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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.

EIGHTEEN HUNDRED AND SECOND MEETING

Held in New York on Friday, 25 October 1974, at 10.30 a.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/1802)

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 11.20 a.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 previously [1796th-1798th, 1800th and 1801st meetings] under Article 31 of the Charter and in accordance with the pertinent provisions of the provisional rules of procedure, I invite the representatives of Algeria, Bangladesh, Barbados, the Congo, Cuba, Czechoslovakia, Dahomey, Egypt, the German Democratic Republic, Ghana, Guinea, Guyana, India, Liberia, the Libyan Arab Republic, 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.

At the invitation of the President, Mr. Rahal (Algeria), Mr. Karim (Bangladesh), Mr. Waldron-Ramsey (Barbados), Mr. Mondjo (Congo), Mr. Alarcón (Cuba), Mr. Smíd (Czechoslovakia), Mr. Adjibadé (Dahomey), Mr. Abdel Meguid, (Egypt), Mr. Florin (German Democratic Republic), Mr. Boatén (Ghana), Mrs. Jeanne Martin Cissé, (Guinea), Mr. Jackson (Guyana), Mr. Jaipal (India), Mr. Harmon (Liberia), Mr. Maghur (Libyan Arab Republic), Mr. Rabetafika (Madagascar), Mr. Traoré (Mali), Mr. Ramphul (Mauritius), Mr. Slaoui (Morocco), Mr. Ogbu (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 wish to inform members of the Council that I have received letters from the representatives of Pakistan and Romania 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 these representatives to participate, without the right to vote, in the Council's discussion of the agenda item before it.

At the invitation of the President, Mr. Akhund (Pakistan) and Mr. Datcu (Romania) took the places reserved for them at the side of the Council chamber.

3. The PRESIDENT (*interpretation from French*): I should like to draw the attention of members of the Council to the draft resolution co-sponsored by Kenya, Mauritania and the United Republic of

Cameroon which has been circulated in document S/11543.

4. Members of the Council will recall that at its 1797th meeting the Council decided to address an invitation under rule 39 of the provisional rules of procedure to Mr. Duma Nokwe, Director of Political Affairs of the African National Congress. Mr. Nokwe has informed me that he is ready to address the Council at this meeting. Accordingly, I propose, with the consent of the Council, to invite him to take a place at the Council table and to make his statement.

5. Mr. NOKWE: The delegation of the African National Congress of South Africa thanks the Security Council for having invited it to appear before this Council. We wish also, as others speakers before us have done, to pay a tribute to you, Sir, and to endorse the fact that you and your country have been correctly charged with the historic task of presiding over these crucial meetings of the Council.

6. Allow me also, on behalf of our delegation, to extend the deepest condolences of our organization and people to the Iraqi delegation and people in connexion with the untimely death of their Foreign Minister.

7. It was our intention to deal as succinctly as possible with the issues now confronting the Council but because of the situation created by the representative of the racist and Fascist régime of South Africa in his address to the Council, we are compelled to traverse some of the area which he covered. We crave your indulgence and hope that we shall in the end demonstrate the benefits of this exercise. We will submit in this address that the statement of Mr. Botha, to which the Council listened so patiently, is if anything added justification for the review of the relationship between the United Nations and the régime he represents and the penalties which will ultimately be decided upon.

8. The representative of the South African minority Fascist régime, though professing respect for you, Mr. President, and the Council, thereafter immediately displayed characteristically bombastic, pompous arrogance towards the Organization, its devoted Members, its precepts and the conventions and resolutions which have been adopted against the obnoxious system which his clique represents.

9. The appeals of this body in its solemn resolutions were dismissed by Mr. Botha as being based on bias, vendetta, half-truths and even lies. This contempt, and the sinister references of this régime to the independent African States in the Organization in their condemnation of the racist régime, demonstrate once more the nature of the régime with which the Council has to deal.

10. As Professor Edgar H. Brookes said, in one of his books entitled *Apartheid: A Documentary Study of Modern South Africa*,¹ on page XVI:

“While the world as a whole fully understands that the era of colonisation and imperialism has, after four centuries, come to an end, South Africa is still living in the atmosphere of that era, and cannot readily understand the reasoning of those who have emerged from it. The dialogue between South Africa and the rest of the world in the 1960s is something like the duel between the whale and the elephant.”

There is no meeting point.

11. As the representatives of the South African racist régime have demonstrated over a score of years in the Organization, and in the Council only yesterday, there is no meeting point between humanity and this monster which they claim to be divinely inspired. Their obstinacy persists against the mighty wave of international law and world opinion. They continue to pour scorn on the legitimate demands and appeals of the people of our country, the Organization of African Unity, Africa and the world at large.

12. The Council was subjected to a lengthy lecture by Mr. Botha, who in the substance of his address tried to justify *apartheid* and to show how misguided Africa and the world were. It was a very strange thesis based on the inherent Fascist and Nazi approach that the overwhelming majority in the Assembly—represented by the Council—were wrong and out of step with human aspirations, and that this illegal megalomaniac régime was right and had a monopoly of being right.

13. Mr. Botha's address emphasized that the methods of that régime were right and that the whole world had been misled. His whole statement was primarily based on the superiority of the racist practices of *apartheid* over everything that is happening to humanity. Throughout his whole statement there was also a constant and veiled threat. Even the epoch-making events in Guinea-Bissau, Mozambique and Angola, to say nothing of the States of Lesotho, Botswana and Swaziland, were virtually brushed aside as a poor example of what South Africa, through its bantustan policies, has been trying to achieve peacefully—whatever “peacefully” means to the South African régime.

14. Our submission will be that the whole tenor and theme of that statement is South African racism and *apartheid über alles*—over the whole world at any cost. Listen to the racist attitude to the Organization—and here I shall quote from the text of Mr. Botha's statement yesterday. He said:

¹ London, Routledge and Kegan Paul, 1968.

“Let us not beat about the bush. The only choice we have before us is either to continue on the present sterile course of confrontation and recrimination, or”—and he gives the world an alternative—“to make a sincere endeavour to get together, to listen to the other man’s point of view with an open mind, and to try to break through the suspicions, the misunderstandings and the misconceptions which have so long divided us. Communication or confrontation? Harmony or the escalation of strife? That is our choice—our only choice.” [1800th meeting, para. 51]

15. It is our submission that this world body has been trying to communicate with the racist and Fascist régime for well over 25 years. And yet they have been intransigent and Mr. Botha and his racist régime have the audacity to come to propose the very thing that this body was doing more than 25 years ago, which they stubbornly opposed. There is a subtle threat of defiance, we submit, in that quotation.

16. But let us go a little further and quote another excerpt. Mr. Botha asked the Council:

“What valid reason can be advanced for singling out South Africa’s relations with the United Nations for review by the Security Council?” [Ibid., para. 54.]

He replied:

“There is none. This is really just a political move in the vendetta being conducted by certain Members of the United Nations against my Government.” [Ibid.]

17. The General Assembly resolution which called for these meetings of the Council was adopted by 125 votes to one, but for Mr. Botha the 125 are meaningless. That demonstrates the attitude of that racist régime to the General Assembly and its members.

18. If that is not sufficient, let me quote something else said by Mr. Botha which goes to the root of the thinking of the South African régime:

“It is said that we have disregarded resolutions of the United Nations organs. But next to nothing is said of the nature and quality of the information and documentation upon which those resolutions were based. Closer analysis will show that the material in question is unbelievably one-sided, that it is uniformly hostile to South Africa, that it is often completely unsubstantiated.” [Ibid., para. 57.]

19. The General Assembly is composed of very, very responsible Members and their representatives. The Security Council, which also has adopted

resolutions against the racist South African régime, is virtually the supreme body of the United Nations and all the peoples represented in it. It is a very, very responsible body. But Mr. Botha had the audacity to sit in the Council and say that the information and documentation on which United Nations resolutions were based was unsubstantiated and one-sided. Once again, the South African régime is apparently the only one with some sense, the rest of mankind works on the basis of unsubstantiated, biased and prejudiced information.

20. I shall quote only one more extract from Mr. Botha’s arrogant, contemptuous statement. He said:

“In consequence, the resolutions in question were based on inadequate, prejudiced and often grossly distorted information—information which was certainly not tested and objectively weighed in order to separate facts from ignorant or malicious misrepresentations.” [Ibid., para. 58.]

21. Now if, from those extracts from Mr. Botha’s statement that I have just cited, the conclusion cannot be drawn that the South African régime’s conduct has been completely and constantly contemptuous and arrogant and that it has complete disrespect for the United Nations, including the Security Council, I do not know what further evidence is required.

22. The racist régime’s bankrupt case is based on what we shall demonstrate to be a gross distortion of the history of our country, a deliberate and fraudulent omission of the facts of colonialist aggression and plunder and the enslavement of our people by the white settlers and colonialists. The racist régime’s case is based also on lies and a misleading presentation of the *apartheid* policy, a presentation designed to suit that régime’s aims at this session. Lies are brazenly resorted to despite the public pronouncements of the leaders and architects of this hideous policy, pronouncements that are well known. Mr. Botha’s statement to the Council cunningly evaded, we shall submit, the issue of which the Council is seized. In fact, the whole performance was typical of the well-known Nazi technique deriving from the dictum popularized by Goebbels: “If you tell a lie often enough and if it is big enough, you end up being believed”.

23. Our delegation is gratified at the fact that at the current session of the General Assembly the Credentials Committee recommended to the Assembly that the credentials of the representatives of the racist, Fascist régime of South Africa be rejected. The Assembly indeed did that, by an overwhelming majority, and it referred the whole question of the relationship between the racist régime and the United Nations to the Security Council for review. That unequivocal action on the part of the

United Nations is, in our view, an important contribution to the struggle to combat and eliminate *apartheid* and racism, and expresses in concrete terms the wrath and disgust of the peoples of the world, in whose sacred name, let us always remember, the Organization was created—their wrath and their disgust with a group of racists criminals, disciples of Adolf Hitler, whose policies and practices are reminiscent of Nazi Germany. It is indeed an affront, an insult to humanity that international criminals should find shelter, respectability and acceptance in the Organization that they treat with so much contempt and disrespect and to which they pay no allegiance whatsoever—criminals who fraudulently claim to be representing the peoples of South Africa.

24. Our peoples have always contested the legitimacy of the racist white minority régime of South Africa, from its very inception. We deem it necessary, particularly at this series of Council meetings, to expose the roots of *apartheid* and to show that the racist régime is now acting as an international Frankenstein.

25. The fact is that our country—despite Mr. Botha's lie yesterday that there was peace for 150 years—was the target for over 250 years of the most brutal colonial invasion and oppression by whites of mainly Dutch and British descent. Throughout those 250 years of plundering, rapacious, bloody, genocidal wars, our forefathers throughout the length and breadth of the country, against overwhelming odds, rose up against the invaders to defend their land, its wealth and themselves against enslavement. Ultimately, however, the savage foreigners defeated them militarily. To the extent that the whites disarmed them completely, our people were conquered—but they were never subdued. This colonial aggression, usurpation and monopoly of political, economic and military power had its consummation in the South Africa Act of 1909, which established the all-white Parliament, the source of all the vicious, racist and *apartheid* laws in the country.

26. The so-called South African Constitution was a gross assault on the right to self-determination of the indigenous people and the instrument for further aggression against our people. The South African Constitution was fashioned by the white minority, for the white minority, and against the black majority. It was and still is inherently racist and discriminatory in character. It is based on white domination and white superiority and it is the instrument and machinery for all the racist and genocidal laws. It trenches all political, economic and military power in the hand of a white minority. It is an instrument which purports to legalize the enrichment, through robbery and brutal exploitation, of a small white minority, and the impoverishment and oppression of the vast majority of the African people.

27. This so-called Constitution was adopted by a white minority in alliance with the United Kingdom, a colonial Power. In fact, the Constitution was passed by the United Kingdom's colonial Parliament in spite of vigorous protests from the African people. The purpose of that instrument was to impose white domination, lordship and *Herrenvolk*-ism on the Africans in all spheres of life in order to create and perpetuate the type of colonialism which exists today in our country. The Africans protested vigorously against this naked rape of their land and rights. Deputations sent to the United Kingdom, the colonial Power, availed nothing. This so-called Constitution, which itself is so grossly illegal and inhuman, is the instrument which legalizes all the atrocities and crimes committed against our people by the whites and the white régime.

28. There can be no shadow of doubt that, born out of illegality, the South African régime is itself illegal. No criminal can legislate for himself to legalize his illegal and criminal acts. That is what the white minority régime, with the United Kingdom's assistance tried to do in 1909 and is still trying to do today with the United States, France and other collaborators.

29. The African National Congress ANC, which we represent here today, was formed in 1912, shortly after the so-called South Africa Act came into force; it was formed because of the rejection of the African people of the domination and overlordship imposed on them by an all-white racist régime and their refusal to pay allegiance to it. ANC was created as the mouthpiece of the African people and their instrument for their national emancipation and liberation. All Africans were called upon to pay allegiance to ANC and not to the white régime. Although the Africans were completely disarmed, ANC strove to create a State within a State. It had, and continues to have, its own anthem, its own flag, and its own policies and slogans which were, and continue to be, diametrically opposed to those of the white régime, thereby challenging its sovereignty. What it lacked then was an army. However, from its very inception the ANC has continued to challenge and contest the legitimacy of the white minority régime and its laws, both nationally and internationally.

30. Internationally, at the signing of the Treaty of Versailles in 1919, ANC sent a delegation to condemn the white régime and to warn that Namibia—then South West Africa—should not be handed over to the white minority régime of South Africa because the plight and fate of the people of Namibia would be no different from that of the people of South Africa. While the delegation of the white régime sat in the sheltered comfort of the conference room and had an audience of delegates, the delegation of ANC had to be content with lobbying in the corridors. Its protest fell on deaf ears. Instead of the white régime being condemned for its atrocities, international recognition was given to that illegal, illegitimate and inhuman

régime. And what is even worse, the Namibian people, their land and their wealth were handed over on a silver platter to the white racists. Thus the South African illegal minority white régime became a respectable member of the League of Nations and a full member of the exclusive club of colonialists and imperialists.

31. What a tragedy that was. And how true it is today that the fate of the people of Namibia is no different from that of the people of South Africa. By a stroke of the pen an international body expanded the area of foreign domination in southern Africa by a brutal, barbarous and ruthless régime. Thus, the international Frankenstein was created.

32. Even assuming that the racist, *apartheid* régime is a government—which we contend it is not; it is merely a régime—it is certainly not the government of the people of South Africa. By its very Constitution, policies practices and pronouncements, it is at most—and I emphasize, “at most”—a Government of some whites, by whites, for whites and voted for by whites. It has no moral or legal right to claim to be a government over the majority. Whatever it does with respect to that population is fundamentally illegal. The South African régime imposes its rule on the overwhelming majority of the people of our country through the baton and the gun. It is a gangsterish rule of terror and tyranny, nor has it any sovereignty over the majority of the peoples of the country. It is for that reason that this Frankenstein is building an army and accumulating an arsenal beyond measure for a white so-called defence force.

33. We said that there is a growing recognition of the rights of our people in the General Assembly, and now in the Council, but the development is not yet complete nor is the pace fast enough. May we refer to General Assembly resolution 3151 G (XXVIII), in paragraph 11 of which the Assembly

“Declares that the South African régime has no right to represent the people of South Africa and that the liberation movements recognized by the Organization of African Unity are the authentic representatives of the overwhelming majority of the South African people”.

That resolution was adopted on 14 December 1973. We should like to state that it is a vindication of the cause for which the organization has struggled in international forums since 1919—more than half a century, is it not?

34. Perhaps we should now turn to some aspects of the statement by Mr. Botha, just to correct the record on one of his fundamental lies. The story presented here by the representative of the South African racist régime—that our country was a no-man’s-land until both blacks and whites simultaneously occupied South Africa—is a blatant lie to try to justify

the present landlessness of our people and the dispossession of their birthright. Like many others, the representative of the South African régime well knows that the first meeting-point in our country with the white invaders was at Cape Town—then called the Cape of Good Hope and sometimes the Cape of Storms, which indeed it was in those days—where, in the seventeenth century, the white aggressors virtually exterminated the Khoisan and decimated the Khoi Khoi. There is abundant evidence of that from notable historians. To quote only one, C. W. de Kiewiet, a white South African historian, on page 73 of his book *A History of South Africa*,² states:

“The great acreages of South Africa were not unsettled spaces open to the unhindered occupation of Europeans. That European settlement took place in a land settled by a relatively numerous native population is a fact of first-rate importance.”

35. Perhaps—and I do not know where Mr. Botha studied his history—we might refer him to a quotation by Jan van Riebeeck, who landed with the first settlers in 1652. They were interrogating some of the African prisoners at the so-called Cape of Good Hope. Reporting to his company, the Dutch East India Company, Jan van Riebeeck said:

“The prisoners, having been asked the reasons why they had caused us this trouble, declared for no other reason than that they saw that we kept in possession the best land and grazed our cattle where they used to do so and that everywhere with houses and plantations we endeavoured to establish ourselves so permanently as if we intended never to leave again but take possession of this Cape land, which had belonged to them during all the centuries, for our sole use.”

36. Perhaps I might now turn once more, and as briefly as possible, to another remarkable statement made yesterday by the representative of the racist régime. He referred to the Great Trek, and said it was as historic event. Well, it was historic, but we shall show how it was historic from the point of view of real history. We would say Mr. Botha must know what motivated that so-called Great Trek. It was at a time when the world had decided on the emancipation of slaves. The Afrikaner people had got used to having the blacks as slaves. The Great Trek was a revolt against the decisions of the world concerning the emancipation of slaves. And Piet Retief, the leader of one of the groups which trekked north from the south made it clear, in a long manifesto, that they were leaving the coastal part of South Africa because they wanted to go and find some place where there would be no interference, where they would be able to establish themselves firmly on a master-servant basis, where they would establish a

² Oxford University Press, 1946.

State "in which there will be no equality between blacks and whites either in State or in church". That was the historic Great Trek, and throughout it battles were fought by our people in defence of the land and their wealth throughout the whole of South Africa.

37. Now may we turn to one of the most important aspects, also referred to in the statement of yesterday in an attempt to show that South African foreign policy is peaceful. We contend the opposite, and we think the facts prove it. We should like to describe very briefly the imperialist-colonialist aggressive and expansionist foreign policy of the South African white racist régime.

38. We have already shown that the white racist minority régime established a new type of colonialism in South Africa. We should like to stress that the illegal colonialist white racist régime of South Africa creates all the trappings of a colonialist State in South Africa where not only were the colonially oppressed and the colonial oppressors, the colony and the metropolis, within the same area, but also all the characteristics of a colonialist and imperialist Power were demonstrated. Expansionism and aggression have the basic policy of the white racist régime in South Africa; hence the fact that it is now arming itself to the teeth and its military budget is spiralling every year.

39. We should not forget Cecil Rhodes, who dreamt of having a railroad for British imperialism from the Cape to Cairo. Nor should we underestimate Harry Oppenheimer's exuberance in building an Oppenheimer gold and diamond empire in Africa and the world.

40. South Africa and the racist settlers became international exploiters and oppressors from the very time they landed at the Cape of Good Hope. And that is how the so-called wealth, so boasted about by the South African whites, came into being—through ruthless exploitation and oppression, through slavery, slaves coming from many parts of the world, and through the exploitation of migrant labour from many parts of Africa.

41. Yesterday, Mr. Botha, in his statement had the audacity to say that South Africa is confronted by the fact that there were thousands and thousands of Africans coming from outside South Africa. Now that process was deliberately engineered by South Africa and its allies many years ago. It is no creation of the African States. As a matter of fact the African States are beginning, since their independence, to try and curb it.

42. The Cape of Good Hope was of good hope for international pirates but bad hope for the indigenous peoples of the country. It had as its development, its roots in slavery and genocide; and there this was

planted, as we indicated, with the extermination of part of our people, the Khoisan when van Riebeeck set foot in our country on 6 April 1652, ostensibly to establish a vegetable garden to supply the ships of the Dutch East India Company. Thus our country and peoples became victims of international trade and companies, thugs and robbers.

43. The history of our country since 1652 has been that of expansion and robbery. Indeed, even the South Africa Act of 1909 envisaged the incorporation of what is now known as Botswana, Lesotho and Swaziland. It was a pact between the United Kingdom and the Boers. Aggression and expansion, as we said, are the roots of white South African foreign policy. The South African bantustans as the extension of the South African colonialist philosophy in practice, the South African colonialist and imperialist power policy, has its acid test in Namibia.

44. Our delegation would merely want to state that the crimes against humanity which have been so clearly enunciated in the International Convention on the Suppression and Punishment of the Crime of *Apartheid* [resolution 3068 (XXVIII)] are crimes which have been committed by the South African racist régime from the very moment that it became the centre of international capital and the greatest exploiter of African and international labour. South African and racist aggression have become, as we said, blatant in Namibia, more brazen in the military activities of the South African régime in Mozambique, Angola and Zimbabwe, which the racist representative hardly referred to yesterday, in a subversive and violent action against Zambia and Tanzania. This monster, it will be our submission, must be curbed and controlled; that depends, as it did with Adolf Hitler and nazism, on the might and collective concerted effort of the peoples of the world.

45. Our delegation wishes to draw the attention of the Council to the fact that the policies of *apartheid* are being discussed in the year when the General Assembly has adopted a Programme for the Decade for Action to Combat Racism and Racial Discrimination [resolution 3057 (XXVIII)]. We should like to emphasize that the programme is one of action. Further, in an unprecedented resolution, the United Nations last year adopted the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. It is not necessary for our delegation to elaborate on the implications of that Convention, save to say that some who claim to be opposed to *apartheid* have as yet not signed or ratified the Convention. The urgent appeal of our people is for the immediate signature and ratification of, and action on, this important international Convention, in order that the appropriate tribunals be set up to try and convict international criminals.

46. There were boasts about Bantu education. We do not want to deal with that extensively save to say

that when that Bantu education was established, it was established with the clear purpose of the enslavement of our people. As a matter of fact, the author of the Bantu education, Mr. Verwoerd, stated quite bluntly and clearly that it was intended to train the African not to look to the green pastures of the European whites.

47. Let us now turn to the substance of what our delegation wanted really to raise before the intervention of the South African racist representative. We should like at this stage to characterize *apartheid* and its laws which permitted the lawlessness that now exists in South Africa. There are many oppressive régimes perhaps in the world, but where South Africa is unique is the way in which the law is openly used to maintain racial domination. *Apartheid* is not simply a relic from the past; it is a highly systematic method of control which allies racist ideology to the sophisticated machinery of a modern industrialized State. The law in South Africa has become the major instrument for dividing the population and securing the privileges of the white minority. Far from being the means for protecting the people from abuse by the authorities, the law has been converted into the principal mechanism for tyranny over the people. The law and the courts are used to harass individuals and dispossess whole communities. It is through the so-called law that people are deprived of their land and that wives and husbands are prohibited from living together. It is the same law which sanctions the placing of segregation signs on all public facilities in the country and which prevents people from moving about freely in their own land, from being seen on the streets at night.

48. As we stated, South Africa has no written constitution or bill of rights. In constitutional terms the Parliament that sits in Cape Town is supposed to be sovereign and may pass any legislation it likes on any subject. The Constitution Act of 1961 expressly provides that the Parliament shall consist of white persons only, elected by white persons. Thus the law states clearly that all power resides in the hands of the white minority, who constitute a mere 4 million people out of a total population of over 20 million. The position today is that the black majority have lost even the limited representation that they had in Parliament 60 years ago, when in part of South Africa some blacks were able to vote even though they were not permitted to stand as candidates. The dispossession of the land through this law is a well-known fact. We were told yesterday that the Land Act of 1931 was passed in order to secure land for the Africans. It was a startling assertion—startling, because in fact it is well known that the Land Act was passed for no other reason than to dispossess our people of their land and to ensure that they would become mere reservoirs of cheap labour for the white farms and mines.

49. May I also refer to the so-called "laws" which are passed by the Cape Town Parliament. Among the worst laws passed by that Parliament, regarded by our people as fixing upon them the badge of slavery, are the Pass Laws. They are a vicious form of enslavement and exploitation. The figures for arrests under those laws have now risen to nearly 2,000 a day. The prisons of South Africa are virtually bursting with so-called offenders against the Pass Laws. Those laws are equivalent only to the Nazi law whereby Jews were supposed to wear a certain type of badge to identify them. They are no less vicious.

50. If we were to go into the details and examine the laws of South Africa we would find that every one of them was an infringement of the Universal Declaration of Human Rights. However, we do not seek at this stage to go through all the laws, or indeed any one of them. It is only the South African racist Government which does not seem to understand—or perhaps it does understand—that the laws it passes every year in its Parliament against our people are infringements of the Universal Declaration of Human Rights. I say, perhaps it does understand—and it does not care.

51. May I refer quite briefly to the bantustan scheme. It is our submission, and I have no doubt that this is supported by resolutions of the General Assembly, that the bantustans are a complete assault on the right of our people to self-determination.

52. We should like in conclusion to make one or two further observations.

53. We are aware, and indeed the past 25 years in the life of the United Nations have made us very much aware, that South Africa has very powerful allies in this body. Some big Powers are supposed to have the power to veto. But may I say that, in our view, those big Powers should be very careful, for perhaps not now but in the future the indictment may be brought against them very forcefully that they were accomplices of a régime which has committed atrocities and crimes against humanity. As a matter of fact, with all due respect to their very membership and rights even in the Council, it might one day be necessary to challenge them directly if they continue to associate themselves with international criminals. If they exercise their veto today, we should like to say very clearly that they are vetoing human rights. However, we should like to emphasize that we do not fear that veto, because we believe, as time and history have shown, that time is still on our side. We would hope that they will refrain today from using their veto, and will side with those who are for human rights and against those who are criminals against humanity.

54. Our delegation would urge the Council forthwith to expel the racist, criminal régime of South Africa.

That, to us, is still the lower level. It would be a mild act. And we would hope that the United Nations, the General Assembly and the Council would soon find it possible to bring an indictment against these international criminals, to begin a "Nürnberg Trial" before the disaster and not to wait until afterwards.

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

56. Mr. AKHUND (Pakistan): Mr. President, I thank you and the other members of the Council for giving me the opportunity to participate in this debate on behalf of Pakistan. Allow me also, Sir, to offer you my respectful congratulations on your assuming the Presidency of the Council while it is considering a matter of such great importance to the continent of Africa. Of course, it is not a matter which is of interest to Africa alone; indeed, it concerns the universal problem of ensuring respect for the Charter of the United Nations and observance of the Universal Declaration of Human Rights. I must speak here on behalf of my country in order, above all, to demonstrate its solidarity with the universal cause for which the people of South Africa have been struggling for long years.

57. Pakistan's own concern with the problem is not recent but goes back to the time when Pakistan became a Member of the Organization, and indeed even earlier. People of Asian origin who have made South Africa their home are, like their African brothers, equally the victims of the grotesque hierarchy of disabilities and inequities, of petty indignities and humiliations and all sorts of stupidities and barbarities which pass under the name of *apartheid*. Those policies are the embodiment of the worst form of racial discrimination and racial segregation. Their characteristic features are repugnant to the elementary decencies in human relations. The system, built on the myth of racial superiority, is in truth aimed at perpetuating the political domination and economic exploitation of the population of the country by a small minority.

58. The South African régime implements and sustains that system through ruthless oppression. The Special Committee on *Apartheid* in its report entitled "Arbitrary laws and regulations enacted and applied by the South African régime to repress the legitimate struggle for freedom" says the following:

"The Government of South Africa has enacted an armoury of racial laws and regulations, which, jurists have noted, often parallel those of Nazi Germany."³

³ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 22 A, part two, para. 2.

It is not without reason that the General Assembly has pronounced *apartheid* to be an international crime.

59. However, it would be inadequate to consider the situation in South Africa only in the context of racial discrimination and racial segregation. What is involved is the much more fundamental question of the right of self-determination of the peoples of South Africa. Elimination of racial discrimination and segregation, although it is important in itself, will not solve the problem in South Africa if it is not accompanied by democratic rule of the majority.

60. We find, unfortunately, that these outrageous doctrines of racial superiority are no longer confined to South Africa alone. The South African régime itself is progressively extending these policies to Namibia, a Territory it continues to occupy illegally. It is, furthermore, helping and encouraging the minority régime in Southern Rhodesia to defy world opinion and to adopt the same pernicious racial policies over there. That has resulted in a situation which threatens the peace of the region. The Special Committee on *Apartheid*, in its report to the twenty-ninth session of the General Assembly, very aptly sums up the position of the South African régime in the following words:

"It is the perpetrator of racism in South Africa, and of aggression in Namibia. It is the protector of racism and colonialism in Southern Rhodesia. Action against this régime is imperative in order to avert the threat to the peace in southern Africa which can have the gravest international consequences."⁴

61. The United Nations took cognizance of the situation in South Africa from the very beginning. Since 1946, and particularly since the Sharpeville massacre of 1960, the Security Council has addressed to the South African Government numerous requests, appeals, calls and demands asking it to abandon its policies of *apartheid*. The response of the racist régime has been one of complete defiance and contempt for the United Nations.

62. The idea that association in the Organization with other countries would have the effect of moderating those policies has not been borne out by facts. *The Times* of London of last 19 October reports that, in 1972, 20,000 people of African origin were arrested and sentenced to various terms in prison for the offence of leaving their employment and seeking better jobs. That law, which is officially known, with a not unsurprising lack of sense of irony, as the Masters and Servants Law, is now to be replaced. That the expected repeal of that law, which has remained in force into practically the fourth quarter of this century is considered a great step forward in the liberalization of the South African

⁴ *Ibid.*, Supplement No. 22, para. 206.

régime shows only what an abyss there is between South Africa and the rest of the world.

63. The truth is that, instead of bringing its policies and conduct into conformity with the tenets of the Charter of the United Nations, the racist régime has chosen to disregard world opinion as expressed at the United Nations and other international forums.

64. The report of the Special Committee on *Apartheid* on the "violations of the Charter of the United Nations and resolutions of the General Assembly and the Security Council by the South African régime"⁵ makes dismal reading. It provides adequate material for indictment of the South African régime.

65. The General Assembly has already given its verdict, since in 1970, and subsequently, it rejected the credentials of the South African régime to represent South Africa in the United Nations. That is as far as the Assembly can go acting on its own.

66. The South African régime ignored that vehement expression of the world's indignation at and condemnation of its policies. Having exhausted all its efforts to bring about a change in the attitude of South Africa, the General Assembly has now taken the step of asking the Security Council to review the relationship of South Africa with the United Nations.

67. With the present review by the Council of this question, the international campaign to bring about a change in South Africa's policies can be said to have reached a decisive stage. The argument that the presence of South Africa in the United Nations is capable of reforming its policies and attitudes has, alas, received no confirmation in practice. In my delegation's view, the issues before the Council are clear. For the last three decades a Member State has persistently violated the principles of the Charter and has held the Organization's resolutions and decisions in contempt.

68. The continuance of the present situation in South Africa poses, furthermore, a threat to the peace in Africa and cannot leave the peace of the rest of the world unaffected. What is needed now is such meaningful action by the Council as will leave no doubt in the mind of the racist régime that it cannot continue its present policies with impunity. This is what Africa and the world expect of the Council: this is what we urge upon it. The Charter undoubtedly provides for measures to be taken in such cases, including expulsion from the Organization. We are confident that the Council in discharge of its responsibilities will explore all possibilities and will not hesitate to take the course of action which will ensure and assert the supremacy of the principles of the Charter and contribute to the eradication of

the racist policies under which the people of South Africa continue to suffer.

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

70. Mr. JAIPAL (India): I wish to thank you, Mr. President, for the opportunity given to my delegation to participate in these historic discussions, which are of considerable interest to my country.

71. The question of racial discrimination in South Africa was brought before the General Assembly at its first session in 1946 by my country even before it regained its independence. India's involvement in this matter goes back even further in history, to 1913, when the late Mr. Gandhi organized the movement for passive resistance against the discriminatory laws of the white rulers of South Africa.

72. The issue has always been whether Western civilization in South Africa is to be based on the theory of racial supremacy; whether the barriers between man and man on grounds of race and colour should be broken down, and justice and equality be considered the legitimate entitlement of all. India broke off relations with South Africa in 1946 when it became clear that the ghetto law had come to stay and that South Africa would remain impervious to protestation and persuasion.

73. Twenty-eight years have gone by since then and the question now before us remains essentially the same: how long should the United Nations tolerate the doctrine of a master race practised by one of its Member States? The last world war was fought to reject that doctrine. It is to the everlasting credit of the United Kingdom that, having fought that war, its people at their first post-war elections returned to power the party which, in deference to public opinion, decided to terminate its colonial rule over India. There has been no similar reaction in South Africa. On the contrary, the white régime in South Africa has progressively withdrawn into its own racial shell and pursued its policy of racial discrimination and *apartheid*—a policy which has been roundly condemned by the enlightened world community. But that régime has remained frozen in its self-righteous conceit and has treated with cynicism and contempt all the attempts of the United Nations to reason with it or to persuade it to abandon its racist policies. South Africa, which was once a member of the Commonwealth, is no longer a member of that curious community of equal nations. Is there any valid reason why South Africa, which has been excluded from the Commonwealth, should not now be excluded also from the United Nations?

74. Several speakers before me have already enumerated the long and dismal catalogue of South

⁵ *Ibid.*, Supplement No. 22 A, part one.

Africa's violations of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights. It is therefore sufficient for me to say that the United Nations should no longer tolerate a situation in which 86 per cent of the territory in South Africa is a white zone reserved for the white minority of 18 per cent, and in which the African majority of 8 million, constituting 82 per cent of the population, is condemned to live in only 13 per cent of the territory and is, furthermore, subjected to discriminatory laws, denying them fundamental human rights. This monstrous injustice surely deserves some form of punitive action, because it seems that the perpetrator does not know right from wrong.

75. Since 1946 the General Assembly has adopted countless resolutions in the hope that the white régime in South Africa might abandon its policy of *apartheid*. What has been the reaction of the South African Government to those resolutions? The only virtue, if it can be called that, is that the South African Government has displayed a certain stubborn consistency in maintaining that the policy of *apartheid* is essentially a matter within its domestic jurisdiction in terms of Article 2, paragraph 7, of the Charter and therefore outside the competence of the United Nations. Yesterday the representative of the white régime of South Africa not only reiterated this basic position but went further and claimed that South Africa was a country flowing, as it were, with milk and honey, where the whites are really terribly kind to the blacks; that South Africa does not pose a threat to international peace; that South Africa is more sinned against than sinning; that it is the United Nations that is out of step with South Africa and not the other way around; that *apartheid* is an inevitable historical necessity; that contact between the different races would bring disaster, and hence the races have to be separated from each other in their own interests.

76. This South African response is a piece of egotistical whitewash reminiscent of paternalistic colonialism. Evidently, the white régime in South Africa does not know yet that the Coloured man cannot live by bread alone.

77. Does not the presence of South Africa in the United Nations detract from the dignity of the Organization? How long will the United Nations shelter a Member which continues to flout with impunity all its resolutions, which does not believe in the dignity and equality of the human person and which violates the very moral basis on which the United Nations was founded? The credentials of the South African régime have been rejected by the General Assembly for four consecutive years. South Africa has been expelled from the United Nations Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations, the World Health Organization and the International Labour Organisation, but here South Africa has continued to participate, evidently because there is

some confusion as to the implication of the rejection of its credentials by the General Assembly.

78. The opinion of the Legal Counsel submitted in 1970⁶ was, in our judgment, essentially a legalistic interpretation based on the inadequacies of the present rules of procedure. Clearly, when the rules were formulated, no one anticipated a situation where a Member State would occupy its seat even after its credentials had been rejected for good and proper reason. Surely the United Nations may take a decision in accordance with its conscience. The argument that the representatives of the white régime in South Africa may continue to sit among us simply because there is no rival claimant is too superficial to merit serious consideration. It is a specious argument based on inadequate law.

79. We are not dealing only with the question of representation or its adequacy here. The issues are far more profound. We are concerned with the continued presence among us of a Member State which justifies its violation of human rights in the name of the sanctity of domestic jurisdiction. If the Charter has not foreseen such a contingency, surely it is because the framers of the Charter did not anticipate that any Member would wilfully violate human rights and the principles of the Charter and continue to take refuge in this Organization.

80. It is because of that unsatisfactory legal opinion that the General Assembly has found itself unable to evict the representatives of South Africa. That is why it has called upon the Security Council to review the relationship between the United Nations and South Africa, thereby placing upon the Council a truly tremendous responsibility.

81. What should be the relations between the United Nations and a Member State which is in constant violation of the principles of the Charter and the Universal Declaration of Human Rights? I suggest to the Council that the answer to this question is quite clear, and that is that the United Nations should have no relations with such a Member.

82. I should like to pose this question a little differently. Would the United Nations admit a State which as a matter of policy violates fundamental human rights in order to keep under subjection the vast majority of its Coloured population? We cannot imagine that the United Nations would admit such a Member. Why, then, should the United Nations not expel such a Member, which has remained immune to all good and healthy influences and which indulges in the folly of regarding persons of a different race and colour as belonging to a lesser breed?

⁶ *Ibid.*, Twenty-fifth Session, Annexes, agenda item 3, document A/8160.

83. There are some among us who may believe that the expulsion of the white South African régime would create a bad precedent because it would place South Africa outside the influence of the United Nations. My delegation would regard the expulsion of South Africa as a good precedent. It is a good precedent and it should prove to be a warning to potential transgressors. Furthermore, my delegation believes that since South Africa has chosen to ignore for years the appeals of this Organization it is clearly beyond our capacity to influence it and, therefore, there is no sense in allowing it to continue to enjoy the respectability of the Organization's membership.

84. There are some who think, or who may think, that the principle of universality of the Organization would be violated if the South African régime were to be expelled. On the contrary, my delegation would say that the principle of universality would be safeguarded, would be respected, if the South African régime were to be expelled. Surely the presence of South Africa among us signifies the presence of a Member which has no respect for the Organization or for the principles on which it was founded. Universality of respect for human rights is the very basis of the universality of the Organization and is a necessary precondition for its membership.

85. At the United Nations Conference on International Organization, at San Francisco, those Members which were in favour of Article 6 of the Charter were of the opinion that the primary purposes of the United Nations were peace and security and not universality. They were in favour of expelling States that were admittedly incorrigible and that violated the principles of the Charter in a persistent manner.

86. I put it to the Council that no Member State has violated the principles of the Charter with greater persistence or with greater conviction than South Africa. It is our view that South Africa has earned its expulsion by its own incorrigible conduct. We believe that the time has now come for the Organization to invoke the power given to it under Article 6 of the Charter in order to expel the white South African régime—unless, of course, that régime has the good sense to withdraw from it voluntarily.

87. I suggest to the Council that the loss of this Member will be a gain to the dignity of the Organization and, furthermore, it will also be a reaffirmation of its faith in the principles on which it was founded. Of course, South Africa's expulsion would not be an obstacle to its readmittance later on if justified by circumstances.

88. My delegation would hope that no member of the Council would seriously consider voting against a recommendation for the expulsion of the South African régime. I would suggest that this is not a fit case for the use of the veto. Members of the

Council are not being called upon to vote against war, nor indeed on their own relations with South Africa, which are not under review.

89. What is under review is the nature of the relationship between the United Nations and a Member State that is in continual default. The Security Council is being called upon to vote virtually on the integrity and dignity of the Organization. In the present situation it seems to us that it would be better indeed for South Africa to remain unrepresented in this Organization than to be represented by the white régime. The expulsion of that régime may not improve the situation in South Africa but I think it will certainly improve the situation in the Organization.

90. My delegation would therefore suggest that in these unusual circumstances members of the Council might consider showing greater deference to the views of the overwhelming majority of the Members than to the views of the régime that has been proved guilty of continued violation of the principles of the United Nations.

91. It is unfortunate, but it seems unavoidable, that it should be necessary to expel the Member State in order to terminate the relations of the United Nations with the objectionable régime claiming to represent that State. There will be time enough to admit Azania when its people have won their freedom and dignity.

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

93. Mr. WALDRON-RAMSEY (Barbados): Mr. President, you have distinguished yourself in the struggle for the freedom of the people of Cameroon at home, and you have extended that service beyond the territorial borders of Cameroon into the field of international diplomacy, where you represent and protect the interests of the great continent of Africa. Your illustrious President, Mr. Ahmadou Ahidjo, stands in the forefront of the battle which the gallant sons of Africa wage to achieve the stated goals of the Organization of African Unity; namely, the unification of the African continent, the redemption of the dignity and manhood of Africa's sons, and the liquidation of the last vestiges of the hateful colonial experience. I crave your indulgence to extend my sincere salutations to you and to the great people of the United Republic of Cameroon.

94. That I am happy to see you preside over this particular debate in the Security Council is understandable. But it is both happy and fortunate that a distinguished African diplomat like your good self should guide the deliberations of the Council at a time when it conducts a review of the relationship

between the United Nations and South Africa at the behest of the General Assembly.

95. A review of the history of the relationship of a Member State with the United Nations must necessarily contain an analytical evaluation of that relationship against a background of certain established norms and principles. If it is established that the relationship is defective or tainted in some manner, then there is an onus of responsibility devolving upon this Council—the reviewing body—to offer a prognosis or remedial action. I think it would be a reasonable presumption that the General Assembly, in its cautious wisdom, weighed the relationship with South Africa in the balance and found it wanting. I find it fair to state that the General Assembly, after reviewing the performance of South Africa annually for the last 26 years and making innumerable recommendations to South Africa itself and the international community as a whole for a return by that State to international standards of decency and rectitude, has utilized all its options and in desperation and anguish, perhaps, has now turned to the Council for relief. Happily, the constitutional framework which underpins the jurisprudence of the Charter allows for this platform of appeal from the General Assembly to a higher and more executive instance.

96. It is my respectful submission that the General Assembly, having exhausted every conceivable expedient at its disposal in dealing with the noxious and recalcitrant behaviour of South Africa, has acted soundly and judiciously in inviting the Security Council to review South Africa's relationship with the Organization. For the Council has special responsibilities under the Charter in determining the admission, conditions and status of Member States in the United Nations.

97. The behaviour of South Africa and its relationship with the United Nations must, it seems to me, be assessed and judged—at this level of appellate jurisdiction—essentially against a background of the strict and relevant provisions of the Charter and the constitutional practice which has evolved over the years of the Organization's existence.

98. Article 4, paragraph 1, of the Charter asserts that membership in the United Nations is open to all peace-loving States which accept the obligations contained in the Charter and, in the judgement of the Organization, are willing to carry out those obligations. South Africa is an original Member of the Organization. At the time of its signature and ratification of the Charter, consistent with Article 110, the General Assembly, as it then was, felt that South Africa was willing and able to carry out the obligations contained in the present Charter. Since 1948—three years after the entry into force of the Charter—South Africa has proceeded in a systematic manner to violate every conceivable obligation and principle contained in the Charter. It has trampled

the Charter under its feet and has spat contemptuously in the face of each of its principles.

99. That is the charge against South Africa. It is against the background of the weight of evidence supporting that charge that the Security Council will have to consider the activation of the provisions of Article 6 of the Charter.

100. The judgement of the General Assembly today is that the Republic of South Africa is not willing to accept and carry out the obligations of the Charter. What today, is the judgement of the Security Council?

101. Admission to the United Nations is effected by a decision of the General Assembly upon a recommendation of the Security Council. The suspension of the exercise of the rights and privileges of membership may be effected by the Assembly upon the recommendation of the Council. But such suspension can be taken only against a Member State against which the Council has already taken preventive or enforcement action.

102. The difficult question of interpretation arises as to whether, in respect of any or all of its earlier and current resolutions on South Africa, the Security Council can be considered ever to have taken preventive action against South Africa. It is manifestly clear, of course, that the Council has never taken enforcement action under Articles 41 and 42 of the Charter against South Africa.

103. After the slaughter at Sharpeville in March 1960, the Security Council, in resolution 134 (1960), found that the situation in South Africa was one that led to international friction, and could endanger international peace and security. But the Council was careful not to determine that the notorious *apartheid* policies which led to mass murder at high noon on a sunny day in Sharpeville in 1960 constituted a threat to international peace and security under Article 39 of the Charter. Therefore, there was no necessity to take action to prevent an aggravation of the situation by calling upon the party concerned to comply with such provisional measures as the Council deemed necessary or desirable, consistent with Article 40 of the Charter. Yet, in fairness to objective scholarship, the Council, in that resolution 134 (1960), did call upon the *apartheid* régime to bring about "racial harmony based on equality" and to "abandon its policies of *apartheid* and racial discrimination".

104. So, in a certain sense, it could be argued that the Council took preventive action against South Africa under the provisions of Article 40 of the Charter, since in the resolution it called upon South Africa to comply with certain provisional measures in order to prevent an aggravation of the situation or its recurrence. And that call was made before the Council made recommendations or decided upon measures

provided for in Article 39. The only element missing—perhaps deliberately—was a determination of the existence of a threat to the peace in resolution 134 (1960).

105. This is the unclear nature of the interpretation of preventive action already taken against South Africa by the Security Council, in order to justify suspension of its rights and privileges under Article 5 of the Charter.

106. It is true that the General Assembly has determined that *apartheid* constitutes a threat to international peace and security. It is true that the General Assembly has decided that *apartheid*, both as a social experiment and as a system of government, is repugnant to every universal norm of civilized human conduct. It is true too that the General Assembly has considered that South Africa has persistently violated the principles contained in the Charter, and, consistent with Article 6 of the Charter, should be expelled from the Organization by the Assembly upon the recommendation of the Security Council. All of these things are true. But the constitutional imperatives of the fundamental law of the Organization remove both the initial and final word touching and concerning the question of membership and relationship with the United Nations from the mouth of the General Assembly and places the words "admission", "suspension" and "expulsion" within the grave and God-like voice of the Security Council—especially its five permanent members, who bestride the Council like a Colossus of Rhodes. That is the law of the Charter. That is the political reality of the South African question.

107. In my humble submission, in its relationship with the United Nations South Africa stands indicted on two principal counts in the bill of indictment sent up by the General Assembly to the Council. First, that by practising the evil and pernicious doctrine of *apartheid* South Africa has violated every principle of the Charter, in particular those principles contained in paragraphs 2 and 4 of Article 2; said evil doctrine of *apartheid*, as a system of government, constituting a threat to international peace and security, within the terms of Article 39 of the Charter. Secondly, that the Republic of South Africa illegally occupies the Territory of Namibia, which, since 1967, has been a Territory under the direct responsibility of the United Nations, and a Territory in which the Republic of South Africa has no *locus standi*.

108. A careful analysis of the history of the Empire of Azania would indicate that since time immemorial this southern tip of the African continent was inhabited by great African tribal States, most permanent in nature and some of a nomadic disposition. Long before the white invaders came from the United Kingdom and the Kingdom of the Netherlands, in the disguise of traders, adventurers and so-called

discoverers, the great African peoples of the Swazis, the Sothos, the Zulus, the Tsonga, the Venda, the Xhosa, the Ovambos and many others, lived an ordered and definable life as nation States in that great and massive kingdom. These great people lived a planned life inherited from their forefathers several centuries before the European evolved from his antediluvian circumstance of living in caves and painting his body with bright colours to frighten off his enemy.

109. Yet in some European history books we find the illogical and unintelligible phenomenon of so-called discoverers such as Rhodes and Kruger going to southern Africa to discover Africa. Africa always existed. It needed no discovery. It needed no discovery by the white self-seeking adventurers of the United Kingdom and those of the Kingdom of the Netherlands. The mighty Kingdom of Azania existed several hundred years before any of those European kingdoms. The rapacious plunder of Azania, which resulted from the rivalries of those two groups of traders from foreign kingdoms in Europe, led to the famous Boer War. In that war, it will be recalled, the Zulus and the British defeated the Boers. The Boers and the nationalist governments they have formed have never forgiven or forgotten that defeat by the British and African warriors. The neurosis of fear which has subsequently characterized their actions vis-à-vis Africans and English-speaking South Africans is accounted for by the psychology of defeat of the Afrikaners in the Boer War of 1899-1902.

110. Ever since, the Afrikaners have tried to establish a Boer republic south of the Limpopo River. The South Africa Act of 1909, which gave them independence, also provided the Afrikaners with the opportunity of seeking revenge against the Africans and the English-speaking South Africans, so that with the installation of the Nationalist Government in 1948 under Malan and through Strijdom, Verwoerd and now Vorster, came a panoply of racist and discriminatory legislation which robbed the African peoples of their lands, subjected them to pass laws and deprived them of a voice in the government and normal participation in the process of democracy. All avenues of peaceful process and change have been denied to the Africans. Their leaders have been killed, tortured and jailed because they dared to speak up for ordinary human rights and fundamental freedoms.

111. Our colleague the South African representative must do more than admit that there are a few problems of racial discrimination in the Republic which his Government is seeking to overcome. Nor is it sufficient to say that there are discriminatory laws still on the statute books. His Government must take immediate action to remove those laws from the statute books now. He has a clear majority in Parliament. His Government must immediately release Nelson Mandela from imprisonment on Robben Island, which is so grim a prison that even the notorious United

States prison of Alcatraz would look like heaven compared with it. Robert Sobukwe must be released from detention. So must Mrs. Winnie Mandela, the wife of Nelson, be spared the Government's harrassment and constant persecution. If South Africa disputes and challenges the reports of the various United Nations bodies about its system, then let that Government permit an investigating body from the United Nations to enter its so-called open society. But, most of all, let South Africa do something in real and practical terms to demonstrate its good faith. Let it release Walter Sisulu and all the other political prisoners it has imprisoned and mistreated.

112. The Africans in South Africa have never sought to build a cathedral for tears in their part of the continent. They have never sought to liquidate or to expel the white man from the continent. On the contrary, they have always sought to build a just society in which the process of democracy would work for the benefit of all men, black and white alike, on the African continent. African leaders of South Africa have always tried to construct a tabernacle for peaceful and profitable mutual collaboration in the Republic of South Africa. I speak from a pinnacle of authority in these matters for, although I now dwell in the African Diaspora, like my ancestors before me we are all men of sorrow and acquainted with grief. I entreat you to hear the words of Nelson Mandela on this self-same question. In his defence at the notorious Rivonia Trial in 1964, he said:

"During my lifetime, I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and achieve. But, if need be, it is an ideal for which I am prepared to die."

113. That represents the quintessence of African philosophy regarding the cohabitation of black and white communities on the African continent. But the Mandela declaration also represents the antithesis of the bankrupt postulates of the *apartheid* doctrine. For, despite the denials of our colleague the representative of South Africa yesterday, *apartheid* is predicated upon what I have chosen to describe as an inarticulate major premise: the major premise that white men are by definition superior as human beings to black men. It remains inarticulate because so specious and tendentious is its character that those who espouse it are afraid to say it too loudly, and even deny its postulation as an incontestable premise when challenged.

114. Because *apartheid* is repugnant to all canons of civilized conduct and human decency, it stands condemned at the bar of international justice. It is

an affront to civilized society. That is why we say to the South African Government: abandon *apartheid* and seek a new foundation of social order, based on respect for the dignity and worth of the human person; based on justice and based, too, upon a fair and equitable distribution of the economic largesse of the State to all the citizens of the State. That is why, too, the international community has never felt that it was in violation of the provisions of Article 2, paragraph 7, of the Charter whenever the United Nations discussed the *apartheid* system of government in South Africa. *Apartheid* is a singular phenomenon that has brought singular distress and pain to all civilized men, everywhere. *Apartheid* stands indicted and condemned.

115. South Africa has attempted to export this hateful doctrine to Namibia, a Territory under the direct control of the United Nations. South Africa had failed to discharge its mandate over that Territory in good faith. As a consequence it forfeited the status of a mandatory Power. The General Assembly in 1967, formally relieved South Africa of its responsibilities in Namibia, brought the Territory directly under the control of the United Nations, and called upon South Africa to desist from exercising any acts of authority in Namibia. South Africa has refused to recognize the authority of the United Nations with respect to Namibia and has refused to withdraw its presence from that Territory. Now we hear the South African representative declaring that this Government is proposing to hold a constitutional conference amongst the interested groups in the Territory, with a view to changing that Territory's status, in a time-span, according to him, of considerably less than 10 years.

116. South Africa has had no *locus standi* in Namibia since 1967. South Africa has no right to call any conference there, or to set a time-frame within which South Africa thinks the Territory might be liberated. The only role South Africa has in Namibia is to tell the United Nations formally when it is prepared to withdraw its presence completely.

117. Perhaps one of the positive courses the Security Council might take in this debate is to give the South African Government a final deadline by which it must report to the Council its complete withdrawal from Namibia. Consistent with Article 40 of the Charter, the Council may, before making recommendations or deciding upon measures provided for in Article 39, call upon South Africa to comply with certain provisional measures with respect to withdrawal from Namibia, in order to prevent an aggravation of an already grave situation which threatens international peace and security. It would be for the Council to decide upon the nature of the provisional measures. In any case, it would be clear, once and for all, that the Security Council would, by this act, have taken preventive action, within the meaning of Article 5 of the Charter, against South Africa.

118. There is no question that South Africa is illegally exercising authority in Namibia, a Territory under the direct responsibility of the United Nations. In my humble submission, South Africa stands guilty of wilfully refusing to accept and carry out its obligations under the Charter, with respect to the recommendations and decisions of the General Assembly and the Security Council in relation to the Territory of Namibia. In my considered opinion, South Africa stands guilty as charged in the two-count indictment I recited earlier.

119. I have attempted to indicate some of the legal considerations, as I understand them, surrounding the expedients of one, suspension of rights and privileges, and two, expulsion from membership. I have attempted, too, to indicate some measures of a practical and realistic nature—given the politics

of the Security Council—which the Council might direct to South Africa, as provisional measures which the Council deems necessary and desirable in order to prevent an aggravation of the situation.

120. The General Assembly has formed its own judgements on these matters, as is to be seen from the ventilation of the views of my colleagues who have preceded me in this debate. They have referred the matter to you, Sir, and the Security Council, exercising an appellate jurisdiction.

121. I depart with the conviction that I have stated the case for the prosecution. The Council has a clear duty. What is its judgement?

The meeting rose at 1.40 p.m.

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