioned to participate, without the right to vote, in the discussion.

At the invitation of the President, Mr. Waldron-Ramsey (Barbados), Mr. Smid (Czechoslovakia), and Mr. Jaipal (India) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT (*interpretation from French*): Members will recall that, at its 1796th meeting, the Council decided to extend an invitation, in accordance with rule 39 of the provisional rules of procedure, to Mr. David Sibeko, member of the National Executive Committee of the Pan Africanist Congress

of Azania and chief of the mission in Europe and in the Americas. Mr. Sibeko has informed me that he is ready to address the Council at this meeting. Accordingly, with the assent of the Council, I invite him to take a place at the Council table and to make his statement.

4. Mr. SIBEKO: We have already in other bodies confessed our ignorance of the provisional rules of procedure of the Council, but I am compelled by my compassion and the compassion of my people and the fraternal relationship that they have with the people of Iraq, to request you, Mr. President, to convey the condolences of the Pan Africanist Congress (PAC) and the Azanian people to the people and Government of Iraq at the sad news we have received of the death of their Foreign Minister.

5. It is a matter of tremendous inspiration to us as freedom fighters to participate in this discussion and to address the Security Council for the first time at its headquarters in New York on the grave situation in our country, at a time when you, Mr. President, a representative of the Government of the United Republic of the Cameroon, are presiding over this meeting. Our inspiration derives from the fact that your country too, not so long ago, was like ours, a dismembered country in the community of nations. Your achievement of independent status is an inspiration to our people. We must also note here that this meeting takes place at a time when your country is Chairman of the Co-ordination Committee for the Liberation of Africa of the Organization of African Unity. During the brief time it has been in that position we have witnessed the dramatic events which have led the Portuguese to accede to the demands of the people of Guinea-Bissau and recognize the State that was declared by PAIGC [*Partido Africano da Independência da Guiné e Cabo Verde*] last year. It is also during your country's tenure of that office that we have witnessed a further step in decolonization in Africa, namely, the instalment of a transitional Government in Mozambique, a Government which is led by our brother movement, FRELIMO [*Frente de Libertação de Moçambique*]. In the freedom struggle we have learned not to deal with wishes. But it would be a fitting tribute if at the end of these deliberations your country, which had to fight twin colonialism, would have presided over a series of Council meetings that became a milestone in the history of United Nations decision-making. Such milestones will be referred to in the main part of my statement today.

6. Before I turn to the main part of my statement, however, I am compelled by the very gravity of the situation in my country to which I have referred, by the dire consequences that that situation could have for our people, by the serious deprivations which we are suffering as a result of colonial aggression and the installation of white domination,

to make—if only in passing—some remarks which I feel have gone for far too long unheeded.

7. We come to the United Nations not to ask for deliverance from *apartheid* slavery. We come here on this occasion to ask the United Nations to join us in ending an illegality in our country. We come to ask the United Nations to help us to galvanize international public opinion to the side of the democratic forces fighting inside our country. Any solution not in accordance with the clearly spelled out demands that have been put across by the liberation movement in Azania will not be treated with any seriousness—and I am using the most diplomatic language I can summon. We do not subscribe to any flippant treatment of our struggle, or to any suggested solutions such as the exodus of our people to any neighbouring territory, leaving the *apartheid* usurpers to run roughshod over our country.

8. Having said that, I should like to state that we have come to the stage where the General Assembly has once more by an overwhelming majority rejected the credentials of the representatives of the white minority régime in South Africa. In different circumstances that overwhelming rejection would have sealed the fate of the minority régime in the Organization, but United Nations rules demand that the Security Council make the final recommendation to have the white minority régime expelled. The representatives of the people of the world have by their vote given the Council a clear mandate. The whole world is now waiting to see if the Council will respect the principled majority decision of the Member States.

9. The General Assembly's historic decision to bring the question of reviewing the relationship between the United Nations and South Africa [*resolution 3207 (XXIX)*] to the Security Council was preceded by nearly three decades of pleas, exhortations, warnings, protests, denunciations and condemnations, to which the racists in South Africa had responded with arrogance and intransigence.

10. We have now reached the stage where most of the world's nations agree with the call of the Azanian national liberation movement and OAU for decisive punitive action against the Pretoria régime for its consistent violations of the Charter of the United Nations and its infringements of the Universal Declaration of Human Rights—the sacred principles upon which the United Nations is built.

11. In Dublin last May, Mr. Garret FitzGerald, the Minister for Foreign Affairs of Ireland, a member of the European Economic Community, declared that *apartheid* was an affront to humanity. He said:

"*Apartheid* is in its essence an attack on the very basis of human rights. ... Such an attack

on the very basis of human morality is repugnant to the citizens of the world."

And he went on:

"In our time we have witnessed what horrors racism can perpetrate. The supporters or apologists of *apartheid* should not forget the accomplishments of its terrible twin brother, nazism, which in the name of racial purity in our time was responsible for the greatest deliberate slaughter in history."

12. In eloquent testimony—the best of which we heard yesterday—delegation after delegation has, with feeling, exposed here in the United Nations the atrocities perpetrated by the *apartheid* régime. Representatives of the national liberation movement have supplied substantiated and irrefutable evidence of the violent rule to which the Africans and other oppressed people are subjected by the tyrannical *apartheid* régime. International bodies such as the International Labour Organisation, the International Red Cross and agencies of the United Nations family have brought out independent reports which confirm the Irish Foreign Minister's correct conclusion that *apartheid* is indeed an affront to humanity. Within this very building there are miles upon miles of documents cataloguing the reign of terror to which the black majority is condemned under *apartheid*.

13. It has become universally accepted that *apartheid* in South Africa represents the re-emergence of nazism. In case those who aid and abet it want to take refuge behind the "we did not know" excuse of the accused at Nürnberg, we have a duty to highlight what has already been submitted here about the criminal practices of the Fascist régime in Pretoria.

14. John Balthazar Vorster, the butcher of Pretoria, bluntly stated in the whites-only Parliament in Cape Town on 24 April 1968 that

"It is true that there are blacks working for us. They will continue to work for us for generations in spite of the ideal that we have to separate them completely. ... The fact of the matter is this: we need them because they work for us. ... But the fact that they work for us can never entitle them to claim political rights, not now, nor in the future ... under no circumstances."

15. Those are the words of the Prime Minister of *apartheid* South Africa. Vorster's blunt declaration is backed by the South Africa Act of 1909 and the Republic of South Africa Constitution Act of 1961, both of which institutionalize racism and categorically state that membership in the South African Houses of Parliament is restricted to whites. Even the qualified franchise, under which a tiny section of the black population was once "privileged" to elect three white members to represent them in a Parliament of 153 members, has long since been scrapped.

16. Professor Julian Friedman of Syracuse University describes in spine-chilling tones the result of what I have just quoted from Vorster. He says:

"Africans have suffered every conceivable type of disaster: from humiliation to homicide, from expropriation of land to grinding poverty, from brutal imprisonment to relentless persecution. Family life shattered, careers wrecked, education disrupted, and the body in constant jeopardy, the vast majority are permanently maimed in one fashion or another."

17. Repression of this kind invariably breeds resistance. When PAC emerged as the militant vehicle of liberation for the oppressed African masses, the struggle had passed through many phases—phases of petitions, protests and demonstrations, a great many of which were suppressed with sanguinary police violence and harassment in the white-officered law courts. Choosing to wage a militant struggle against an enemy whose brutality knows no bounds was not easy, but Mangaliso Sobukwe, the national leader of our people and President of PAC, posed the questions: "Are we prepared to be citizens—men and women in a democratic non-racial South Africa?" The response can be found in the well-recorded heroic stand taken by cadres of PAC and their followers from 21 March 1960.

18. It was a sequel to the epoch-making campaign launched by Sobukwe and PAC that the Security Council met on 30 March 1960 to consider the question of *apartheid* for the first time [851st meeting]. Having considered the complaint of 29 Member States, [S/4279 and Add.1], the Council adopted resolution 134 (1960). In this resolution, the Council stated that it was the racial policies of the South African racist régime which had brought about the large-scale killings of peaceful demonstrators—at Sharpeville, Langa, and so on. The Council said that the Security Council took into account the strong feelings among Governments and peoples of the world about what was happening in South Africa and recognized that the situation in South Africa was one that had led to international friction and could endanger international peace and security; the Council called upon the *apartheid* régime to bring about racial harmony based on equality and to abandon its policies of *apartheid* and racial discrimination. In contemptuous defiance of the call from the Security Council, on that very day the *apartheid* régime declared a nation-wide state of emergency for the first time in our country and carried out mass arrests.

19. The International Defence and Aid Fund for Southern Africa, which is based in London, has reported that:

"By the end of the emergency in August 1960, 11,503 persons had been detained without trial for periods of up to five months; 774 persons were

convicted in 1960 and sent to prison for political offences. Since then a series of laws of increasing severity defining political offences more and more widely have considerably enlarged the power of the State and that of the Security Police. From 1960 to 1967, 140,000 people were convicted of, or detained without trial for, political offences."

The racist régime has sent more than 100 freedom fighters to the gallows since then. The names of some of them are inscribed in the PAC roll of honour reproduced by the United Nations Unit on *Apartheid*. Scores have died under mysterious circumstances while in detention or serving time.

20. In 1963, when over 10,000 of us were held on various charges under the then newly passed General Laws Amendment Act, more notoriously known as the Sabotage Act, Justice Hiemstra of the Transvaal Supreme Court terrified many when he became the first judge to hand down some of the savage sentences provided for under the new law. He sentenced the Benoni branch chairman of PAC, Tshabalala, and four others to terms of imprisonment ranging from 15 to 20 years. His credentials as a Fascist judge have been confirmed by a series of similar brutal sentences over the years.

21. Last week, however, we learned from reports coming from South Africa that even Hiemstra, in his own words, "found shocking and inhuman the treatment of prisoners". His remarks were made at the end of a murder case in which he was trying five prison warders who killed an African convict.

22. The Government-owned Afrikaans newspaper *Die Transvaler* commented on 8 October that Hiemstra's findings were going to "definitely echo far beyond South Africa's borders", as indeed they deserve to. Another Afrikaans paper *Die Beeld* said warders were getting away with murder because the Government had legislated for a blindfold to be "applied on the public about happenings in prisons because the press had been gagged". According to a report in the *Rand Daily Mail* of 9 October, Hiemstra's momentary flirtation with a human conscience also led him to say:

"There is a spirit in certain sections of society which we cannot stamp out, namely that a particular person can be treated with contempt, especially when he is powerless ...—and I am afraid I must say it here with distaste and even shame—just because he is black."

23. But the sentences Hiemstra handed down prove that this ostensible shock was a mockery. He sentenced two of the five warders to 18 months each and gave the remaining three suspended sentences. This was murder. Tshabalala and his comrades, who appeared before him in 1963, did not murder anyone. They are still doing time on Robben Island. There is no remission for political prisoners in South Africa.

24. What is of even greater significance in Hiemstra's summing-up in this case is the confession that they, who are in authority, cannot stamp out the spirit of inhumanity towards black people in their society. Only a Government, we believe, motivated by a sense of justice for all, regardless of race, colour or creed, can stamp out such evil practices. In calling for the *apartheid* régime to be removed from the ranks of decent humanity the Azanian liberation movement is appealing for meaningful support for the struggle we are determined to wage until the hateful system of *apartheid* has been completely wiped out and a democratic non-racial system installed in our country.

25. This is a struggle in which there are only two sides—the side of justice and the side of injustice. The pertinent question to ask is: on which side will the Security Council place the United Nations—on the side of justice or on the side of injustice? There can be no equivocation about this. The political dribbling has come to an end. That is the relevance of the decision of the General Assembly in bringing this matter for final resolution.

26. The South African racists have trampled underfoot the lofty ideals of the Charter of the United Nations and the Universal Declaration of Human Rights. Even as the debate on South Africa's credentials was taking place in the General Assembly, leave for the South African Special Branch police was cancelled and those police were sent on a manhunt for black leaders who mobilized the masses for a demonstration in support of the installation of the FRELIMO-dominated transitional Government in Mozambique. We now learn from the *Rand Daily Mail* of 12 October that 12 of those arrested did not appear in court on 11 October for judgement under the Sabotage Act, as they were scheduled to. They did not appear because they are now being held under the Terrorism Act, and under that Terrorism Act you can be held indefinitely. It is there in the records of the Secretary-General, in the records of the United Nations, that in May 1968 two of our colleagues, Sidney Mbuyazwe and Marcus Mokgotle, who were captured after fighting Portuguese troops while in transit to Azania were handed over to the South African police. They had been used in political trials to testify against the national liberation movement in Bloemfontein in 1970 and 1971, but they are held to this day under the Terrorism Act and will never be released or tried until the whims and caprices of the particular officer who holds them in detention give way to the insistent demands we have been making here and through other channels.

27. As far back as 14 years ago, when the Security Council first considered the question of *apartheid*, a call was issued to the white minority régime in South Africa asking it to initiate measures aimed at bringing about racial harmony [*resolution 134 (1960)*]. That solemn call from the Council, like all the calls

made by the General Assembly before and after April 1960, has gone unheeded. On the contrary, the years since 1960 have seen an intensification of *apartheid* laws which infringe human rights.

28. The National Party régime in Pretoria did not dissent when the basic act for the protection of human rights was adopted by the General Assembly on 10 December 1948. The régime is therefore bound by the provisions of that basic act, which is the Universal Declaration of Human Rights. As stated in its preamble the Declaration is "a common standard of achievement for all peoples and all nations".

29. The International Commission of Jurists has produced a study for the United Nations quarterly magazine *Objective: Justice*, "Infringements of the Universal Declaration of Human Rights in Southern Africa". The study proves conclusively that South Africa's *apartheid* laws on the carving up of the land according to people's ethnic origins and on the imposition of bantustans, as provided for in the Bantu Homelands Act, No. 26 of 1970, go against the very first article of the Universal Declaration of Human Rights, which states: "All human beings are born free and equal in dignity and rights."

30. The study shows the infringement of human rights by South Africa's laws concerning detention without trial, including proclamation 400 in the Transkei; the 90-day detention law under the Sabotage Act; the 180-day detention clause under the Criminal Procedure Amendment No. 96 of 1965; the detention of a prisoner after completion of his sentence under the "Sobukwe" clause of the General Law Amendment Act, under which Sobukwe was kept on Robben Island for six years, without even the pretext of a trial, after he had finished his three-year hard-labour term for leading the 1960 campaign against the pass laws; and indefinite detention under the Terrorism Act of 1967, to which I have already referred.

31. The study goes on to show the infringement of other articles of the Universal Declaration of Human Rights by the South African *apartheid* régime. These include the rights to freedom of movement, to protection of the family as the fundamental group unit in society, to form and to join trade unions, and to education—all of which are human rights denied the majority black population in South Africa in one way or another.

32. The South African régime is in clear and open violation of the binding obligation on Member States, provided under Article 25, "to accept and carry out the decisions of the Security Council in accordance with the present Charter".

33. The United Nations has exercised extreme patience with the South African *apartheid* régime, and this has been a costly exercise in many ways. To

mention but a few: first, the man-hours that have been consumed by the question of *apartheid* in the General Assembly and in other organs of the United Nations; secondly, the direction of United Nations funds to the cause of keeping the world community alert to the evils of *apartheid*, when these funds are badly needed to combat natural disasters and other hazards elsewhere; and, thirdly—which we find even more damaging—the decline of the reputation of the United Nations as an instrument for promoting justice for all because until now its resolutions against *apartheid* have not been backed with any decisive action.

34. We have said before that Western countries are insensitive to the suffering of our people under *apartheid* for two main reasons: first, *apartheid* slavery breeds super-profits for foreign investors; and, secondly, the victims of *apartheid* are black.

35. We are waiting to see if, at the end of the review of South Africa's relationship with the United Nations by the Security Council, we shall be proved wrong in our contention. We shall wait to see if South Africa is going to continue to receive arms from abroad to suppress the black population within Azania and to commit acts of aggression against independent black States outside South Africa's borders. We shall wait to see what military exchanges will take place between South Africa and Western countries. We shall also wait to see if record-breaking investments from the West and Japan into *apartheid* South Africa will continue to accelerate.

36. We say it is *apartheid* slavery that attracts the foreign investments, because all over Africa Western countries and Japan are trading and doing business with other black Governments. What convinces these investors that a non-racial Government in Azania will not want to do business with Azania's traditional trading partners? It must simply be because any non-racial Government worthy of the name will not allow the exploitation of its people.

37. The object of this review should be to reinforce United Nations resolutions. It must be to strengthen the hands of all the democratic forces, black and white, in that country. The review must be to help those courageous men and women in their struggle to end Vorster's despotic rule, and to eliminate the threat to international peace and security posed by South Africa under the neo-Nazi régime. That threat is real. In addition to the bombing of innocent civilians in Zambia—there is a report available—and in addition to the statement by Botha, Minister of Defence—what we would call "of aggression" to the effect that Tanzania and Zambia must be aware of the fact that South Africa now has long-range striking weapons in its possession, sited at Natal, conveniently pointed at those two countries, there is the report of the Special Committee on *Apartheid*, issued on 30 September 1974, which states:

"South Africa has repeatedly threatened the territorial integrity of independent African States on the ground that they had assisted opponents of *apartheid*, though such assistance has been provided in reponse to appeals by United Nations organs. It sent its security forces into Southern Rhodesia in 1967 in defiance of the administering Power (the United Kingdom of Great Britain and Northern Ireland), as well as of the United Nations. It has continued illegally to occupy the Territory of Namibia after the termination of its mandate by the General Assembly in 1966 and threatened to resist by force any attempts to end its illegal administration."

That is living evidence of the danger the *apartheid* régime poses for international peace and security in and around that region of Africa.

38. Before I conclude, may I refer to what I said in the introduction to my address, namely, that the representatives of the world's peoples, through their majority vote in the General Assembly, have had their say; they have cast their verdict on *apartheid*. They now are waiting for you in the Security Council to recommend the sentence.

39. Finally, may I refer you to what Mangaliso Sobukwe said at his trial in May 1960, because it still holds true for the people of Azania and their freedom fighters. Sobukwe said:

"It will be remembered that when this case began we refused to plead, because we felt no moral obligation whatsoever to obey laws which are made exclusively by a white minority ... We believe in one race only—the human race to which we belong. The history of that race is a long history of struggle against all restrictions, physical, mental and spiritual. We would have betrayed the human race"—we, the Azanians, would have betrayed the human race—"if we had not done our share."

We appeal, therefore, to the representatives of the human race in the Security Council not to betray us in turn.

40. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Dahomey. I invite him to take a place at the Council table and to make his statement.

41. Mr. ADJIBADE (Dahomey) (*interpretation from French*): Mr. President, since the problem of relations between the United Nations and South Africa arising out of the policy of *apartheid* is, above all, an African question, my delegation might have been tempted not to bow to tradition and refrain from congratulating or thanking you. However, in deciding, on 30 Sep-

tember last [*resolution 3207 (XXIX)*], to bring this matter before the Security Council, the General Assembly has most clearly shown that this is not only an African problem but one that is global in its scope. That is why, in thanking you for having given Dahomey the opportunity to make its modest contribution to your consideration of the grave problem before you, I take pleasure in emphasizing that it is a stroke of good fortune for Africa that at this time, when the honour of presiding over the Council has fallen to you, the problem of *apartheid* should be under discussion with a view to setting in motion the process of achieving an effective solution. The determined stand taken by the United Republic of Cameroon in defence of justice and human dignity, its commitment to the support of the national liberation movements for the triumph of the cause of Africa, together with your personal experience and your talents as a diplomat, are a sure guarantee that under your presidency, the Council will treat this problem with all the seriousness it deserves. We are convinced that the Council will spare no effort in order to arrive at a just and equitable decision that will justify the confidence placed in it by the whole world in respect of resolving urgent problems that are a grave threat to international peace and security.

42. Certain people, either malevolent or misinformed, seem to be trying to create the impression that the 125 countries that voted in favour of the resolution requesting the Security Council to examine the relationship between the United Nations and South Africa, wished thereby to give Africa a chance, if not to expel South Africa from the Organization, at least to drive the whites out of South Africa. Such a misrepresentation of the facts would be an unfortunate distortion. For after all, what are we really dealing with? There is no question of expelling from the Organization; Azania that is, this State situated in the Cape region and composed of an overwhelming majority of blacks, the government of which would be an expression of the will of the entire population of South Africa, whether of black, of white, or of any other origin. Thus it is not a question—at least for the time being—of driving out of Azania whites who have been established there for centuries or who were born there. For, in contradistinction to the situations that can be seen in various places in other continents—situations of which the one that prevails today in South Africa is but the most pathological manifestation, in as much as the blacks not only have no right to enjoy their status as human beings, but, worse still, are considered less than beasts—Africa has no intention of making racism its doctrine. Africa wishes to live on terms of good understanding and co-operation with all races, whatever their origins, provided only that they give the African both the place and the consideration he would enjoy in any society of free men. It is a matter, therefore, above all, of raising before the whole world a question of human rights in the light of the relevant principles of the Charter, and of

¹ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 22A, part one, para. 12.

considering the extent to which a Member of the Organization is respecting those principles and, if it should be necessary, of seeing that the United Nations draws the necessary conclusions in the particular case of South Africa.

43. If we define the problem in this way we can easily see that the Council's task is to find ways of prevailing upon the *apartheid* régime, which refuses to take into account the resolutions of the Council or those of the General Assembly, no longer to defy the United Nations. The Council must examine the question of whether this régime, which refuses to recognize the black as a human being, this minority régime, which has usurped power for so many years now and is striving to prevent in Azania the establishment of a democratic government that would be the expression of the will of the whole of the South African population, whether this racist régime still has the right to claim to represent the whole of Azania and sit as the delegation of a Member State.

44. Contrary to what some people have insinuated, our purpose is not to come here and deliver ourselves of dissertations or to weary the Council with platitudes about the nature and manifestations of *apartheid*. In speaking in this debate we wish simply and humbly to stress certain aspects of the problem which call for immediate and concrete action on the part of the Council. Indeed, the problem of *apartheid* is not new to the United Nations. It is one of the very first problems which the international Organization had to confront at its very founding. And it was, indeed, after innumerable attempts to find a solution and in the face of the obstinacy of the adherents of this régime that on 6 November 1962 the General Assembly, by its resolution 1761 (XVII), created a special committee to study constantly and consistently the policy of *apartheid* of the white minority Government of the Republic of South Africa, a committee which has been known since 1970 as the Special Committee on *Apartheid*.

45. In view of the seriousness with which the Organization views this question, one might have thought that the madmen of the Vorster gang would then have felt that the time had come to begin making concessions to the persistent demands of the international community. That would be misunderstanding the motives of the acts and conduct of these benighted adherents of *apartheid*, these morally handicapped people who have eyes but do not see, and have ears but do not hear. For 29 years now, how many appeals, how many resolutions and even condemnations of the *apartheid* régime have remained dead letters. Furthermore, the representatives of the South African régime not only flout the resolutions of the Organization but even have the brazen audacity to come and address our Assembly. In the face of such out-and-out insolence, our Assembly has since 1970 consistently adopted the decision to reject the

credentials of the representatives of the Vorster régime.

46. There have been other unsuccessful approaches to the racist, Nazi *apartheid* régime. We would mention only the personal efforts of the Secretary-General to prevail upon the white minority in South Africa to modify its policy by permitting the effective participation of blacks in the life of South African society and granting blacks the same rights as those enjoyed by whites. Far from wishing to evolve, the Vorster régime seems to wish to confine itself within its own contradictions, engaging in acts of barbaric repression against the blacks and even shooting black workers, when, indeed, it does not actually commit murder by letter bombs. All these facts are well known and there is no need to dwell upon them.

47. At a time when Africa is entering a new era of its history of decolonization, the Organization cannot but be concerned at the persistence on African soil of a manifestation of racism in its basest form. It is enough to take a look at a map of Africa to realize that, after the process of decolonization begun by the new Government of Portugal and in the light of the intentions of the Spanish Government, there are only a few dark patches which remain: Southern Rhodesia, which—I may say in passing—loses nothing by waiting; and South Africa, towing Namibia in its wake, over which country it continues to maintain its domination in spite of the relevant resolutions of the United Nations. There is no question that the situation prevailing in South Africa because of the persistence of the *apartheid* régime is a very disturbing one and warrants the most serious attention of the Council.

48. What in fact is the foundation of the political philosophy of *apartheid*? Apart from a wish to preserve or conserve—which has prompted some people to think that the only way of maintaining their identity is to retreat into their shell—it is not difficult to see that in pursuing a policy of back-to-front evolution Vorster and his gang—although, of course, not all whites in South Africa espouse this concept—base their political philosophy on a thesis of Lévy-Bruhl today outmoded, according to which black people have a primitive mentality and consequently do not possess the reasoning capacity of men belonging to civilized society. However conceivable such a theory may have been in 1922—that is to say, at a time when science was still in the rudimentary state—it has for many years been superseded. It would have been easier to understand if those mentally retarded South African racists had since realized the need to amend that philosophy along evolutionary lines and ceased to consider blacks as inferior beings whose only salvation lies in following an evolution parallel to that of the whites. One would have thought that those mental defectives would recognize that, apart from the colour of their skin, blacks are men like themselves and, as such, should enjoy the same rights as South African whites. But instead of approaching

the problem realistically, the *apartheid* régime has preferred to entrench itself within its blind, retrogressive concepts which, up to this very day, have led it to continue to defy the Organization.

49. It is deplorable that, sensing the coming danger this year, the Vorster régime could think of nothing better than to add a touch of colour to its delegation in the form of a black, a mestizo and a yellow-skinned person, who did a quick disappearing job once the will of the General Assembly became known. It would be tempting to ask Vorster and his gang whether those whom they have used to suit their own purposes were somehow or other endowed with a "whitened" mentality, to make up for the actual colour of their skin. But that is not my purpose today.

50. We have to recognize, in getting to the heart of the problem, that the *apartheid* régime, which for several days now has been in the unenviable position of occupying the centre of attention of the stage at these meetings, would not have continued to defy the international community and flout its resolutions if it had not felt sure of the unconditional support of certain friends and, consequently, become convinced of its impunity because of the strategic interests it is protecting for certain great Powers, and also perhaps because of its wealth. That is why your meetings would not achieve their objectives if Africa did not take advantage of this opportunity to speak its mind to the great Powers; because if our land is to continue to suffer from an international plot, which consists in the perpetuation of the gangrene which is the *apartheid* régime, it is precisely because of the selfish interests of certain great Powers. Consequently, we feel that the great Powers should engage in some self-criticism in this matter and recognize their responsibilities. Possessing as they do the right of veto and, consequently, the means of exerting pressure, they must also recognize their duty. They should no longer continue to act as the accomplices of a retrograde régime, but rather do something they should have done long ago and do it most earnestly: call to order the South African Government. Of course, some will retort that they do not wish to interfere in the internal affairs of a Member State. But does such an alibi hold water in the face of such a deliberate and extreme violation of human rights, the repercussions of which go beyond the territorial limits of the Republic of South Africa?

51. However that may be, those great Powers which continue to supply arms to South Africa in spite of the many resolutions on the embargo that have been adopted by the Security Council and the General Assembly—those great Powers which continue to co-operate openly with the *apartheid* régime are surely aware of the inhuman fate which they are helping to visit upon the black people of South Africa and of the threats which their selfish behaviour is posing to the maintenance of international peace and security on the African continent. Instead of discouraging the

apartheid régime, the behaviour of those great Powers is rather encouraging it, to the point that the Vorster régime is getting worse every day. Thus, because of those great Powers, the South African Government feels entitled to disregard the relevant resolutions of the United Nations as well as the advisory opinion of the International Court of Justice of 21 June 1971.² In spite of the disapproval of the international community, the Vorster régime is stepping up its defiance to its very limits by exporting to Namibia its policy of creating bantustans.

52. Speaking on 14 November 1973 in the General Assembly, my delegation stated the following:

"The impatience of the countries and peoples of Africa to see this problem solved as early as possible needs no repetition. The great Powers must decide to curb their appetites and to end their unbridled pursuit of imperialist interests, and must lend an attentive ear to the voices that come from the heart of the people of Namibia proclaiming their desire for liberation and independence. It is in their interest to find a rapid solution to that problem, and we are convinced that if they wish it, they can place at the disposal of our Organization the means of repressing that open rebellion and of taking up the challenge."³

At that time our voice went unheeded. Let us hope that it will be heeded today.

53. My delegation believes it its duty to stress before the Council that, today more than ever, the eyes of the whole world are on these meetings. Thousands of human beings, particularly in Africa, are wondering with some concern whether the great Powers will really be rash enough to agree to maintain the *status quo* in South Africa, thus flagrantly defying the will of the overwhelming majority of the General Assembly. Thousands of people are wondering with concern whether the great Powers will dare to agree to keep on giving *carte blanche* to the Republic of South Africa by their use of the veto. In any case, if this is to be the outcome of our deliberations, my delegation would very much hope that no member of the Council will—because it is convinced that there will be a veto by one of the great Powers—use that as a pretext for casting politically inspired votes. All the great Powers like the other members of the Council must fully and openly assume their responsibilities.

54. There is no need to stress here that this is a serious problem of concern to the whole of Africa and to the world community. My delegation accordingly exhorts the Council to display more

² *Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding Security Council Resolution 276 (1970)*, Advisory Opinion, I.C.J. Reports 1971, p. 16.

³ *Official Records of the General Assembly, Twenty-eighth Session, Plenary Meetings*, 2166th meeting, para. 60.

decisiveness and more courage, because the facts before the Council are well known and clear. Is it right for a Member of the Organization which has persistently refused to take into account the resolutions of both the Security Council and the General Assembly and which has made it a rule to flout the decisions of the United Nations and to trample underfoot deliberately the fundamental principles of the Charter with regard to the most elementary human rights, is it right, I ask, for a Member morally blemished in this way to continue to sit among us, thus sullyng the reputation and destroying the credibility of the United Nations?

55. In the view of my delegation, there can be no doubt that the answer to these questions is a categorical "No". Political considerations and strategic interests aside, no member of the Council can conscientiously maintain the contrary. Repeated appeals, warnings and condemnations have in no way influenced the policy of *apartheid*. Our duty to eradicate this scourge from the world compels us now to contemplate concrete action to bring the inveterate racists of Africa to see reason. Accordingly, my delegation urges the Council to face up to its responsibilities at this grave hour in the history of the Organization. We must revivify the Charter so that it can be applied both in the letter and in the spirit.

56. The South African Government has left the Council no choice. It could not be more obvious that that Government has no longer any place in the Organization, at least so long as it makes racism the very foundation of its political régime. The South African Government has given us enough proof that it has no intention of modifying its policy by one iota, and the Council, therefore, has only one recourse, that of applying Article 6 of the Charter, which states:

"A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

57. Whatever the consequences may be, Africa wants a bold decision to be taken because of the importance of the problem and the urgent need to solve it. If by chance a veto were to block such action, Dahomey would very much appreciate it if all those which possessed that right could clearly and sincerely express their opinion, instead of casting purely political votes which, instead of being acceptable to Africa, would only further increase that continent's despair, because this is no longer a time for masquerades; it is a time for openness and honesty, the only conditions which are likely to promote understanding and co-operation among the members of our international community.

58. These are the contributions my delegation felt it necessary to make to the case which Africa is pleading in this august body. Dahomey hopes that the members of the Council, particularly the great Powers, will not disappoint the African continent by remaining deaf to the appeal of the whole world, an appeal which comes both from the depths of the African bush and from its cities, which are at one with Azania and Namibia.

59. The hour is grave. The decision of the Security Council is being awaited impatiently, a decision which must be forthcoming, whether it be today or tomorrow; it is bound to be forthcoming in the face of the relentless obstinacy of the adherents of *apartheid* in flouting the Organization. Members of the Council, you must act before it is too late; you will answer before the court of history if your hesitation delays the adoption of the necessary salutary measure, thus encouraging the racist régime of Vorster to perpetuate its inhuman, universally condemned policy. By your hesitation you will be encouraging the minority régime of South Africa to defy with impunity the international community which we constitute. Failure to act now will reveal your participation, intentional or otherwise in a plot which is being hatched against the Azanian people for the partition of its country into a white and a black State. I pray God that your deliberations will lead you to a decision which will be in the interests of the Azanian people and the international community as a whole.

60. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Algeria. I invite him to take a place at the Council table and to make a statement.

61. Mr. RAHAL (Algeria) (*interpretation from French*): When, in 1945, the peoples of the United Nations wished to express in a Charter the principles on the basis of which they would undertake to establish a peaceful and just world, they solemnly declared, in the very first words, that they were determined

"to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

Today, when the Security Council is meeting to consider the relationship between the United Nations and South Africa, how could we fail to recall that pledge, born of the revolt of peoples against barbarism and injustice, which unites us all in the same sacred duty to respect and defend human values? Thus it is an occasion for us to see to what extent this commitment has been honoured, and the responsibilities which weigh not only on South Africa but also on the international community as a whole and on each of its members in particular in regard to the present situation in southern Africa.

62. It is not only symbolic but certainly also a good augury that this debate is being held under the guidance of a representative of Africa, to ensure sincerity and the upholding of the objectives. I now wish to express to you, Mr. President, our special satisfaction, first of all because each one of us appreciates the action of the United Republic of Cameroon and its leaders in Africa and on the international stage and also because we know you personally and we know how experience and competent you are and how devoted you are to the cause of justice and to the principles of international morality.

63. The relationship between the United Nations and Shout Africa is conditioned by two essential subjects: the problem of *apartheid* and that of Namibia. Both of these subjects have been the object of sufficient attention in our institutions, the debates devoted to them have been sufficiently long and detailed, and the resolutions and decisions relating to them are sufficiently numerous for there to be no real need to explain them again, to analyse them or to emphasize the aspects that are contrary to law, to morality or to the simplest precepts of mankind. This is all the more futile since, perhaps with the exception of part of the white minority in South Africa, the entire world agrees in denouncing the conduct of the Pretoria Government, and never has there been such a majority—such unanimity, I should say—in condemning *apartheid* and its extension to Namibia. This also means that what we expect today from the Security Council is something quite different from a mere repetition of past resolutions, even though they may reject in still more energetic terms the racist policy that the South African Government obstinately pursues.

64. This meeting of the Council is being held at the initiative of the General Assembly, which by an immense majority requested the Council to be seized of the problem of South Africa. The deep motives of the Assembly, as well as the circumstances in which it reached its decision, should therefore constitute the very substance of the debate and guide its outcome.

65. The General Assembly for several years has not been content with merely reaffirming in its decisions its multiple condemnations of South Africa; it wished to give its denunciation a more incisive character by rejecting the credentials of the South African delegation at its various sessions. This gesture, to which some have wished to accord only a procedural significance without any real importance, was at once a disavowal of and a warning addressed to the racist régime of Pretoria, which the latter treated with its customary contempt.

66. This year this procedure was complemented by a recourse to the Security Council. The purpose was naturally to make more effective the position

constantly expressed by the General Assembly by setting in motion the powers which the Charter has given to the Council to ensure compliance with its principles. That is why we shall not dwell on a description of the hateful aspects of the policy of *apartheid* or even the real threats that hang over the African continent as a result of it. It is undoubtedly far more interesting, first, to know why the international community, unanimous as it is, has not succeeded in convincing the South African leaders to abandon their racist régime and, secondly, to consider the measures which it would be desirable and possible to take so as finally to achieve that result.

67. It may seem surprising, if not wholly inexplicable, that a small minority of whites, entrenched at one end of the vast African continent, should be able to hold out indefinitely against the world community as a whole, to defy its decisions, to scorn its recommendations and to maintain against one and all a social and political system the shameful nature of which is known to all. Such a state of affairs could no doubt not have continued had South Africa not enjoyed a complicity which has enabled it to outmanoeuvre the attempts to isolate it made by the Organization and its Security Council in particular. Strategic, economic or even political interests have regrettably weighed heavily in the choice of certain countries—and those not the least—which, while adding their voices to ours in condemning *apartheid*, dissociate their actions from ours when it comes to fighting it.

68. These facts are well known and cannot be refuted by those contradictory and unconvincing denials with which they are sometimes met. In this debate where the only defendant is the South African régime, we do not wish to introduce other trials or embark on other arguments. But to those members of the international community which have so far remained deaf to our appeals, it is not enough for us to emphasize how regrettable, for their honour and esteem, is this most glaring contradiction between their words and their deeds. We should also say to them that the time is not far off when they will of necessity have to make an unequivocal choice in their friendships and in their interests, because our devotion to principles that are vital for us and our unshakable solidarity with all the African peoples will make complacency on our part a kind of complicity that we shall no longer be able to bear and with which we shall refuse to be burdened further.

69. Today an opportunity is given them precisely to prove their sincerity, not only in their condemnation of the policy of *apartheid*, but also in their commitment, side by side with the other peoples of the world, to fight it and annihilate it. The General Assembly and the many delegations that now constitute its majority have frequently been reminded that it is only the Security Council that is authorized to take enforcement measures because of the responsibilities

entrusted to it by the Charter itself. We therefore address ourselves to the Council so that it may exercise the powers it claims in a situation which has the exceptional merit of leading the whole international community to take the same position.

70. We are aware of the hesitations felt by certain States about taking severe measures to deal with Governments that violate international law while not directly jeopardizing their security or their interests. In extreme cases these States have been able to impose economic sanctions, without unduly concerning themselves about their strict application but even at times openly violating them. In the case of South Africa, the Security Council has not even gone as far as economic sanctions, but it nevertheless decided on an arms embargo which, as we all know, has been violated by the countries which produce the most armaments—which means that the embargo has become totally inoperative.

71. We cannot therefore be satisfied today with such measures, which are doomed in advance to ineffectiveness, and the failure of such measures would have no other effect than to discredit the Organization a little more and to encourage the advocates of *apartheid* to maintain their position.

72. The Government of Pretoria has heeded none of the General Assembly's admonitions; it has remained insensitive to the pressures of international opinion and it has received with disdain the warnings and condemnations addressed to it. Even the attempt at dialogue initiated with it through the intermediary of the Secretary-General led to no results, thus inflicting on the Organization an unprecedented affront.

73. After all that, who could be so naive as to believe that it is still possible to make the South African leaders listen to reason by continuing to exert an influence on them within the framework of the Organization itself? Can anyone sincerely believe that other resolutions, on top of the multitude already adopted, or other condemnations, confirming those already existing, will be sufficient to shake the obstinacy of a régime that seems to tie its existence to the existence of *apartheid*? Who can fail to see that, in the senseless prolongation of such an unreasonable situation, what is at stake today is, after all, the very credibility of the Organization and perhaps—why not say it?—even its cohesion and the maintenance of its present structures? A United Nations that includes a State like the Republic of South Africa, whose constant policy is a standing denial of the most fundamental principles of the Charter, is not the Organization that the peoples of the United Nations in 1945 committed themselves to achieving; it is not the Organization to which our peoples have given their support with such faith and enthusiasm.

74. That is why we think that the racist Government of Pretoria can no longer have a place among us in this Organization. The crime of *apartheid*, of which it is guilty, and its betrayal of the obligations to which it committed itself in signing the Charter disqualify it, in our opinion, from being a Member.

75. We shall perhaps be told that the universality of the Organization must be preserved, since it is in universality that it finds its full meaning. In other circumstances we ourselves have argued for that universality, at a time when precisely those who today have suddenly discovered the virtues of universality were opposing its application. We continue to believe that all the peoples on earth should have a place here and should participate, exactly as all of us do, in the management of world affairs. But that presupposes as a prerequisite, respect on the part of everyone for the values which constitute the common fund of mankind and without which one cannot be qualified to deal with the present or the future of peoples and human beings. The expulsion of the Republic of South Africa does not run counter to the universality of the Organization; it can only strengthen universality, since that concept cannot be applied to the enemies of mankind.

76. From the usual speculation in the press, and from what has been heard in the corridors, it seems that, if the question of the expulsion of South Africa were put to the Security Council, it would be rejected because of the negative vote of at least one of three permanent members. We do not want to put anyone in the dock, and we hope most sincerely that what we have heard in the corridors and have seen in the press is only groundless rumour. Nevertheless, may we be allowed to say how distressing such an attitude would be on the part of countries to which the Charter has entrusted such lofty responsibilities—the most important of all perhaps being the responsibility to ensure respect for the very principles of the Charter.

77. I do not think it is necessary to repeat here what we think of this institution of the veto in the Security Council, or our opinion that its use should be subject to specific restrictive conditions. We know the reasons that prompted the authors of the Charter to introduce that provision into the mechanisms for the functioning of the Council. But it would certainly be an insult to their integrity, and even to their morality, to think for a single instant that they had in mind that the veto could be used to protect and defend a Member of the international community guilty of a constant and deliberate violation of the most binding provisions of the Charter.

78. To request the expulsion of a Member of the United Nations is no ordinary matter and we are the first to realize the importance of such a step and to weigh the consequences. This is not a small responsibility and, because we have felt such scruples

and hesitations ourselves, we understand that these may be felt by members of the Council when the time comes to reach a decision of such gravity. Yet each one must take sides and in this confrontation between the future of the Organization and the survival of a racist régime; a clear-cut choice must be made once and for all. This choice is now before the Council, because we believe that it is its responsibility to act on behalf of the international community. The role of the General Assembly is not negligible, nevertheless, and we are convinced that it too will express its will quite clearly in the hope of being in total harmony with the decisions of the Council.

79. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Guyana, whom I now invite to take a place at the Council table and to make a statement.

80. Mr. JACKSON (Guyana): Mr. President, I wish at the outset to join those speakers who have preceded me in this debate in extending the felicitations of my delegation to you on your accession to the presidency of the Security Council for the month of October. I am confident that under your mature superintendency the Council will reach wise and judicious conclusions on the momentous issue of which it is now seized. May I also express my deep gratitude to you and to the other members of the Council for affording me the opportunity to participate in this debate without the right to vote.

81. In taking the floor I am obliged to speak in two capacities: as the representative of my country, Guyana, and in my individual capacity as the President of the United Nations Council for Namibia.

82. South Africa's incredible conduct as a member of the international community—conduct which is repugnant to all human sensibilities and to the concept of ordered collective international behaviour based upon mutual respect—has its roots deep in the history of that country. Since 1910 South Africa has committed itself to a policy of segregation and racial discrimination, a policy which has consistently been bitterly opposed by the majority of the people of that territory. At the time of the Versailles Conference of 1919, even as the major Powers were gathering to adumbrate plans to make the world "safe for democracy", representatives of the oppressed majority in South Africa attempted to make their cause known to international public opinion and to secure acknowledgement of the illegitimacy of the then régime of South Africa, which purported to speak on behalf of all the people of South Africa. The victor nations paid them no heed. At the time of the founding of the United Nations the unrepresented in South Africa tried once again to quicken the conscience of the international community with regard to the situation in their territory by drawing attention to the minority character of the South African régime. Once again the victor nations ignored the

demands for justice. In this context it is not inapposite to observe that, guided in part by considerations of building a just and safe world, the founders of the United Nations excluded from its initial membership the so-called enemy States.

83. From the early years of its existence the United Nations has directed attention to the gross injustices committed by the South African minority régime against the overwhelming majority of the people of that country. Let us remember that it was as far back as 1946 that the General Assembly during its first session, considered the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa. Ever since, the Assembly and the Council, particularly since 1960 in the aftermath of the Sharpeville tragedy, have recognized that the system of *apartheid* is against the purposes and principles of the Charter of the United Nations and that its continued application creates conditions leading to a situation which threatens international peace and security. Both the Assembly and the Council have adopted resolutions and taken positions aimed at instituting justice and freedom in South Africa. The white régime has chosen, however, to ignore each of those resolutions and to disregard every single appeal. Instead, to the frustration and mounting indignation of the international community, that régime has systematically ignored the admonitions and decisions of the United Nations and has persecuted and sought to eliminate every organization within the boundaries of South Africa which has championed the cause of justice and freedom for the majority of South Africans.

84. The report of the Special Committee on *Apartheid*⁴ is a compelling record of the violations by the minority régime of South Africa of the Charter and of resolutions of the General Assembly and the Security Council, and it merits careful study by all the Members of the Organization.

85. But the brazen activities of that régime go well beyond the boundaries of South Africa. Its behaviour in relation to the international Territory of Namibia represents one of the greatest indictments against it. During the period of its exercise of the Mandate of the League of Nations, South Africa failed to live up to its responsibilities to the people of Namibia, required by the "sacred trust", and failed to honour its obligation to preserve the territorial integrity of that country. Instead, it set its mind on a course of conduct designed to deprive the people of Namibia of basic human rights and fundamental freedoms; it exported to that country the evil and criminal system of *apartheid*; and it has attempted to shatter and destroy the unity of the Namibian people through the imposition of the policy of bantustans.

86. It was as a result of the abject failure of the South African régime that the General Assembly,

⁴ *Ibid.*, Twenty-ninth Session, Supplement No. 22 A, part one.

by its resolution 2145 (XXI), terminated South Africa's Mandate over Namibia. In its continuing defiance of that resolution and of the legitimate activities of the United Nations Council for Namibia, the South African régime has offered proof—if any were still needed—beyond any doubt that it has no intention of respecting the decisions of the Organization, of which it is still a Member. The advisory opinion of the International Court of Justice in June 1971 confirmed South Africa's status as an international outlaw by its determination that

“the continued presence of South Africa in Namibia being illegal, South Africa is under obligation to withdraw its administration from Namibia immediately”.

87. As is well known, the South African régime has refused to accept the opinion of the Court. It has treated that judgement with the same contempt with which it previously flouted the provisions of resolution 2145 (XXI) and concomitant resolutions of the Organization. Far from showing awareness that these decisions required positive responses, the Fascists in Pretoria have continued to pursue relentlessly their efforts to divide the country into bantustans and to intensify a reign of terror and oppression of a kind which surpasses the worst excesses of a traditional colonialism.

88. The South African régime is a cancer in the body politic of Africa. It has systemically transmitted the malignancy of *apartheid* to Namibia by virtue of illegal occupation; and it has further, through metastasis, openly collaborated with the racist minority in Salisbury and flagrantly breached mandatory sanctions imposed against Southern Rhodesia by the Security Council. The continued acquiescence within the Organization in allowing the South African régime to maintain its studied policies constitutes not only an affront to most of us, but a real danger to us all.

89. The inescapable conclusion from such blatant defiance is that the South African régime has persistently violated the principles of the Charter and has wantonly infringed the Universal Declaration of Human Rights, and international law as embodied in the Charter. It is curious, not to say ironic, to recall that, at the United Nations Conference in San Francisco in 1945, Field Marshal Smuts, then head of the South African régime, insisted that “the Charter should contain at its very outset and in its Preamble a declaration of human rights”. He went on to observe:

“We have fought for justice and decency and for the fundamental freedoms and rights of man, which are basic to all human advancement and progress and peace.”⁵

⁵ Documents of the United Nations Conference on International Organization, vol. I, p. 425.

90. It is against that background, one which has been elaborated so eloquently by other speakers, that the Security Council is called upon to address itself to the important issue of the future relations of the United Nations with South Africa.

91. In conducting the review called for in General Assembly resolution 3207 (XXIX), the Council will have to take fully into account the conduct of South Africa in this Organization over the years. In this respect, it is important to note that the United Nations has established special machinery to deal with particular aspects of South Africa's conduct. I refer to the Special Committee on *Apartheid* and the United Nations Council for Namibia. But the Security Council should also take account of the voices of the world's people raised in the debate in the Assembly when this important resolution was adopted. Let us remember that all but 10 Member States voted in favour of the resolution and that none were opposed to it, except the one against which it was expected to operate. It is true that a small number abstained, but in no case was there rejection of the proposal that the time had come for a review of the relations between the United Nations and South Africa.

92. We have had years of resolutions of the General Assembly and the Security Council which have not had the slightest positive effect on the policies of the South African régime. We have seen that régime choose to reject the jurisprudence of the International Court of Justice; and we have seen the Assembly, at each of its last four sessions, issue a vehement condemnation of the policies of the South African régime. The time for this Council to live up to its obligations under the Charter and to adopt measures of a decisive character appropriate to the gravity of this case is now.

93. What are the alternative courses of action open to the Council? First, it is inconceivable that the Council can decide to do nothing. To do so would be to abdicate totally from its responsibilities. Furthermore, the Council may yet again condemn the Government of South Africa for pursuing its policies of *apartheid* and issue a grave warning to that Government. But such action would do no more than reaffirm the position this Council took two years ago. Finally, the Council may take action under Article 5 of the Charter, which provides for the suspension from the exercise of the rights and privileges of membership of the Organization if preventive or enforcement action has already been taken against the Member State by the Council. Whatever view is held as to whether or not preventive action has already been taken by the Council against South Africa—and my delegation believes the Council has—the question arises as to the suitability of suspension in the light of South Africa's contemptuous behaviour over such a long period. Many will argue against it, for such action may be construed as a continuation of the policy

of gradualism which the Organization has so far chosen to adopt in regard to South Africa, the spectacular failure of which compels us to meet here today.

94. But there is a further option available to the Council. Article 6 of the Charter states in simple terms that a Member which has persistently violated the principles contained in the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Council. I do not seriously think that there can be any doubt in the mind of any member of the Council that South Africa has, from the inception of its membership in the United Nations, been in persistent violation of the principles of the Charter. The point, however, is sometimes made that there are other Member States in violation of principles of the Charter. But there is no Member State which has suffered a continuum of condemnation in the forums of the Assembly and the Council. There is no other Member State, the policies of which in respect of the vast majority of its own population have been scrutinized—and condemned—by a Committee set up by the Assembly for that purpose. There is no other Member State illegally occupying an international Territory. And certainly there is no other Member State against which such a catalogue of charges of non-compliance with its international responsibilities can be laid—no other Member State but South Africa.

95. There have been arguments in the past—and no doubt these will be raised during your deliberations—that expulsion would so isolate South Africa as to relieve it of its obligations under the Charter, and would cut off all avenues of United Nations influence, thereby diminishing the capacity of the United Nations to bring about the desired changes in that unhappy land. Such arguments, however, can have the effect of urging a cautionary approach and of being diversionary in their character. Indeed, on this question of whether non-member States are fully outside the pale of United Nations action, noted authorities have stated that the Charter has assumed the character of basic law of the international community and that non-members are expected to recognize this law as one of the facts of international life and to adjust themselves to it. Moreover, provision is made in the Charter itself to ensure that non-member States act in accordance with its principles so far as may be necessary for the maintenance of international peace and security. And here I refer to Article 2, paragraph 6. The situation in South Africa is already a threat to international peace and security and has been so recognized by the Council in its resolution 311 (1972). And there is the precedent of Southern Rhodesia for enforcement action by the United Nations against a non-member State.

96. The position of my Government in this matter is unequivocal. In his statement to the General Assembly while participating in the debate on the resolution which brings us together here today, my

Foreign Minister recalled⁶ that, in speaking from that rostrum six years ago, Guyana had concluded that South Africa had demonstrated its moral incapacity to continue its membership in the Organization. The actions of the South African régime in the intervening years have served to confirm the validity of that assertion. My delegation therefore respectfully invites the Council to arrive at a collective determination that South Africa has persistently violated the principles of the Charter and should, as a consequence, be expelled forthwith from the Organization.

97. The PRESIDENT⁴ (*interpretation from French*): The next speaker is the representative of the German Democratic Republic, whom I now invite to take a seat at the Council table and to make a statement.

98. Mr. FLORIN (German Democratic Republic) (*translation from Russian*): I should like, first of all, to thank you for giving me this opportunity of speaking in the Security Council. Allow me, Mr. President, to regard the fact that you, the representative of a free African country, are presiding over the Security Council during the consideration of so important an agenda item, as a symbol of a new era—the era of the elimination of colonialism in all its forms.

99. This is the first time that I am speaking in this forum on behalf of the German Democratic Republic. I am doing so out of the conviction that the suppression of the crime of *apartheid* and the elimination of the ensuing threat to peace in southern Africa are of concern to all peoples and States. *Apartheid* is a social plague.

100. The decision taken by the General Assembly at its twenty-ninth session to have the Security Council review the relationship between the United Nations and South Africa may be described as one of historic significance. By that decision the overwhelming majority of States are demonstrating their firm determination to put an end to colonialist oppression and to the policies of the Pretoria régime that threaten peace.

101. At a time when the trend towards a relaxation of tension is gaining ground throughout the world, it is more impossible than ever to tolerate domination by a régime using methods of Fascist terrorism to suppress the freedom of the peoples of Azania and occupying Namibia. All States have an obligation to help to attain the purposes and principles of the United Nations Charter and to implement the resolutions of the United Nations relating to South Africa.

102. The German Democratic Republic is among those States that scrupulously adhere to United Nations resolutions concerning the elimination of

⁶ See *Official Records of the General Assembly, Twenty-ninth Session, Plenary Meetings*, 2248th meeting.

colonial domination in southern Africa, refrain from any relations with that country and actively support the peoples of Azania and Namibia in their struggle for the right to self-determination.

103. The session of the Special Committee on *Apartheid*, which was held in May this year in Berlin, the capital of the German Democratic Republic, again confirmed that our Organization, in acting against the last bastions of colonialism, can count not only on the majority of States but also on a world-wide popular movement. The racist régime in Pretoria has long been the subject of universal condemnation and scorn on the part of democratic world public opinion.

104. As is known, the United Nations has been obliged for a few decades to be concerned with the colonialist policy of the racist régime of South Africa, a policy constituting a threat to peace. The General Assembly and the Security Council have adopted a number of resolutions on this question. Measures have been evolved to ensure the application in South Africa and Namibia of the principles of the Charter. The white minority régime in Pretoria has disregarded all the decisions of the Organization. Instead of complying with the demands of the United Nations, it has intensified its terror with a view to preserving its power. In this regard, the carefully prepared report of the Special Committee on *Apartheid*, submitted at the twenty-ninth session of the General Assembly⁴ and the facts mentioned by previous speakers here leave no room for doubt. The Pretoria régime has had 30 years in which to change its policies. However, the facts show that the Pretoria régime continues with unprecedented insolence to ignore the decisions of the United Nations, constantly violates them and refuses to recognize that the decisive change in the political balance of forces in the world has not been in its favour.

105. There can be no doubt about this state of affairs. The South African régime constantly and flagrantly violates the principles of the United Nations, thereby failing to fulfil its obligations as a Member of this Organization. It continues to pursue the policy of *apartheid*, which has been repeatedly condemned by the United Nations as a crime against humanity and maintains the peoples of Azania and Namibia under the colonial yoke. This régime is pursuing an expansionist policy and is illegally attempting to annex the Territory of Namibia, which is under the mandate of the United Nations. Its criminal relations with the reactionary forces in Southern Rhodesia, Mozambique and Angola are expanding. Thus, this régime threatens the independence and sovereignty of other African States, flagrantly violates the right of peoples to self-determination and creates a dangerous hotbed of war in southern Africa. Such a policy is directed against international détente and peaceful co-operation among States.

106. The decisions adopted by the United Nations so far are clearly insufficient to persuade the racist

régime to change its position. Further and more effective steps must therefore be taken.

107. The Security Council would not be obliged today to deal with this question if all States had adhered to the decisions of the United Nations and discontinued their political, economic and military co-operation with South Africa. The United Nations must now use all the means available to it finally to remove this hotbed of conflict in South Africa and to help the peoples of Azania and Namibia to exercise their right of self-determination.

108. For these reasons, the German Democratic Republic supports the just demands made in this high forum by African States for the adoption of more decisive measures against South Africa. I am referring to the sanctions which must be imposed on that State, which has virtually excluded itself from the ranks of those who, in accordance with the purposes and principles of the United Nations, stand for peace, freedom, the right of peoples to self-determination and co-operation among States on an equal footing.

109. I should like to draw the attention of the members of the Council to the following: the decision on the relationship between the United Nations and South Africa is of great importance with regard to this Organization's role in international life. We are convinced that the adoption of consistent conclusions based on the situation which I have described could help to strengthen the confidence of peoples in the United Nations. The Organization requires such confidence in order to enhance its effectiveness with a view to ensuring peace throughout the world for the benefit of all mankind.

110. The PRESIDENT (*interpretation from French*): The last speaker is the representative of Bangladesh, whom I now invite to take a place at the Council table and to make a statement.

111. Mr. KARIM (Bangladesh): May I, Mr. President, first of all express the pleasure of Bangladesh as well as that of the Asian Group, which I represent here, at being able to take part in this debate on an issue of such vital concern under your presidency. It seems to us only fitting that the Security Council should be presided over by an African representative of your eminence on an issue which concerns the relationship of the United Nations and South Africa.

112. While the issue of South Africa directly concerns the African States, its history in the United Nations shows that Asia has been deeply involved in it from the very beginning. South Africa's violations of the basic principles of the Charter of the United Nations were first brought to the attention of this world forum in 1946 by India⁷—which then comprised the

⁷ *Ibid.*, Second part of first session, Joint Committee of the First and Sixth Committees, annex 1.

territories of present-day India, Pakistan and Bangladesh—in connexion with the treatment of people of Indian origin in South Africa. This issue was later fused with the larger issue of *apartheid* since that is a policy directed against all non-white peoples, whether they are of African or Asian origin.

113. South Africa is the only State Member of the United Nations where racial discrimination is the basis of society and is supported by formally valid laws. The situation is in many ways similar to that of pre-war Nazi Germany, which also sought to give legal sanction to its perverted racist ideology. While it took the Second World War to abolish that racist State in Europe, the cult of the master race in an institutionalized form is still being pursued unashamedly in South Africa.

114. For centuries South African society has been based on domination of the non-white majority by the white minority. This was not a situation unique to South Africa. What is unique is that, whereas in other parts of the world the situation in respect of racial discrimination has improved, in South Africa it has deteriorated and taken on an increasingly repressive character.

115. The Afrikaner Nationalist Government, which came to power in 1948, did so on a platform which made no bones about maintaining white control and domination in the country. In 1955, the Nationalist Prime Minister, Strijdom, stated in unequivocal terms that: "Either the white man dominates or the black man takes over The—only way the European can maintain supremacy is by domination." The successive Nationalist Governments in South Africa have not only continued to follow a policy of *apartheid* to maintain white domination over South Africa but have introduced refinements to make sure that it becomes a more efficient instrument of racial discrimination. From time to time tactical withdrawals have been made, but their aim has not been to bring about an erosion of *apartheid*, but merely to consolidate it.

116. The occasional zigzags of this policy cannot obscure the basic thrust of the *apartheid* policy, which is to deny the numerically superior non-white peoples of South Africa their elementary human rights. This policy has been pursued and strengthened by creating a legal system which physically restricts the movements of over 12 million black Africans and people of Asian origin, by an educational system which limits the educational opportunities and facilities available to non-whites, by denying social relations on an equal basis between the races, by denying non-whites the acquisition of freehold title to land except in inhospitable reserves, by uprooting thousands of non-white families from areas where they have lived for generations and forcing them to resettle elsewhere, and by a host of other measures.

117. South Africa has not stopped at introducing these discriminatory racial measures within its own boundaries; it has extended the policies of *apartheid* to Namibia, a Territory which was entrusted to South Africa by the League of Nations to administer in the spirit of the Mandate. Instead of carrying out its obligations under the Mandates System, South Africa has virtually incorporated it. South Africa is now engaged in creating bantustans in Namibia, although the United Nations has already decided that there is no legal basis to South Africa's continued rule over that Territory. South Africa continues to deny the United Nations access to Namibia to administer it.

118. Furthermore, South Africa continues to give moral and material support to the illegal racist régime of Rhodesia. The support that South Africa gives to Rhodesia is one of the important factors in the continuance of the intransigent policies of the illegal régime there.

119. The numerous appeals and resolutions of the United Nations addressed to South Africa to change its course of action have had no effect. South Africa continues to show utter disregard and contempt for the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

120. The United Nations has shown enormous patience in the face of the continuing contempt of it displayed by South Africa. After many appeals to South Africa, which have met with no positive response whatsoever, and after rejection for the fourth consecutive year by the General Assembly of the credentials of the delegation of South Africa, the Assembly this year finally decided to bring the question before the Security Council for appropriate action.

121. We feel that the time has now come to examine what further steps must be taken to make South Africa comply with its obligations under the Charter. For a number of years, some States have expressed the hope and belief that pressure on South Africa from within the Organization was the most effective way of making its Government see the light of reason and moderate its policies. But the tolerance of the Members of the United Nations seems to have been misunderstood by South Africa as weakness. In the circumstances, the United Nations can no longer continue to overlook South Africa's continued contempt for the United Nations. If the United Nations fails to take suitable action against a refractory State like South Africa, whose catalogue of violations of the principles of the Charter can be traced back to the very inception of the world Organization, its credibility will be at stake.

122. Consequently, the United Nations cannot defer any longer the action it should take against a Member which has so persistently violated the principles contained in the Charter. The members of the Security

Council will therefore, we hope, examine the relationship between the United Nations and South Africa in the light of the relevant provisions of the Charter and take appropriate action. A number of organizations within the United Nations family, such as the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture

Organization of the United Nations, the World Health Organization and the International Labour Organisation, have already done so. The United Nations, which is the principal international organization in the political field, should not fail to do the same.

The meeting rose at 6.30 p.m.

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