

UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/5707  
25 May 1964  
ENGLISH  
ORIGINAL: ENGLISH/FRENCH

Nineteenth session

REPORT OF THE SPECIAL COMMITTEE ON THE POLICIES OF APARTHEID  
OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA\*

Rapporteur: Mr. Ram C. Malhotra (Nepal)

TABLE OF CONTENTS

	<u>Page</u>
Letter of transmittal . . . . .	2
Report of the Special Committee . . . . .	3
Annexes	
I. Note on developments in South Africa since the Special Committee's report of 23 March 1964 to the General Assembly and the Security Council . . . . .	9
II. Report of the delegation of the Special Committee on the Policies of <u>Apartheid</u> of the Government of the Republic of South Africa on the International Conference on Economic Sanctions against South Africa, London, 14-17 April 1964 . . . . .	33

\* Also issued as S/5717.

LETTER OF TRANSMITTAL

25 May 1964

Your Excellency,

I have the honour to transmit herewith a report unanimously adopted on 22 May 1964 by the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa.

This report is submitted to the General Assembly and the Security Council in pursuance of the provisions of operative paragraph 5 (b) of General Assembly resolution 1761 (XVII) of 6 November 1962 and operative paragraph 2 of General Assembly resolution 1978 A (XVIII) of 16 December 1963.

The Special Committee has decided to submit this report in view, particularly, of the forthcoming consideration of the question by the Security Council, at the request of fifty-eight Member States which have drawn attention to the new developments in the Republic of South Africa and more specifically the imposition of death sentences on African political leaders. The Special Committee wishes to draw the attention of the two principal organs of the United Nations to the grave developments since its last report of 23 March 1964 and to assist them in the consideration of effective measures and in their search for adequate solutions to meet the grave and growing threat to international peace and security represented by the present situation.

The Special Committee wishes to emphasize again the urgent need for mandatory action under Chapter VII of the Charter, with the active co-operation, in particular, of Governments that maintain close relations with the Government of the Republic of South Africa, in order to avert a violent conflict in South Africa, which is liable to have serious international consequences.

Accept, Sir, the assurances of my highest consideration.

(Signed) DIALLO Telli  
Chairman of the Special Committee on the  
Policies of Apartheid of the Government  
of the Republic of South Africa

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

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REPORT OF THE SPECIAL COMMITTEE

1. On 23 March 1964, the Special Committee submitted an urgent report to the Security Council and the General Assembly<sup>1/</sup> "in view of grave new developments in the Republic of South Africa, namely, that some political prisoners opposed to apartheid have just received death sentences, others are threatened with the same penalty, and all of them risk being hanged".<sup>2/</sup>

2. The Special Committee, being convinced that effective mandatory measures must be taken urgently to meet this grave situation and to prevent irrevocable consequences, recommended as a first step that the Security Council should demand that the South African Government should:

"(a) Refrain from the execution of persons sentenced to death under arbitrary laws providing the death sentence for offences arising from opposition to the Government's racial policies;

"(b) End immediately trials now proceeding under these arbitrary laws, and grant an amnesty to all political prisoners whose only crime is their opposition to the Government's racial policies;

"(c) Desist immediately from taking further discriminatory measures; and

"(d) Refrain from all other actions likely to aggravate the present situation."<sup>3/</sup>

3. The Special Committee further recommended that, unless the South African Government complied within a brief time-limit with the aforementioned minimum, but vital, demands, the Security Council, in conformity with the terms of Chapter VII of the Charter of the United Nations and on the basis of the recommendations of the General Assembly and the Special Committee, should take new mandatory steps to compel the South African Government to comply with the decisions of the Council.<sup>4/</sup>

4. Since that report was issued, the Special Committee has continued to review the situation in the Republic of South Africa in the discharge of its mandate under General Assembly resolutions 1761 (XVII) and 1978 (XVIII). A number of new and important developments have occurred in the Republic of South Africa since that time. The main developments are given in annex I to the present report.

<sup>1/</sup> A/5692-S/5621.

<sup>2/</sup> Ibid., para. 13.

<sup>3/</sup> Ibid., para. 14.

<sup>4/</sup> Ibid., para. 15.

5. The South African Government has shown no willingness to comply with the resolutions of the General Assembly and the Security Council or to take the minimum steps recommended in the last report of the Special Committee. On the contrary, it has continued to persecute opponents of the policies of apartheid and passed new discriminatory legislation depriving the non-Whites of the few remaining rights. The gravity of the situation, and particularly the urgent need for effective measures to save the lives of those who have already been or may be sentenced to death, has given rise to the need for this new report, pursuant to the terms of reference of the Special Committee.
6. The trial of Nelson Mandela, Walter Sisulu and other leaders of the people and opponents of apartheid was resumed on 20 April 1964 and continues in Pretoria under arbitrary and iniquitous laws, which violate the fundamental principles of universal justice and human rights and prescribe the death penalty for acts of resistance to the policy of apartheid. A number of other similar trials are taking place in the country. In those which have already concluded, numerous persons have been given the most severe sentences for belonging to the African National Congress and the Pan-Africanist Congress, nationalist political movements which are banned, or for acts arising from opposition to the policies of apartheid.
7. Meanwhile, the Parliament has passed the Bantu Laws Amendment Bill which also violates the fundamental principles of human rights and further aggravates tension in the country.
8. These developments are greatly increasing the threat of violent conflict in South Africa which is bound to have the most serious repercussions in the continent of Africa and in the world. The statement of Mr. Nelson Mandela at his trial in Pretoria on 20 April 1964,<sup>5/</sup> as well as the evidence of others accused in that trial, shows clearly that the policies of the South African Government have left no effective means of protest and redress to the opponents of apartheid in South Africa except resorting to violence.
9. The Special Committee has taken note of the urgent and earnest appeal by the Secretary-General to the Government of South Africa on 27 March 1964 "to spare the lives of those facing execution or death sentences for acts arising from their

opposition to the Government's racial policies, so as to prevent an aggravation of the situation and to facilitate peaceful efforts to resolve the situation",<sup>6/</sup> as well as similar appeals by a number of Chiefs of State, non-governmental organizations and prominent personalities.

10. The group of experts established in pursuance of the Security Council resolution of 4 December 1963<sup>7/</sup> has also emphasized the imperative and urgent need for an "amnesty for all opponents of apartheid, whether they are under trial or in prison or under restriction or in exile".<sup>8/</sup> It also recommended the formation of a fully representative National Convention to set a new course for the future of South Africa.

11. The Special Committee has noted that the Prime Minister of South Africa and other leaders of the South African Government, since the publication of the report of the group of experts, have arbitrarily and summarily rejected any steps towards compliance with the recommendations of the group of experts. The South African Government has also denounced the Secretary-General's appeal of 27 March and thus challenged the demands of all Member States as declared in resolutions of the General Assembly and the Security Council.

12. The Special Committee sent a delegation to London to attend as observers the International Conference on Economic Sanctions against South Africa, from 14 to 17 April 1964. Chiefs of State and Heads of Government of several Member States were patrons of the Conference and many Member States sent official representatives to attend the Conference. The main conclusions of the Conference are in harmony with the spirit of the recommendations of General Assembly resolution 1761 (XVII) of 6 November 1962.

13. A review of the International Conference by the delegation of the Special Committee is attached as annex II to this report for the information of the General Assembly and the Security Council and to facilitate their consideration of this question and their search for appropriate solutions. The Conference, after a study and discussion of papers by well-known experts on the various aspects of the question of economic sanctions against South Africa, concluded that total economic

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<sup>6/</sup> United Nations press release SG/SM/48, 30 March 1964.

<sup>7/</sup> S/5471.

<sup>8/</sup> S/5658, para. 44.

sanctions are politically timely, economically feasible and legally appropriate. To be effective, the Conference found that economic sanctions should be total and universally applied, and must have the active participation of the main trading partners of South Africa.

14. The delegation of the Special Committee also utilized the opportunity of its visit to London to hear a number of petitioners, including representatives of South African organizations opposed to the policies of apartheid and others who could provide it with useful information on the situation in South Africa. The hearings of the Committee and the memoranda received by it<sup>9/</sup> emphasize: (a) the urgent need for effective action to save the lives of prisoners under trial for their opposition to the policies of apartheid and to avert the present disastrous course in the country; (b) the need for early imposition of economic sanctions against South Africa as the only peaceful means available to the international community; and (c) the great responsibility which rests on the few countries which have the closest relations with the Government of the Republic of South Africa, particularly the United Kingdom and the United States of America.

15. The Special Committee feels that the course being pursued by the Government of the Republic of South Africa, particularly with regard to the trials and persecution of opponents of apartheid and leaders of the non-White population, in open defiance of the appeals and demands of competent United Nations organs, is leading to a rapid aggravation of the situation and is precipitating a violent conflict. It feels it essential that the competent United Nations organs, and the States which bear special responsibilities in this matter in view of their close relations with South Africa, should take decisive measures before irreparable harm is caused to the peace in South Africa and beyond. The Special Committee, therefore, again recommends that the Security Council should:

- (a) Declare that the situation in the Republic of South Africa constitutes a threat to the maintenance of international peace and security;
- (b) Take all necessary effective measures to save the lives of the South African leaders condemned for acts arising from their opposition to the policies of apartheid;

(c) Call upon all States and international organizations to utilize all their influence to ensure the fulfilment of the minimum but vital demands indicated in the last report of the Special Committee;

(d) Address a special request to all States which maintain relations with South Africa, especially the United States of America, the United Kingdom and France, permanent members of the Security Council, to take effective measures to meet the present grave situation;

(e) Decide to apply economic sanctions, in accordance with Chapter VII of the Charter, as long as the Government of South Africa continues to violate its obligations as a Member of the United Nations.

16. In conclusion, the Special Committee wishes to emphasize that, in its opinion, effective mandatory action is imperative to avoid the most serious consequences arising from the policies of apartheid of the Government of South Africa, and that the Security Council is entitled to take such action under the provisions of the Charter. It expresses the hope that the Security Council will assume its full responsibilities on this question in accordance with the Charter and with the active co-operation of all the great Powers concerned, whose role is decisive in this matter.

17. The following documents are annexed to the present report for the information of the Security Council and the General Assembly and to facilitate the search for appropriate solutions by these two organs:

(a) Note on developments in South Africa since the Special Committee's report of 23 March 1964 to the General Assembly and the Security Council (annex I);

(b) Report of the delegation of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa on the International Conference on Economic Sanctions against South Africa, London, 14-17 April 1964 (annex II).