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The policies of apartheid of the Government of the Republic of South Africa: report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (continued) 1

Chairman: Mr. Abdulrahim Abby FARAH
(Somalia).

AGENDA ITEM 31

The policies of apartheid of the Government of the Republic of South Africa: report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (continued) (A/7254, A/7259, A/7270)

1. The CHAIRMAN, on behalf of the Committee, expressed his best wishes to the President of the General Assembly, Mr. Emilio Arenales, for a complete and speedy recovery from his recent unfortunate illness.

2. The Chairman said he had received a communication dated 24 October 1968 from the Reverend Canon L. John Collins, President of the International Defence and Aid Fund in London, who requested that he should be invited to make a statement on the question.

3. Mr. ABDELLAOUI (Algeria) proposed that the Committee should act on the request and should hear Canon Collins, who was well known to all the members of the Committee because of his humanitarian work to help the victims of apartheid. He had previously made statements on the question to the Committee and to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa; at the request of the latter Committee, he had prepared a working paper^{1/} which had been circulated at the preceding meeting of the Special Committee.

4. Mr. HAGGLOF (Sweden) and Mr. JAIN (India) supported the Algerian proposal.

5. The CHAIRMAN said that if there was no objection, he would take it that the Committee adopted the proposal that the letter from Canon Collins should be circulated as a document of the Committee and that the hearing he had requested should be granted.

It was so decided.^{2/}

^{1/} A/AC.115/L.223.

^{2/} The text of the letter from Canon Collins was circulated as document A/SPC/L.159.

At the Chairman's invitation, the Reverend Canon L. John Collins, President of the International Defence and Aid Fund, took a place at the Committee table.

6. Canon COLLINS (International Defence and Aid Fund) thanked the Committee for allowing him to appear before it. He had been concerned with the racial problems of South Africa since the African National Congress had organized the Defiance Campaign in the early 1950s. In 1952 the United Nations itself had taken up consideration of the problem of apartheid as a whole. Both the United Nations and his own organization had become involved because they realized the potential danger to world peace of a racial conflict arising from the policies of the South African Government. They had been moved by the splendid resistance of the victims of apartheid led by Chief Albert Luthuli and had felt it their duty to respond to that appeal for international action on their behalf.

7. The International Defence and Aid Fund had come into being when the South African Government, by arresting, imprisoning and bringing to trial 156 of the leaders of the liberation movement, had sought to discredit all effective opposition to apartheid, to liquidate its leadership and to frighten any who might be tempted to support it. Funds had been raised in the United Kingdom and elsewhere in order to provide a vigorous legal defence. It had thus been possible to expose before the whole world the hypocrisy, falsehood and utter inhumanity of the trial of those leaders. The South African Government had clearly hoped for a short trial, but the case had dragged on and finally collapsed in 1961. The Government, instead of discrediting or liquidating the leadership of the liberation movement, had itself stood discredited before the world.

8. Before the treason trial had ended with the acquittal of all the accused, the world had been horrified to learn of the Sharpeville massacre and the consequent declaration by the South African Government of a state of emergency, followed by the arrest of thousands of people. The Fund had had to meet tremendous new needs, and in 1963 there had followed the Rivonia trial when the Government had once again challenged the leadership of what had of necessity become the underground movement of the African National Congress. The Fund had provided for the legal defence led by Bran Fischer, the great Afrikaner jurist who was now languishing in prison for his opposition to racism. Once again the Government had been put in the dock instead of the accused. The statement of Nelson Mandela had survived the trial, not the accusations of the prosecutor. The repulsion the trial had aroused in the world was an

important factor in saving the lives of the leaders and in vindicating their activities. General Assembly resolution 1881 (XVIII), which had been passed by 106 votes to 1, and the subsequent resolutions of the Security Council, had condemned the trial.

9. While the United Nations had been concerned with mobilizing international pressure to oblige the South African Government to abandon its course, the Defence and Aid Fund had been particularly concerned with providing comfort and assistance to those who had suffered as a result of the ruthlessness of the régime and with exposing before world opinion the inhumanity of the policy and practice of apartheid. Recently, the Fund had sponsored the world campaign for the release of prisoners, hoping thereby to mobilize public opinion to support United Nations resolutions to provide defence and aid to the victims of apartheid. In taking up the problem, the United Nations was necessarily concerned with fundamental principles, not with any special interest of any organization or of its members. The Fund, for its part, while concerned with principles, regarded itself primarily as the servant of the liberation movement. It should be emphasized that there was a close parallel and interaction between the work of the United Nations at the international governmental level and that of the Fund at the non-governmental level.

10. He hoped that the fact that funds from various countries had gone to support the victims of repression in South Africa had helped to show that the people of the world were not all ranged on opposite sides of the barricades on racial lines, but that there were many men and women of goodwill who were prepared to stand up for justice. That was particularly important in view of the danger of racial tension and conflict, especially during the International Year for Human Rights.

11. It was vital that people on trial under apartheid legislation should be provided with the best possible legal defence, even if the laws were such that there was little hope of their winning their cases. A good defence demonstrated the concern of the world outside, helped to bring out the real situation in South Africa, revealed police methods of intimidation and gained time for the pressures of world public opinion to exert themselves. That was probably the main reason why the South African Government was so strongly opposed to the International Defence and Aid Fund; that was presumably why it had harassed the members of the defence and aid committees in South Africa and had banned those committees, without the slightest legal justification, in 1966.

12. There were those who felt that because of the banning of those Committees in South Africa and because the South African Government, every time it was checked by a success of the defence in the courts, passed new laws declaring previous legal action illegal or making it possible to bring people to trial on some other charge, it was not worth while to provide legal defence for those charged with political offences in South Africa. However, in his opinion, so long as people could be found who were willing to provide the money, it was vital that that service to the victims of apartheid in South Africa should continue. In the case of the thirty-seven South West Africans

charged under the notorious Terrorism Act, the South African Government had clearly intended to rush the trial through during August 1967, at a time when international bodies were not usually very active. The fact that the case had been properly defended and that it had continued for months on end because of a good defence had helped the world to know the situation and to react to it, as exemplified by the General Assembly resolution of December 1967 (2334 (XXII)) and the Security Council resolution of January 1968 (245 (1968)).

13. He wished to express his gratitude to the United Nations for its recognition of the value of the work done by the International Defence and Aid Fund and for its assistance in helping the Fund to fulfil its tasks. He thanked the Secretary-General and the Special Committee for its constant support and encouragement of the Fund since the time of the Rivonia trial in 1963. In particular, he wished to thank the Special Committee and the Sub-Committee on Information on Apartheid for their references to the Fund in their report (A/7254) which was before the Committee. He also wished to thank the Committee of Trustees of the United Nations Trust Fund for South Africa and the many countries without whose assistance the Fund would certainly have had to close down its work long before.

14. Humanitarian aid in southern Africa, and in South Africa in particular, inevitably had political overtones, but the work of the Fund was essential, for the situation in the whole of southern Africa had taken a grave turn for the worse. There had been a further aggravation of the racial tension in that area, and a further spread of violent conflict. The Fund, as the servant of the people of South Africa and southern Africa, would do all it could in its own sphere; he appealed to the Committee and to the world for increasing support in that most critical situation.

15. Because of the aggressiveness of the apartheid régime, the problem was not limited to South Africa alone, but comprised the whole of southern Africa. The Fund had been obliged to widen its work to include Southern Rhodesia and the Portuguese Territories and to help refugees in independent African States. At the 1967 International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa organized in Kitwe, Zambia, by the Special Committee on Apartheid and the Committee of Twenty-Four, the Fund had been encouraged to widen its activities. It had acted on the recommendations of that Seminar and had had to devote much of its resources to Southern Rhodesia because of the grave events there during the past year. He hoped that the United Nations would encourage Member States to make adequate contributions either directly or indirectly to the Fund to enable it to carry that increasing burden.

16. Lastly, the Fund had been concerned for a number of years over the inhuman treatment of political prisoners in South African prisons. It had co-operated with the Special Committee in publicizing evidence of such treatment and it helped the ad hoc Working

^{3/} Special Committee on the Situation with regard to the Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples.

Group of Experts of the Commission on Human Rights by providing it with the information at its disposal and arranging for witnesses with first-hand information on the conditions in South African prisons to testify before that Group. The publicity given to that matter had helped to put a stop to some of the excesses, but such international exposure should be continued in order that prison regulations might be properly implemented.

17. More recently, the Fund had been greatly concerned over the treatment of freedom fighters captured by the South African Government and by the forces of the Smith régime. As those people were engaged in a struggle that had been recognized by the United Nations as a legitimate struggle against régimes which flouted the decisions of the United Nations, the least the international community should do would be to see that they were treated as prisoners of war in accordance with international law. They should not continue to be treated as common criminals or even worse. He hoped that the United Nations would find it possible to take steps to protect those prisoners.

18. It was his earnest hope that the work of the International Defence and Aid Fund could be continued. It had the full blessing of the liberation movement and would do its best to fulfil its tasks as long as the liberation movement wished. But, in view of the vast sums of money required, it could effectively do so only if it had the goodwill and understanding and the fullest possible support of the United Nations.

19. Mr. TOURÉ (Guinea) said that the number of refugees from the South African régime was daily increasing and organizations working for their welfare must be encouraged by the United Nations. The Committee was grateful to the International Defence and Aid Fund for its support and co-operation.

20. As South Africa had exported apartheid to the whole of southern Africa, the problem was currently regarded as one for the region as a whole. That being so, he asked how the Fund proposed giving assistance to the victims of apartheid in the context of its overall future strategy; the Fund's plans were relevant to the methods which the Special Committee was evolving. Canon Collins had mentioned Southern Rhodesia, which was still a United Kingdom colony, and Namibia where numerous political murders had occurred. He therefore wondered what type of help Canon Collins thought should be given not only to the political prisoners but to victims of apartheid as such.

21. Canon COLLINS (International Defence and Aid Fund) said that his organization's activities in southern Africa were restricted to the problem of the racial tensions arising wherever white minorities had attempted to control non-white majorities undemocratically. He was convinced that humanitarian aid must be given with the goodwill of the liberation movement. The Fund was ready to render aid within its terms of reference whenever invited to do so by any of the recognized groups of the liberation movement in southern Africa. His organization had originally concerned itself with the victims of apartheid inside southern Africa but, as the struggle grew more violent, increasingly found itself giving aid to people outside South Africa, Southern Rhodesia and the Por-

tuguese Territories. The Fund had been requested to consider the possibility of providing proper medical aid outside those areas; if it was able to respond to that request there would be need for much greater sums of money.

22. Mr. MUNYANSHONGORE (Rwanda) asked whether the International Defence and Aid Fund planned to deal with the problem of educating the victims of apartheid.

23. Canon COLLINS (International Defence and Aid Fund) said that the Fund had initially provided for the education of persons in South African prisons and their children. Its work had spread to men in restriction camps in Southern Rhodesia where it now had some 300 or 400 persons taking courses, meeting the call on its funds largely through the generosity of the Scandinavian Governments. The Fund was now facing a further problem—that of educating political refugees. It was anxious not to duplicate work done through the United Nations but, in the case of, for example, young persons released from prison in South Africa who wanted to study abroad, the Fund was probably better able to help than the United Nations because it could act quickly. Another example was that of people selected by the liberation movement who would, with proper education, take their place in a liberated South Africa in the civil service, industry, education and culture. His organization hoped that it would be able to help in providing scholarships for such persons, who might be unable to obtain them through more usual channels. Refugees from South Africa frequently needed help urgently; the Fund could make an immediate decision to take charge of such cases until vetting was completed and the United Nations itself assumed responsibility for them.

The Reverend Canon L. John Collins withdrew.

24. Mr. OGBU (Nigeria) said that South Africa's policies of racial discrimination and the denial of human rights to the majority of its population had not ceased to arouse the legitimate anxiety of the international community. Urged to abandon those policies, the authorities in Pretoria had nevertheless pressed on with the construction of the grotesque system of apartheid. That system had become the instrument of South Africa's imperial enterprise and would be systematically extended to Namibia, Southern Rhodesia and the Portuguese-dominated Territories of Angola and Mozambique. The policy of apartheid had grown steadily more aggressive, engendering a situation which seriously threatened international peace and security. The international community was alarmed at the threat of a racial conflict originating in South Africa and spreading far beyond its limits. The moral condemnation of apartheid was universal but his delegation did not feel that the international community as a whole had summoned up the will to bring about the conditions necessary to overthrow that system. As a result, the South African régime was relentlessly pursuing its reckless policies and the evils and dangers of apartheid went unabated.

25. The Special Committee had once again submitted a frightening account of developments in South Africa to the Committee. The report (A/7254) must make sombre reading for all who vigorously professed their moral concern. The South African Government

had extended both its apartheid legislation and the scope of its repressive measures. The already meagre political rights of the Coloured and Indian population had been whittled down and those who resisted were increasingly the victims of brutal treatment and harassment by the police and prison authorities. The pervasive absence of the rule of law resulted in hundreds of persons suffering untold oppression because of their convictions.

26. The South African Government had maintained that system of terror through a massive build-up of arms and ammunition. Despite international opinion and a specific Security Council resolution (181 (1963)) imposing an embargo on the supply of arms to South Africa, the Pretoria régime had not encountered serious difficulty in equipping itself with weapons of oppression from certain industrialized countries—some of them Members of the United Nations and permanent members of the Security Council. Countries which had been the main suppliers of military materials to South Africa had lost their leading positions through the application of the embargo, but new suppliers had appeared and, in utter disregard of international opinion, were exploiting South Africa's increasing desire to organize a massive military build-up. As the South African régime moved towards complete entrenchment within its borders it had, particularly in the past year, become bolder in asserting its imperial designs on its immediate neighbours. It continued to occupy Namibia in flagrant violation of that Territory's international status and in contempt of the will of the international community as expressed through United Nations resolutions. It continued to intervene with impunity in Zimbabwe and to shield the illegal minority régime there against international sanctions. Finally, the South African authorities had proclaimed that the security frontiers of their apartheid régime now extended to the Zambesi and conceived of their jurisdiction as covering a vaguely defined area. The Pretoria régime had recently revealed its designs for the domination of neighbouring States when its Foreign Minister had pleaded with the international community to leave South Africa in peace to radiate to the other parts of the region—in other words, to preserve southern Africa as the Pretoria régime's sphere of influence.

27. His delegation rejected the idea that South Africa might be left in peace to establish an apartheid empire in the southern African subcontinent, because it considered that country's offer of regional economic co-operation to be worthless until its general policy was humanized. The principles of the Charter and of international co-operation went beyond the promotion of economic development and social welfare to embrace universal respect for and full observance of human rights and fundamental freedoms. The immediate necessity was therefore to accelerate international co-operation and efforts in the campaign against apartheid in which the United Nations must assume an active role.

28. The overwhelming majority of Member States had long considered that mandatory sanctions, inaugurated and applied by the Organization and covering a complete embargo on the sale and shipment of arms and military equipment, the intensification of

consumer boycotts, the stoppage of capital investment and of the emigration of skilled personnel to South Africa, were the only means of ensuring the speedy non-violent elimination of the racial tyranny of apartheid. Such comprehensive sanctions would bring home to the South African régime the seriousness of the universal moral indignation aroused by its abhorrent policies and its progress along the path of racial conflict might be checked if it could no longer shelter behind its present economic allies.

29. The introduction of those sanctions should not however, delay or exclude the application of other measures, such as the extensive dissemination of facts and information about the dangers of the system, and the creation of a suitable climate to mobilize international efforts in the anti-apartheid movement. His delegation hoped that the Unit on Apartheid, established in accordance with General Assembly resolution 2144 A (XXI) would increase its activities as outlined in paragraph 146 of the Special Committee's report (A/7254) and rapidly develop into a co-ordinating centre for the various programmes and measures undertaken within the anti-apartheid campaign. The Nigerian delegation wished to pay tribute to the voluntary and non-governmental organizations in various countries which had been active in the anti-apartheid movement. The best way of encouraging their activity might be for the United Nations to further the development of its own anti-apartheid activities.

30. In the final analysis, the inevitable overthrow of the apartheid régime would be achieved primarily by the efforts of the oppressed South African peoples themselves. Whatever efforts the international community undertook on its own, the best contribution it could offer was to provide the necessary moral, political and material encouragement and assistance to the liberation movements of the South African people. That principle of active solidarity was universally accepted but much ground remained to be covered before international support for the South African freedom fighters became really effective.

31. In that connexion, his delegation appealed for greater contributions to the United Nations Trust Fund for South Africa which was doing such vital work in supporting the victims of apartheid and their dependants. The utility of the Fund's support for legal defence against a system which, when blocked in the courts, merely passed a new law, might be questioned. However, legal defence was a concrete expression of concern for people who were persecuted for their opposition to an inhuman policy and their struggle to attain the principles laid down in the Charter. The possibility that publicity would be given to their brutal methods of interrogation and the aspirations of the accused had a restraining influence on the excesses of the South African police and Government, which was the reason for its hostility to the groups providing legal defence and for the banning of the defence and aid committees in 1966. Legal defence also helped public opinion to exert itself. At the trial of the thirty-seven Namibian patriots in 1967, the police evidence had been subjected to cross-examination and the information obtained about the situation in Namibia, the torture of

prisoners and the illegality of the Terrorism Act had led to action by the United Nations Council for Namibia, the General Assembly and Security Council. His delegation therefore paid tribute to the efforts of the International Defence and Aid Fund described in Canon Collins's statement and considered them highly deserving of encouragement.

32. Because of the effectiveness of such support and faith in the cause of freedom in South Africa, his delegation was convinced that the system of apartheid was doomed and that its collapse must be urgently promoted for the sake of better racial harmony and international understanding.

33. Mr. HASHIM (Malaysia) said that his country's Government had always condemned racial discrimination in all its forms and especially the inhuman and odious policy practised, despite world condemnation and in defiance of the Charter, by the Government of the Republic of South Africa. It had ceaselessly supported the efforts by the United Nations and other international bodies to obtain for its victims their fundamental human rights. A fitting commemoration of the International Year for Human Rights would be for every nation of the world to make renewed, concerted efforts against the inhumane doctrine which the Pretoria Government, in a search for respectability, had renamed "separate development".

34. Malaysia, which had been in the forefront of the moves which had led to the ousting of South Africa from the Commonwealth of Nations, did not suggest that it should also be expelled from the United Nations, but invited representatives to ponder whether a country which continued to practise racial discrimination, in total disregard of resolutions adopted by the General Assembly and the Security Council, should continue to belong to such an organization. In his latest annual report, the Secretary-General had referred to the recommendation of the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa that enforcement action should be taken under Chapter VII of the Charter against South Africa, Portugal and the racist régime in Southern Rhodesia (see A/7201, chap. III, sect. G), and the United Nations had often rejected apartheid in its decisions and resolutions. Yet the situation in South Africa had deteriorated and the problems posed by apartheid had become more acute. The persistent refusal of the South African Government to comply with United Nations resolutions made it necessary for the General Assembly to direct its appeals not only to Member States, but specifically to South Africa's major trading partners. The overwhelming majority of States had condemned apartheid as a flagrant violation of the principles of the Charter and had favoured mandatory action by the Security Council under Chapter VII of the Charter, but the major trading partners of that country had so far opposed such a course on various pretexts and continued to provide the main economic prop to the Pretoria régime. The breaking of the arms embargo by some of those States enabled the Pretoria Government to use its military power not only to impose its racial policies, but also to defy United Nations decisions on Namibia and Southern Rhodesia, thereby

posing a serious threat to the independence of African States.

35. The decisions of the United Nations could best be enforced through the Security Council, provided that the major Powers shouldered their responsibilities. If supported by all States, economic sanctions remained the most effective non-military method of inducing South Africa to implement United Nations resolutions on apartheid and the reluctance of certain States, including some of his country's closest friends, to join in effective international action was to be deplored.

36. The comprehensive review of foreign investment in South Africa issued by the Unit on Apartheid^{4/} had emphasized the important role played by foreign investment in the economy of that country, yet the representative of Guinea had revealed that some countries had recently substantially increased their investment in South Africa and that one was even supplying military equipment.

37. Meanwhile, the continued application of apartheid laws had led to a further uprooting of tens of thousands of non-Whites from their homes and the Government was intensifying its repressive measures against opponents of their inhuman policy. In defiance of decisions of the Security Council, and in violation of its obligations under Article 25 of the Charter, the South African Government had sent its security forces into Southern Rhodesia to take part in military operations against the freedom fighters. It had also, in defiance of General Assembly resolution 2145 (XXI), continued the illegal occupation of Namibia and had threatened to prevent the United Nations Council for Namibia from entering the Territory in pursuance of General Assembly resolution 2248 (S-V). And it had detained, deported, tried and sentenced Namibians under the Terrorism Act of 1967, in open defiance of resolutions of the General Assembly and the Security Council. The Pretoria Government was taking advantage of the economic and other difficulties of neighbouring territories to extend its intervention all over southern Africa and had threatened independent African States with military intervention.

38. There could be no peaceful solution of the problem without the co-operation of South Africa's major trading partners in observing the economic sanctions and arms embargo. While moral pressure could come from the developing countries, it was only the developed countries and in particular the great Powers which could generate meaningful efforts within and without the Security Council towards a peaceful solution of the apartheid problem.

39. Mr. VELA (Guatemala) said that his country would maintain its well-known position with regard to the question of apartheid, which so unfortunately recurred in the Committee's discussions, and would support any resolution in that connexion.

40. He would make a further statement on that question if necessary, but at present wished to thank the

^{4/} Foreign Investment in the Republic of South Africa (United Nations publication, Sales No.: 67.II.K.9.).

Chairman, on behalf of the Guatemalan delegation, for his kind wishes for the speedy recovery of that country's Foreign Minister, the President of the General Assembly.

41. The CHAIRMAN said that, in the absence of any objection, he would take it that the Committee, acting on the suggestion of the representative of Rwanda,

wished to request that the verbatim record of the meeting should be circulated to all members.

It was so decided. 5/

The meeting rose at 5.10 p.m.

5/ The verbatim record of this meeting was circulated as document A/SPC/PV.599.