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STUDY OF APARTHEID AND RACIAL DISCRIMINATION IN
SOUTHERN AFRICA

Report of the Special Rapporteur

Addendum

PART TWO: DEVELOPMENTS WITHIN THE UNITED NATIONS AS REGARDS SOUTH
AFRICA, NAMIBIA AND SOUTHERN RHODESIA SINCE THE PRINCIPAL
STUDY 1/ (CHAPTERS IV TO VI)

The Secretary-General has received the attached PART TWO of the report prepared in accordance with resolution 3 E (XXIII) of the Commission on Human Rights, by Mr. Manouchehr Ganji (Iran), the Commission's Special Rapporteur, and has the honour to communicate it herewith to the Commission.

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PART TWO

DEVELOPMENTS WITHIN THE UNITED NATIONS AS REGARDS
SOUTH AFRICA, NAMIBIA AND SOUTHERN RHODESIA SINCE
THE PRINCIPAL STUDY (CHAPTERS IV TO VI)

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CHAPTER IV

SOUTH AFRICA

SECTION A

INTRODUCTION

201. During the period under review, the policies of apartheid of the South African Government remained a subject of active concern to the Organization and were considered by the General Assembly as well as by other organs. The Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa continued to keep under constant review the various aspects of the problem and to report to the General Assembly and to the Security Council. Furthermore, special attention has been given to the human rights aspects of the problem. The Economic and Social Council and the Commission on Human Rights, as well as the International Conference on Human Rights held in Teheran from 22 April to 13 May 1968, and the International Seminar on the Elimination of All Forms of Racial Discrimination held in New Delhi from 27 August to 9 September 1968, devoted special attention to the problem.

202. Discussions in the various organs of the United Nations revealed the deepest concern felt by Member States over the fact that South Africa not only persists in but is intensifying the enforcement of its repugnant policies despite the overwhelming condemnation of these policies and actions by the international community as a crime against humanity. Moreover, it was noted that apartheid was now extending beyond South Africa's frontiers and becoming a greater threat to international peace.

203. The great majority of Member States observed that the United Nations has not been able, so far, to take sufficiently effective action because a number of States, despite numerous resolutions of the General Assembly, were still maintaining economic, commercial, diplomatic, cultural and other ties with the apartheid régime and that some States were continuing various forms of military co-operation. Member States, however, generally agreed that the United Nations should relentlessly and with a greater sense of urgency pursue its efforts to eliminate apartheid, racial discrimination and segregation in that country, and

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that universal implementation of measures adopted by United Nations organs was essential for a solution of the problem. There was also general agreement that the United Nations should continue to stress the positive alternative to the policies of apartheid, namely, the establishment of a non-racial society based on the enjoyment of human rights and fundamental freedoms by all the people of that country, and to take action to secure wider understanding and support of public opinion for the international efforts.

204. As the Secretary-General, U Thant, stated in his address to the Assembly of Heads of State and Government of the Organization of African Unity in Algiers, on 13 September 1968:

"The situation in South Africa has likewise been a source of serious international anxiety. The continuing enforcement by the South African Government of its policies of apartheid, including recent attempts to extend the philosophy of racial discrimination and segregation to neighbouring territories, has given rise to a loss of faith in many quarters in the possibility of peaceful evolution towards a society based on justice and equality."]

205. In the introduction to the Secretary-General's annual report on the work of the Organization, he stated:

"The South African Government, in defiance of the resolutions of the Security Council and the General Assembly, had enacted new legislation aimed at the consolidation of racial separation and segregation and the repression of the opponents of its policies. Some of the new measures seem to indicate clearly that the Republic of South Africa is definitely moving towards the exclusion of any possibility of peaceful change of the system of government and the achievement of political, economic and social equality by its non-white majority. The effectiveness of the United Nations in facing the grave South African challenge and in staving off the violence and counter-violence that are threatening the peace and security of the whole of the African continent, and indeed of the world, will depend upon the determination of the Member States concerned to face their responsibility and also upon the willingness of the members of the Security Council to resume consideration of the matter and upon their ability to reach an agreement on meaningful effective measures."

206. Decisions made by the various bodies focused on the following points:

- (i) Condemnation of the policies of apartheid. The policies of apartheid were again vigorously condemned by various organs and conferences as a crime against humanity;

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- (ii) Recognition of the danger to international peace. The United Nations organs expressed grave concern that the policies of apartheid had already led to violent conflict and posed an increasingly serious threat to international peace and security;
- (iii) Recognition of the legitimacy of the struggle against apartheid. The United Nations organs reaffirmed their recognition of the legitimacy of the struggle for human rights and fundamental freedoms for all the people of South Africa irrespective of race or colour.
- (iv) Economic sanctions against the Republic of South Africa. The great majority of States continued to press for total diplomatic, commercial, economic and other sanctions against South Africa in order to secure an end to the policies of apartheid, and to express increasing concern that the actions of Powers which continue to maintain relations with the South African Government were enabling and encouraging it to persist in its inhuman policies;
- (v) Moral, political and material assistance to the opponents of apartheid which continued to be advocated in the resolutions of the United Nations organs;
- (vi) Humanitarian assistance to the victims of apartheid. Proposals to strengthen the existing programmes of humanitarian assistance were set forth.
- (vii) Dissemination of information on apartheid. The United Nations organs laid greatly increased emphasis on the importance of disseminating information on the dangers of apartheid and on the United Nations efforts to eliminate apartheid in order to counteract South African propaganda and encourage world public opinion to support more effective international action.

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SECTION B

ACTION TAKEN BY THE GENERAL ASSEMBLY

207. At its twenty-second session, the General Assembly considered the question of apartheid in South Africa in connexion with the agenda item entitled "The policies of apartheid of the Government of the Republic of South Africa."^{146/}

208. On 13 December 1967, the General Assembly adopted by 89 votes to 2, with 12 abstentions, resolution 2307 (XXII) in which it (1) reiterated its condemnation of the policies of apartheid practised by the Government of South Africa as a crime against humanity; (2) reaffirmed its recognition of the legitimacy of the struggle of the people of South Africa for human rights and fundamental freedoms for all the people of South Africa irrespective of race, colour or creed; (3) strongly reiterated its conviction that the situation in South Africa constituted a threat to international peace and security, that action under Chapter VII of the Charter of the United Nations was essential in order to solve the problem of apartheid and that universally applied mandatory economic sanctions were the only means of achieving a peaceful solution; (4) drew the attention of the Security Council once again to the grave situation in South Africa and in southern Africa as a whole and requested it to resume consideration of the question of apartheid with a view to ensuring the full implementation of its resolutions and the adoption of more effective measures to secure an end to the South African Government's policies of apartheid; (5) condemned the actions of those States, particularly the main trading partners of South Africa, and the activities of foreign financial and other interests, which through their political, economic and military collaboration with the South African Government and contrary to relevant General Assembly and Security Council resolutions were encouraging that Government to persist in its racial policies; (6) requested all States, particularly the main trading partners of South Africa, to comply fully with the resolutions of the Security Council on this question, to take urgent steps towards

^{146/} For summary of action taken by the General Assembly at its twenty-third session, see annex II to the report.

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disengagement from South Africa and to take all appropriate measures to facilitate more effective action, under the auspices of the United Nations, to secure the elimination of apartheid; (7) reiterated its request to the International Bank for Reconstruction and Development to deny financial, economic and technical assistance to the Government of South Africa, and, in this connexion, expressed the hope that the Bank would stand by its assurance to avoid any action that might run counter to the fulfilment of the great purposes of the United Nations; (8) appealed to all States and organizations to provide appropriate moral, political and material assistance to the people of South Africa in their legitimate struggle for the rights recognized in the Charter; (9) invited all States to encourage the establishment of national organizations for the purpose of enlightening public opinion further on the evils of apartheid and to report annually to the Secretary-General on the progress and activities of such organizations; (10) requested all States to commemorate, during the International Year for Human Rights, 21 March 1968 - the International Day for the Elimination of Racial Discrimination - with appropriate solemnity, in solidarity with the oppressed people of South Africa; (11) commended to the attention of all United Nations organs the report of the Seminar on Apartheid held at Brasilia and that of the International Seminar on Apartheid, Racial Discrimination and Colonialism in Southern Africa, held at Kitwe, Zambia; (12) requested the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to intensify its co-operation with the other special organs concerned with the problems of racial discrimination and colonialism in southern Africa, taking into account the relevant General Assembly resolutions and the conclusions and recommendations of the International Seminar held at Kitwe, in so far as they fell within the mandate of the Special Committee under General Assembly resolution 1761 (XVII); (13) requested the Special Committee to continue to discharge its mandate and to intensify its efforts to promote an international campaign against apartheid and, to this end, authorized it, within the budgetary provision made for this purpose: (a) to hold during the International Year for Human Rights a special session away from Headquarters; (b) in consultation with the Secretary-General, to arrange for the advisory services of experts or special studies on specific aspects of the campaign; (c) to consult with the Secretary-General and the specialized agencies, regional organizations and

non-governmental organizations concerned and to submit to the Assembly at its twenty-third session a report on measures which might appropriately be taken to ensure the widest dissemination of information on the evils of apartheid and the efforts of the international community to secure its elimination; (14) requested the Secretary-General to intensify the dissemination of information on the evils of apartheid and to publish periodically information on economic and financial relations between South Africa and other States, and (15) invited States, specialized agencies, regional organizations and non-governmental organizations to co-operate with the Secretary-General and the Special Committee in the accomplishment of their tasks under the resolution.

209. References to the situation in South Africa were also made in other resolutions adopted by the General Assembly.

210. In connexion with the question of measures to be taken for the speedy implementation of international instruments against racial discrimination, the General Assembly adopted resolution 2332 (XXII) in which it called upon the Government of South Africa to desist from the nefarious practices of racial discrimination and intolerance against the Africans and the non-white peoples in the Republic of South Africa and requested that the International Conference on Human Rights consider the question of the implementation of the conventions directed against discrimination in employment, occupation and education, in so far as they relate to racial discrimination, especially in South Africa, South West Africa and Southern Rhodesia.

211. In connexion with the question of the consolidation and integration of the special educational and training programmes for South West Africa, the special training programme for Territories under Portuguese administration and the educational and training programme for South Africans, the General Assembly adopted resolution 2349 (XXII). It (1) decided to integrate the special educational and training programmes for South West Africa, the special training programme for Territories under Portuguese administration and the educational and training programme for South Africans, (2) requested the Secretary-General to continue to study the means of promoting the further development and expansion of the programme and, to this end, to continue his consultations with the United Nations High Commissioner for Refugees, the Director General of the United Nations Educational, Scientific and Cultural Organization, the heads of other appropriate

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agencies and organs, and the Administrative Secretary-General of the Organization of African Unity; (3) decided that in the implementation of the resolution the United Nations should co-operate closely with the bureau for the placement and education of refugees that was being set up within the Organization of African Unity; (4) requested the Secretary-General to include in the Programme the granting of subventions to educational and training institutions in Africa in order to enable those institutions to provide places for persons who come under the Programme and to make it possible for those persons to be trained in Africa as far as practicable; (5) requested the President of the General Assembly to nominate seven Member States, each of which would appoint a representative to serve on a committee which would advise the Secretary-General on the granting of such subventions; (6) decided that the Programme would be financed from a trust fund made up of voluntary contributions and that, at least initially, those contributions should be used entirely for the operational costs of the Programme; (7) authorized the Secretary-General to appeal to States Members of the United Nations and members of the specialized agencies for funds to achieve a target of \$US3 million for the three-year period from 1968 to 1970; (8) decided that, as a transitional measure, provision would be made under section 12 of the regular budget for the year 1968 to ensure the continuity of the Programme pending the receipt of adequate voluntary contributions.

212. In his report^{147/} on the implementation of the resolution, the Secretary-General stated that the consolidation and integration of the three programmes decided by the General Assembly in resolution 2349 (XXII) had been effected. He suggested, however, that "in view of the financial difficulties confronting the effective implementation of the consolidated programme and the uncertainty of adequate contributions, the General Assembly may wish to consider whether, as a further transitional measure to ensure the continued operation of the consolidated programme pending the receipt of adequate voluntary contributions, a provision should be included under section 12 of the budget for 1969 in an amount similar to that approved for 1968."

^{147/} See document A/7284.

United Nations Trust Fund for South Africa

213. The Secretary-General reported^{148/} that during the previous year the Trust Fund had received contributions from eighteen Governments of Member States, totalling \$204,292. The Committee of Trustees of the Trust Fund expressed the hope that more generous contributions would be forthcoming from a greater number of States, organizations and individuals to the Trust Fund, and directly to the voluntary organizations, to enable them to meet the pressing needs. In this connexion, it noted that several Member States had made contributions for this purpose on the occasion of the International Day for the Elimination of Racial Discrimination, and suggested that all Member States consider annual special contributions on that occasion.

214. In resolution 2397 (XXIII) the General Assembly decided to revise the purpose of the Fund to provide: (a) legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa; (b) relief to such persons and their dependants; (c) education of such persons and their dependants; (d) relief for refugees from South Africa. It again appealed to all States, organizations and individuals for generous contributions to the Fund.

^{148/} A/7270.

SECTION C

ACTIVITIES OF THE SPECIAL COMMITTEE ON THE POLICIES OF APARTHEID
OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

215. In 1968, the Special Committee on the Policies of Apartheid undertook a programme of work in the light of the provisions of resolution 2307 (XXII) of the General Assembly, and in connexion with the International campaign against apartheid, it held a session away from Headquarters from 14 to 29 June 1968 in Stockholm, London and Geneva. It gave special attention to the embargo on shipments of arms to South Africa and to dissemination of information on the evils of apartheid and the efforts of the international community to secure its elimination.

216. In order to promote the widest public awareness of the evils of apartheid the Special Committee decided in January 1968 to establish a Sub-Committee on Information on Apartheid.^{149/} The Terms of Reference of the Sub-Committee were as follows:

"1. The Sub-Committee should review:

"(a) The past efforts of the Special Committee to promote dissemination of information on the evils of apartheid and on the efforts of the international community to secure its elimination.

"(b) The action taken by the General Assembly and other organs of the United Nations (particularly the Commission on Human Rights) on this matter;

"(c) The proposals made to the Special Committee and at the International Seminars in Brasilia and Kitwe for more effective dissemination of information.

"2. The Sub-Committee should ascertain:

"(a) The activities of the Secretariat (particularly the Office of Public Information and the Unit of Apartheid) in response to the decisions of the various organs concerning apartheid;

"(b) The relevant activities of the specialized agencies concerning dissemination of information on the evils of apartheid;

^{149/} Report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, A/7254, para. 62.

"(c) The activities of anti-apartheid movements, South African national liberation movements and non-governmental organizations concerned with the struggle against apartheid."

217. In its report the Sub-Committee stated: 150/

"To counter the South African propaganda, all States should be requested to scrutinize and take measures in line with their domestic laws against the operations of all organizations used by the South African Government under the guise of information services and against national private groups which spread South African propaganda. Member States should also be invited to encourage their national news media to publicize more effectively the activities of the United Nations bodies in connexion with the question of apartheid and to propagate more widely the relevant information supplied by the United Nations. Member States can also contribute to the dissemination of information on apartheid by providing facilities including radio and television to their national organizations opposed to apartheid and to South African liberation movements.

"While regarding the material produced by the Special Committee as valuable, a number of organizations and individuals have pointed out that what is needed to counter the South African propaganda more effectively is a series of detailed, sophisticated, well-edited and illustrated pamphlets which would be produced regularly on specific subjects."

SECTION D

ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS
TWENTY-FOURTH SESSION, 5 FEBRUARY-12 MARCH 1968

218. At its twenty-fourth session, the Commission on Human Rights considered the problem of apartheid in connexion with the agenda item entitled: "Question of the violation of Human Rights and Fundamental Freedoms including Policies of Racial Discrimination and Segregation and of Apartheid, in all Countries, with particular reference to Colonial and other Dependent Countries and Territories". It considered: (a) the report entitled "Study of apartheid and racial discrimination in Southern Africa"^{151/} prepared by the Special Rapporteur appointed under resolution 7 (XXIII) of the Commission; (b) the report of the Ad Hoc Working Group of Experts, set up under resolution 2 (XXIII) of the Commission, to investigate the charges of torture and ill treatment of prisoners, detainees or persons in police custody in South Africa.^{152/}

219. The Commission adopted four resolutions on the matter, two of which contained draft resolution to be submitted to the Economic and Social Council for eventual adoption by the General Assembly.^{153/} References to the problem of apartheid were made in other resolutions.^{154/}

(1) Action taken by the Commission on the basis of the report
of the Special Rapporteur

220. Introducing his report before the Commission on Human Rights, the Special Rapporteur noted that his request to visit South Africa and South West Africa to examine the actual situation there had been rejected by the South African Government. No reply had been received from the Governor of Southern Rhodesia to his request to visit that territory.

^{151/} E/CN.4/949 and Corr.1 and Add.1 and Add.1/Corr.1 and Add.2-5.

^{152/} United Nations document, E/CN.4/950.

^{153/} For the measures contained in the resolutions recommended to the Economic and Social Council for adoption by the General Assembly, see paras. 240-243 below.

^{154/} See para. 228 below.

221. The report he noted consisted of three parts. In Part I of the report (E/CN.4/949 and Corr.1 and Add.2) - which consisted of three chapters on South Africa, South West Africa and Southern Rhodesia, respectively, he had taken as the basis the Universal Declaration on Human Rights. Each chapter contained a general section on discrimination, followed by a description of the political and administrative structures and a section on civil, political, economic, social and cultural rights. The main concern in each of these sections was to analyse the degree of application of the rule of non-discrimination with regard to each particular right or freedom rather than the actual content and scope of the right or freedom concerned. In his view, it was obvious from this part of the report that the situation in those countries and territories was an affront to humanity. In Part II of the report (E/CN.4/949/Add.3) he had briefly reviewed efforts made for many years by various organs of the United Nations and the specialized agencies to end racial discrimination in South Africa, South West Africa and Southern Rhodesia. In Part III of the report (E/CN.4/949/Add.4) he had formulated his conclusions, recommendations and observations which, however, were far from exhaustive.

222. The Special Rapporteur observed that the situation in South Africa was deteriorating. He drew particular attention to the promulgation, in 1967, of the Terrorism Act and to the illegal trial of more than thirty South West African nationals, and noted that the South African Government had intensified its repressive action. He then urged a corresponding intensification of international action without delay and expressed the hope that practical steps would be taken at the current session of the Commission.

223. In resolution 3 (XXIV), Section B, the Commission commended the Special Rapporteur for the report, endorsed the conclusions and recommendations contained in it, and recommended to the International Conference of Human Rights to give special consideration to the recommendations contained in paragraph 1549 of the report.^{155/}

224. By the same resolution, the Commission condemned the arrest and trial of thirty-seven South West Africans under an illegal and unjust law, and the unlawful

^{155/} E/CN.4/949/Add.4. Paragraph 1549 contained a list of recommendations which the Commission might wish to make to the conference.

conviction and sentencing of thirty-three of them. It expressed dissatisfaction that several Governments, in violation of United Nations resolutions, continued to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and Southern Rhodesia, and called upon those Governments to desist from such relations with the Republic of South Africa and Southern Rhodesia, and called upon those Governments to desist from such relations in accordance with the resolutions of the General Assembly and the Security Council. It further requested the Secretary-General to intensify, through all United Nations information media, the efforts to inform the people of southern Africa of the activities of the United Nations organs to eliminate the policy of apartheid and racial discrimination and to prepare, in consultation with the Special Rapporteur, for publication and wide circulation, particularly to legal and juridical associations, a summary of the study of the laws and practices of the Government of South Africa and of the illegal régime in Southern Rhodesia.^{156/} The Commission considered it essential to ensure closer consultation between it and other United Nations organs concerned with violations of human rights in southern Africa, particularly the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, the United Nations Council for South West Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

(2) Action taken on the basis of the report of the Ad Hoc
Working Group of Experts

225. Introducing the report of the Ad Hoc Working Group of Experts (E/CN.4/950), the Chairman of the Group stated that in the discharge of its terms of reference it had examined documentary evidence and had also heard twenty-five witnesses, including persons of African, European and Asian descent, nearly all of whom had been South African citizens at the time of their imprisonment or detention. The report dealt mainly with the evidence submitted by the witnesses.

226. In resolution 2 (XXIV) the Commission endorsed the conclusions and recommendations of the Working Group and decided to expand the membership of the

^{156/} The summary of the report (OPI/335) was prepared by the Office of Public Information in response to the Commission's request.

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Group by one expert jurist from Asia and to enlarge its mandate. The Group was requested to investigate allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in South West Africa, Southern Rhodesia, Mozambique, Angola and all other Portuguese territories in Africa. It was also requested to investigate, in particular, the consequences which flow from the illegal arrest and arraignment by the South African authorities of nationals of South West Africa and of the conclusion contained in paragraph 1137 of the report of the Ad Hoc Working Group of Experts.^{157/}

227. By resolution 5 (XXIV), the Commission called upon the Government of South Africa to conform to the international standard minimum rules for the treatment of prisoners, in particular in the following respects: young persons and juveniles should be kept away from older prisoners in every case; political prisoners and opponents of apartheid should not be subjected to discriminatory and harsh treatment because of their opposition to the policy of apartheid; all prisoners, on Robben Island in particular, should be provided with shoes at all times; the inhuman practices known as the "tausa dance" and "carry-on" should be immediately terminated in the South African gaols; action should be taken to put an immediate end to the exploitation of African convict labour; every effort should be made to put an end immediately to any encouragement by prison officials of the practices of homosexuality and lesbianism amongst prisoners and detainees; food given to non-white prisoners should be the same as that given to all other prisoners and should be improved to increase its nutritional value; clothing given to all prisoners should be such as is adequate for the climatic conditions at all times; bedding provided for prisoners should be adequate and should meet varying climatic conditions, and beds should be provided to all prisoners; toilet facilities provided in cells should be so constructed and located as to meet reasonable hygienic prison conditions; and due care and attention should be taken to ensure that only a reasonable number of prisoners be placed in any prison cell and that they should be of the same sex. The Commission also called upon the Government of South Africa to bring to an end in each and every case all practices of torture and all cruel,

^{157/} E/CN.4/950, paragraph 1137 reads as follows: "The intention of the Government of South Africa to destroy a racial group, in whole or in part, not being established in law, the evidence nevertheless reveals certain elements which correspond to the acts described in article II (a), (b) and (c) of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide and which may, as such, establish the existence of the crime of genocide."

inhuman and degrading treatment of detainees or prisoners during interrogation and detention in prison, and to take immediate steps to ensure that the supervising authorities keep a close watch on the behaviour of police and prison officials in conformity with the international rules concerning detainees, and to establish an effective system of remedies against violations of human rights in police stations and prisons.

(3) Other actions taken by the Commission on Human Rights

228. References to the problem of apartheid were made in other resolutions adopted by the Commission on Human Rights at its twenty-fourth session. In resolution 14 (XXIV) the Commission took note of resolution 4 (XX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. In resolution 15 (XXIV), adopted in connexion with the examination of the question on measures to be taken against nazism and racial intolerance, the Commission once again resolutely condemned all ideologies, including nazism and apartheid, which are based on racial intolerance and terror, as a gross violation of human rights and fundamental freedoms and of the principles and purposes of the Charter of the United Nations, and as a serious threat to world peace and the security of peoples.

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SECTION E

ACTION TAKEN BY THE INTERNATIONAL CONFERENCE ON
HUMAN RIGHTS: 22 APRIL-13 MAY 1968 158/

229. The International Conference of Human Rights met at Teheran, Iran from 22 April to 13 May 1968. It examined the report of the Special Rapporteur entitled "Study of apartheid and racial discrimination in southern Africa" and considered the question of apartheid in connexion with the agenda item entitled: "A means to achieve rapid and total elimination of all forms of racial discrimination in general and the policy of apartheid in particular".

230. In resolution III the International Conference endorsed the conclusions and recommendations of the Special Rapporteur, condemned the South African Government for its continued implementation of the policy of apartheid and declared that the policy was a crime against humanity and a threat to international peace and security. It also declared its emphatic and rigorous support of the legitimacy of the struggles of the people and patriotic movements in southern Africa and recommended to the Security Council to take appropriate action against the Republic of South Africa under Chapter VII of the Charter. It appealed to all States and organizations to give appropriate moral, political and material assistance to the non-white people of southern Africa in their legitimate struggle to achieve the rights recognized in the Charter and urged all States to comply fully with the resolutions of the Security Council and of the General Assembly and condemned the major trading partners of South Africa. It requested the United Nations and its specialized agencies, particularly ILO and UNESCO, and appealed to non-governmental organizations and all international and national information media to intensify their activities with regard to the publicity of the evils of apartheid and racial discrimination in southern Africa.

231. In resolution IV, entitled "Treatment of persons who oppose racist régimes", the International Conference stated its concern that the opponents of the racist minority régimes in South Africa, South West Africa, and Southern Rhodesia and in other parts of southern Africa, were not, when captured, treated in accordance with

158/ A/CONF.32/41.

the minimum standards of the Red Cross Conventions. The Conference condemned the foregoing acts and declared that such treatment constituted a violation of the Universal Declaration of Human Rights and defiance of the universally accepted standards for the treatment of prisoners of war. It called upon these régimes to put an end to these cruel, repressive and inhuman practices.

232. In resolution XXIV, entitled "International Year for Action to Combat Racism and Racial Discrimination", the International Conference urged all Member States, international and national organizations and all people of goodwill to participate actively in 1969 in carrying out measures to intensify the struggle against and elimination of racism, apartheid and racial discrimination.

233. In resolution XXVIII, the Conference strongly recommended that the international sports federations and associations exclude South Africa from their membership until such time as the heinous policy of apartheid is brought to an end in that country.

234. In the "Proclamation of Teheran", the Conference stated that "gross denial of human rights under the repugnant policy of apartheid is a matter of the gravest concern to the international community. This policy of apartheid, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is, therefore, imperative for the international community to use every possible means to eradicate this evil. The struggle against apartheid is legitimate".

235. Reference to the policy of apartheid was also made in other resolutions of the International Conference.^{159/}

^{159/} Resolution VI, entitled "Measures to eliminate all forms and manifestations of racial discrimination"; resolution IX, entitled "Measures to promote women's rights in the modern world including a unified long-term United Nations programme for the advancement of women"; resolution X, entitled "Model rules of procedure for bodies dealing with violations of human rights".

SECTION F

ACTION TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL AT
ITS FORTY-FOURTH SESSION: 6-31 MAY 1968

236. At its forty-fourth session, the Economic and Social Council considered the problem of apartheid in connexion with the examination of the following items of the agenda: (a) Allegations regarding infringements of trade union rights: report of the Ad Hoc Working Group of Experts established under resolution 2 (XXIII) of the Commission on Human Rights;^{160/} (b) Report of the Commission on Human Rights.^{161/}

(1) The question of infringement of trade union rights

237. The Ad Hoc Working Group of Experts examined the allegations of infringement of trade union rights in South Africa submitted by the World Federation of Trade Unions, studied the international standards relating to trade union rights as well as the relevant South African legislation, and heard oral statements. It concluded in its report that the international standards relating to trade union freedoms were being seriously and persistently violated by South African legislation and by administrative and penal measures.

238. In resolution 1302 (XLIV) the ECOSOC condemned the continuing infringement of trade union rights in South Africa as a violation of the Charter and the right to freedom of association and endorsed the conclusions and recommendations of the Ad Hoc Working Group of Experts. The Council called upon the Government of South Africa to conform to generally accepted international standards concerning the right of freedom of association, to release all trade unionists who were in prison as a result of their trade union activities and to inform the Secretary-General of its implementation of the Council's recommendations. The Council requested the Working Group to examine further the question in the Republic of South Africa and to include in its examination the infringements of trade union rights in the Territory of South West Africa and in Southern Rhodesia, the latter

^{160/} E/4459.

^{161/} E/4475. In resolution 1329 (XLIV), the Economic and Social Council took note of the report of the Commission on Human Rights.

in co-operation with the United Kingdom, the Administering Authority, and the International Labour Organisation. It asked the Working Group to report to the Council at its forty-sixth session on its findings and to submit its recommendations for any action to be taken in specific cases. Furthermore, the Council decided "to transmit the report of the Ad Hoc Working Group of Experts to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa for its information, and recommended to include the outcome of the research of the Ad Hoc Working Group of Experts about the infringement of the trade union rights in its documents which are designed for wide informative dissemination." The Secretary-General was requested to give maximum publicity to the report of the Working Group.

(2) The question of measures for combating racial discrimination,
segregation and apartheid in southern Africa

239. In resolution 1332 (XLIV), the Council, endorsing the proposal of the Commission on Human Rights, recommended a draft resolution for adoption by the General Assembly by which the Assembly would: endorse the recommendations of the Special Rapporteur, appointed by the Commission under its resolution 7 (XXIII), that the Government of South Africa be requested to repeal, amend and replace various laws and to report to the Secretary-General on the measures taken or envisaged in accordance with this request; urge all State to encourage information media within their territories to publicize the evils of apartheid and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as the aims and purposes of the United Nations and its efforts to eliminate those evils; condemn the actions of all those Governments which, in violation of United Nations resolutions, are continuing to maintain diplomatic, commercial, military, cultural and other relations with the Republic of South Africa and the illegal régime in Southern Rhodesia; and call upon those Governments to break off such relations. The draft resolution would also request the Secretary-General: to take steps to draw the widest public attention to the evils of these policies of apartheid and racial discrimination in Southern Africa; to keep under constant review the question of promoting co-ordination and co-operation in the activities of the specialized agencies and organs of the United Nations dealing with matters relating to such

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policies; to establish a United Nations Information Centre in the Republic of South Africa with a view to disseminating the aims and purposes of the United Nations; and to report to the twenty-fourth session of the General Assembly on the implementation of this resolution and, in particular, on the actions taken by the Government of South Africa to give effect to the call to repeal, amend and replace the laws mentioned in paragraph 1547 of the Special Rapporteur's report.^{162/}

(3) The question of the treatment of political prisoners

240. In resolution 1333 (XLIV) the Council recommended to the General Assembly for adoption a draft resolution proposed by the Commission on Human Rights, by which the General Assembly would reaffirm its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms and condemn any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African prisons and in South African police custody during interrogation and detention, as found in the report of the Ad Hoc Working Group of Experts. The draft resolution also recommended that the Assembly should call upon the Government of the Republic of South Africa to initiate investigations into the violations mentioned in the report of the Ad Hoc Working Group of Experts with a view to establishing the degree of responsibility of the persons listed in the report for the purpose of punishing them accordingly; afford the opportunity to all persons who have suffered damage to receive indemnification; abolish the 180-day law and the Terrorism Act under which opponents of the policy of apartheid are detained without charge or trial, as well as the Suppression of Communism Act, the Sabotage Act and similar laws, and also to refrain from incorporating the principles contained in these laws into other laws; immediately release Mr. Robert Sobukwe; and immediately release all other political prisoners and all persons held for their opposition to the policies of apartheid, whether in prisons or in police detention.

241. In addition, the Council recommended that the Assembly request the States Members of the United Nations to encourage maximum publicity to the Working

^{162/} E/CN.4/949/Add.4.

Group's report within their territories, and call upon the Government of South Africa to report to the Secretary-General on the measures taken or envisaged in accordance with the recommendations listed above. The Secretary-General would be requested to take steps to draw the widest public attention to the report of the Ad Hoc Working Group of Experts and report to the twenty-fourth session of the General Assembly on the implementation of this resolution.

(4) Other action taken by the Economic and Social Council

242. In resolution 1330 (XLV), the Economic and Social Council, endorsing a draft resolution (14 (XXIV)) proposed by the Commission on Human Rights, authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study of the measures which might be taken to implement the International Slavery Convention of 1926 and the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery and the various recommendations included in the resolutions of the General Assembly, the Economic and Social Council and the Commission on Human Rights relating to the slavery-like practices of apartheid and colonialism. The Council reminded Governments that the United Nations and the specialized agencies have available under their regular technical assistance programmes facilities for assisting Governments in eliminating slavery and the slave-trade, including the slavery-like practices of apartheid and colonialism, and for helping them to solve resulting economic and social problems and requested all Governments to exert their full influence and resources to assist in the total eradication of the slavery-like practices of apartheid and colonialism, as practised particularly in Southern Rhodesia, South West Africa and South Africa. The Council further affirmed that the master and servant laws currently enforced in Southern Rhodesia, South West Africa and South Africa constitute clear manifestations of slavery and the slave-trade.

243. In resolution 1335 (XLV), the Council endorsed draft resolution 15 (XXIV) proposed by the Commission on Human Rights and recommended for adoption by the General Assembly a draft resolution by which the Assembly would condemn nazism, racism, apartheid, and all similar ideologies and practices which are based on racial intolerance and terror as a gross violation of human rights and fundamental

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freedoms and of the principles of the Charter of the United Nations, and as a threat to world peace and security of peoples; call upon all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislative and other positive measures to outlaw groups and organizations which are disseminating propaganda for nazism, the policy of apartheid and other forms of racial intolerance, and to prosecute them in the courts; call upon all States and peoples, as well as national and international organizations, to strive for the eradication, as soon as possible and once and for all, of nazi and similar ideologies and practices, including apartheid, which are based on racial intolerance and terror; and request the Secretary-General to submit to the General Assembly a survey of information which may be available to him on international instruments, legislation, and other measures taken or envisaged, both at the national and international levels, with a view to halting nazi activities and similar activities, such as apartheid.

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SECTION G

ACTION TAKEN AT THE SEMINAR ON THE ELIMINATION OF ALL FORMS
OF RACIAL DISCRIMINATION HELD AT NEW DELHI, INDIA, 27 AUGUST-
9 SEPTEMBER 1968

244. With regard to the policies of apartheid of the South African Government, the Seminar emphasized the following points:

"The seminar particularly condemned the systematic policy of racial discrimination as exemplified on a State-wide level in the inhuman policy of apartheid in South Africa.

"There was general agreement that the policies of apartheid involved gross violations of human rights and gross offences against civilized standards of conduct, and that they could not in any way be condoned. Some participants strongly supported the recommendations and decisions of the various organs of the United Nations and decisions of the seminars called by the United Nations, and urged direct and immediate action by the Security Council. Others held the view that the seminar could only urge in a general way the pursuit of every means to combat the policies of apartheid and should leave it to the appropriate organs of the United Nations to consider such policies in their proper context.

"The seminar supported the activities of the United Nations and its specialized agencies concerned with the question of apartheid and means of eliminating it." 163/

163/ See ST/TAO/HR/34, para. 176.

SECTION H

ACTION TAKEN BY THE INTERNATIONAL LABOUR ORGANISATION

245. In compliance with the Declaration concerning the Policy of Apartheid, the Director-General of the ILO submitted to the fifty-second session of the International Labour Conference the Fourth Special Report on the Application of the Declaration.^{164/} The report, inter alia, dealt with current labour developments in South Africa and examined: (a) recent legislation affecting labour policy in South Africa, and in particular the Coloured Cadets Training Act; (b) developments within the South African trade union movements created by the existing manpower situation, and in particular the increasing difficulties in the application of traditional colour bar policies; (c) the situation of the Coloured and Asian group in regard to labour matters; and (d) the question of the training facilities available for workers of all races in the light of the acute shortage of skilled labour existing in every sector of the South African economy.

246. In its conclusion, the report stated that "there can be no shutting off within national boundaries of the tensions and bitterness resulting from the denial of human rights to South Africa's non-White populations. The problems confronting the world in relation to South Africa involve the whole future of mankind. In this context world opinion has a decisive role to play, and only if South Africa is prepared to heed the advice of the world community are prospects of a peaceful solution to its difficulties likely to arise".

^{164/} Fourth Special Report of the Director-General on the Application of the Declaration concerning the Policy of Apartheid of the Republic of South Africa, International Labour Conference, Fifty-second Session, Geneva, 1968.

CHAPTER V

NAMIBIA^{165/}

SECTION A

INTRODUCTION

247. During the period under review the question of South West Africa was considered by various organs of the United Nations. The General Assembly considered it at its twenty-second session. The United Nations Council for South West Africa established by resolution 2248 (S-V) of 19 May 1967 to administer the Territory until independence continued to keep the situation under constant review. The Committee of Twenty-four maintained the item on its agenda, while the Security Council, at meetings held between January and March 1968, the Commission on Human Rights at its twenty-fourth session in February-March 1968, and the Economic and Social Council at its forty-fourth session in May 1968 examined certain aspects of the question.

248. The United Nations during that period pursued two main objectives as regards the territory of Namibia: (1) the implementation of General Assembly resolution 2145 (XXI) of 29 October 1966, which terminated the mandate of South Africa over South West Africa and placed the Territory under the direct responsibility and authority of the United Nations, and resolution 2248 (S-V) which established the United Nations Council for South West Africa and entrusted to it the power to administer the Territory until independence; (2) the protection of South West African nationals from repressive action by the South African authorities and particularly the situation arising from the illegal arrest, deportation to South Africa, trial and conviction of South West Africans under the Terrorism Act.

249. Measures to achieve these objectives have been taken by various organs of the United Nations.

^{165/} In resolution 2372 (XXII) the General Assembly proclaimed that, in accordance with the desires of its people, South West Africa would henceforth be known as "Namibia". It decided that the United Nations Council for South West Africa would be called "United Nations Council for Namibia" and that the United Nations Commissioner for South West Africa would be called "United Nations Commissioner for Namibia".

250. The overwhelming majority by which the General Assembly condemned the illegal trial of South West Africans and the unanimous resolutions adopted by the Security Council on this matter clearly show the existence of a wide consensus among Member States on the international responsibility for the welfare of the people of the Territory subjected to illegal occupation and oppression by the South African Government.

251. South Africa, however, continued to maintain its persistent attitude of defiance and hostility towards the United Nations and has, so far, refused to comply with the decisions of the General Assembly and the Security Council.

252. The resolutions of the General Assembly on the matter focused on the following points: condemnation of the South African Government; reaffirmation of the right of the Namibian people to freedom and independence; reaffirmation of the legitimacy of their struggle against foreign occupation; call for sanctions against South Africa; condemnation of the actions of the States which continue to collaborate with South Africa; appeal for moral and material assistance to the victims of oppression; support to the United Nations Council on Namibia; and a demand for the release of all political prisoners.

SECTION B

THE QUESTION OF FREEDOM AND INDEPENDENCE OF THE PEOPLE OF NAMIBIA

(1) Action taken by the General Assembly and by its subsidiary bodies^{166/}

253. At its twenty-second session, the General Assembly considered the report of the United Nations Council for Namibia and a report by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. It adopted two resolutions on the matter.

254. In its report of October 1967 to the General Assembly,^{167/} the United Nations Council on South West Africa stated that the refusal of the Government of South Africa to co-operate in the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V) had made it impossible for the Council to discharge effectively the functions and responsibilities entrusted to it. Noting that the South African Government was consolidating its control over the Territory, the Council concluded that the continued presence of South African authorities in South West Africa constituted an illegal act, a usurpation of power and a foreign occupation of the Territory which threatened international peace and security.

255. As noted in the previous report of the Special Rapporteur, the Committee of Twenty-four unanimously adopted on 19 June 1967 a resolution on South West Africa in which it condemned the decision of South Africa to alter the status of Ovamboland by creating a so-called self-governing "homeland". The Committee considered this measure an extension of apartheid and condemned the action of the South African Government as a flagrant violation of the decisions of the United Nations.

256. Having considered these reports, the General Assembly adopted, on 16 December 1967, by 93 votes to 2, with 18 abstentions, resolution 2325 (XXII).

^{166/} For summary of action taken by the General Assembly at its twenty-third session, see Annex II to the report.

^{167/} Report of the United Nations Council for South West Africa, A/6897.

257. By this resolution, the General Assembly condemned the refusal of the Government of South Africa to comply with its resolutions and declared that the continued presence of South African authorities in South West Africa is a flagrant violation of its territorial integrity and international status. It called upon the Government of South Africa to withdraw from the Territory of South West Africa, unconditionally and without delay, all its military and police forces and its administration, to release all political prisoners and to allow all political refugees who are natives of the Territory to return to it. It urgently appealed to all Member States to take effective measures designed to ensure the immediate withdrawal of the South African administration from the Territory of South West Africa, thereby clearing the way for the implementation of General Assembly resolutions 2145 (XXI) and 2248 (S-V). It requested the Security Council to take effective steps to enable the United Nations to fulfil the responsibilities it had assumed with respect to South West Africa. The Assembly decided to retain the item on its agenda.

258. Subsequently, on 4 May 1968 the United Nations Council for Namibia reported^{168/} that in pursuance of its mandate, it had decided to proceed to Namibia in order to prepare the ground for implementation of General Assembly resolution 2248 (X-V). The South African authorities, however, had prevented it from entering the Territory. It had met with the representatives of the people of South West Africa who were residing in Zambia and the United Republic of Tanzania, in pursuance of section II, paragraph 1 (a) of resolution 2248 (S-V) of the General Assembly.

259. In its conclusions, the Council reiterated the views expressed in its first report and stated that it was convinced that South Africa would not withdraw from the Territory unless forceful measures were taken for the removal of its presence from the Territory. Furthermore, the Council stated that the un-co-operative attitude of certain foreign economic and financial interests from which the Council encountered difficulties in its plans to proceed to South West Africa, deserved the censure of the Assembly.

^{168/} Report of the United Nations Council for South West Africa, 4 May 1968, A/7088.

260. Meanwhile, in a statement made on 30 April 1968 and transmitted to the President of the General Assembly, the Chairman of the Committee of Twenty-four expressed the Committee's grave concern at the situation existing in South West Africa and recalled the Committee's recommendation that the Assembly and the Security Council should urgently consider taking effective action to enable the people of South West Africa to attain full and complete independence without further delay in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

261. At its resumed twenty-second session, the General Assembly adopted on 12 June 1968, by 96 votes to 2, with 18 abstentions, resolution 2372 (XXII).^{169/} In this resolution, the General Assembly: (a) reaffirmed the inalienable right of the Namibian people to freedom and independence and the legitimacy of their struggle against foreign occupation;^{169/} (b) condemned the Government of South Africa for its refusal to comply with the resolutions of the General Assembly and the Security Council and to withdraw from Namibia and for its obstruction of the efforts of the United Nations Council for Namibia to proceed to Namibia; (c) condemned the actions of the Government of South Africa designed to consolidate its illegal control over Namibia and to destroy the unity of the people and the territorial integrity of Namibia; (d) condemned the actions of those States which by their continued political, military and economic collaboration with the Government of South Africa have encouraged that Government to defy the authority of the United Nations and to obstruct the attainment of independence by Namibia; (e) called upon all States to desist from those dealings with the Government of South Africa which would have the effect of perpetuating South Africa's illegal occupation of Namibia and to take effective economic and other measures with a view to securing the immediate withdrawal of the South African administration from Namibia; (f) further called upon all States to provide the necessary moral and material assistance to the Namibian people in their legitimate struggle for independence and to assist the United Nations

^{169/} For other action taken by the General Assembly at its twenty-second session, see paragraphs 211, 212 above.

Council for Namibia in the discharge of its mandate.^{170/} It considered that the continued foreign occupation of Namibia by South Africa constitutes a grave threat to international peace and security. It further recommended that the Security Council urgently take all appropriate steps to secure the implementation of the present resolution and requested the Secretary-General to continue to provide all possible assistance to enable the United Nations Council for Namibia to perform its duties.

262. In its report of November 1968,^{171/} the United Nations Council for Namibia stated that "since the General Assembly adopted resolution 2372 (XXII), the South African Government has persisted with and intensified its defiance of all United Nations decisions on Namibia. It has, on the other hand, sought by various means to consolidate its illegal control over the Territory". It recommended that the Security Council, inter alia: "(a) call upon all States to pursue all diplomatic, consular, commercial or other relations in regard to Namibia exclusively with the United Nations Council for Namibia; (b) declare all transactions with the South African authorities in regard to Namibia undertaken or maintained after the termination of the Mandate to be illegal and invalid."

263. In resolution 2288 (XXII) the General Assembly, inter alia, approved in general the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples concerning the activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination and in all other Territories under colonial domination, reaffirmed the inalienable right of the peoples of the colonial Territories to self-determination and independence and to the natural resources of their Territories, as well as their right to dispose of these resources in their best interests, and requested the United Nations Council for South West Africa to take urgent and effective measures to put an end to laws and practices established in the Territory of South West Africa by

^{170/} The Secretary-General transmitted to the General Assembly and to the Security Council (A/7171 and Add.1-5; S/8737 and Add.1-5) the substantive parts of communications received from Governments on the implementation of the resolution.

^{171/} A/7338, para. 44.

the Government of South Africa contrary to the purposes and principles of the Charter. Furthermore, in resolution 2311 (XXII) the General Assembly, inter alia, recommended to the specialized agencies and international institutions not to grant any assistance to South Africa until it renounces its policy of racial discrimination and colonial domination.^{172/}

(2) Action taken at the International Conference on Human Rights held at Teheran from 22 April to 13 May 1968

264. In resolutions III and VIII, the International Conference on Human Rights called upon the Security Council to enforce the decisions already taken by the United Nations with regard to the administration of the international territory of South West Africa. In resolution VIII the International Conference condemned South Africa for its refusal to comply with General Assembly resolutions 2145 (XXII) and 2248 (S-V).

(3) Action taken by the Economic and Social Council and by its subsidiary bodies

265. The Commission on Human Rights at its twenty-fourth session (5 February-12 March 1968) and the Economic and Social Council at its forty-fourth session (6-31 May 1968) adopted in a number of resolutions decisions which dealt with the situation in southern Africa as a whole.^{173/}

266. In resolution 1302 (XLIV) the Economic and Social Council requested the Ad Hoc Working Group of Experts reappointed by resolution 2 (XXIV) of the Commission on Human Rights to examine the infringements of trade union rights in the Territory of South West Africa.

^{172/} See chap. VII, paras. 347-352.

^{173/} See paras. 226, 238, 239, 242.

SECTION C

THE QUESTION OF THE ARREST, TRIAL AND CONVICTION OF SOUTH WEST AFRICAN NATIONALS UNDER THE TERRORISM ACT

(1) Action taken by the General Assembly and its subsidiary bodies

267. The trial in Pretoria of thirty-seven South West Africans under the newly-enacted Terrorism Act was considered by several United Nations organs during the period under review. It may also be recalled that the Committee of Twenty-four had adopted on 12 September 1967 a resolution in which it called upon South Africa to cease all illegal acts in the international Territory of South West Africa and demanded the immediate release of all those prisoners.

268. The United Nations Council for South West Africa adopted on 27 November 1967 a consensus in which it noted with concern the arrest, deportation and trial in Pretoria of the thirty-seven South West African nationals and called upon the Government of South Africa to respect the international status of the Territory and to release the South West Africans. It also appealed to all member States to use their influence to dissuade South Africa from pursuing its illegal course and to obtain the release of the prisoners.

269. On 16 December 1967, the General Assembly adopted by 110 votes to 2, with 1 abstention, resolution 2324 (XXII) in which it condemned the illegal arrest, deportation and trial at Pretoria of the thirty-seven South West Africans as a flagrant violation by the Government of South Africa of their rights, of the international status of the Territory and of General Assembly resolution 2145 (XXI), and called upon the Government of South Africa to discontinue forthwith the illegal trial in Pretoria and to release and repatriate the South West Africans. It also appealed to all States and international organizations to use their influence with the Government of South Africa in order to obtain its compliance with the provisions of that resolution. It drew the attention of the Security Council to the situation.

(2) Action taken by the Security Council

270. The Security Council considered the situation in South West Africa for the first time at meetings held between January and March 1968.

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271. On 25 January 1968, at the request of fifty-three Member States, the Council decided to consider the question of the arrest and trial of the thirty-seven South West Africans. The Security Council also had before it a letter and a memorandum from the United Nations Council for South West Africa.

272. By resolution 245 (1968), adopted unanimously on 25 January 1968, the Security Council took note of General Assembly resolution 2145 (XXI) of 27 October 1966, by which it terminated South Africa's Mandate over South West Africa. It noted with great concern that the trial was being held under arbitrary laws, the application of which had been illegally extended to the Territory of South West Africa in defiance of General Assembly resolutions. Conscious of the special responsibilities of the United Nations towards the people and the Territory of South West Africa, the Security Council condemned the refusal of the Government of South Africa to comply with the provisions of General Assembly resolution 2324 (XXII) and called upon the Government to discontinue forthwith the illegal trial and to release and repatriate the South West Africans concerned. It also invited all States to exert their influence in order to induce the South African Government to comply with the provisions of the present resolution and requested the Secretary-General to report on the implementation of that resolution. Furthermore, the Security Council decided to remain actively seized of the matter.

273. The Secretary-General transmitted communications from States on the implementation of Security Council resolution 245 (1968)^{174/} and of resolution 2324 (XXII) of the General Assembly.^{175/} However, the Government of South Africa restated that it did not recognize the validity of General Assembly resolution 2145 (XXI).^{176/} Meanwhile, the South West Africans were sentenced.

274. The Security Council met again on 16 February 1968 at the request of fifty-eight Member States to consider the situation arising from the continuation of the trial and the handing down of sentences on the South West Africans.

^{174/} S/8399.

^{175/} A/7045 and Add.1-8, Add.9 and Add.9/Corr.1, Add.10-26; S/8557 and Add.1-8, Add.9, and Add.9/Corr.1, Add.10-26.

^{176/} S/8370.

275. Seven representatives from African, Asian and Latin American States submitted a draft resolution which was revised after consultations with the other members of the Security Council.

276. On 14 March 1968, the Security Council adopted the revised draft unanimously, as resolution 246 (1968). In that resolution, the Security Council: (a) censured the Government of South Africa for its flagrant defiance of Security Council resolution 245 (1968) as well as of the authority of the United Nations of which South Africa is a Member; (b) demanded that the Government of South Africa forthwith release and repatriate the South West Africans concerned; (c) called upon Members of the United Nations to co-operate with the Security Council in pursuance of their obligations under the Charter, in order to obtain compliance by the Government of South Africa with the provisions of the present resolution; (d) urged Member States who are in a position to contribute to the implementation of the present resolution to assist the Security Council in order to obtain compliance by the Government of South Africa with the provisions of the present resolution; (e) decided that in the event of failure on the part of the Government of South Africa to comply with the provisions of the present resolution, the Security Council will meet immediately to determine upon effective steps or measures in conformity with the relevant provisions of the Charter of the United Nations; (f) requested the Secretary-General to follow closely the implementation of the present resolution and to report thereupon to the Security Council not later than 31 March 1968;^{177/} (g) decided to remain actively seized of the matter.

^{177/} In his report to the Security Council (S/8506 and Add.1-4), the Secretary-General transmitted, *inter alia*, a communication dated 27 March 1968 in which the Minister of Foreign Affairs of the Republic of South Africa stated that "the convicted terrorists cannot be released nor can their release be discussed".

(2) Action taken by the Economic and Social Council
and by its subsidiary bodies

277. At its twenty-fourth session, the Commission on Human Rights devoted great attention to the question of the arrest, detention and trial of thirty-seven South West Africans. It adopted two consensuses on the matter.^{178/}

278. In the first consensus of 9 February 1968, which was sent to the Government of the Republic of South Africa and to the Security Council, the Commission expressed its indignation at the illegal sentencing of a number of South West Africans by the Supreme Court at Pretoria under the "Terrorism Act" in defiance of General Assembly and Security Council resolutions, and called for the immediate release of those sentenced. After learning that eight more South West Africans would soon be tried under the "Terrorism Act", the Commission on 29 February 1968 adopted a second consensus in which it, inter alia, condemned the South African Government for instituting another illegal trial under the "Terrorism Act" in defiance of the resolutions of the Security Council and the General Assembly and of the first consensus of the Commission. It urgently requested the Secretary-General to give maximum publicity to decisions of the United Nations organs on the matter, as well as to the statements of the accused in the trial.

^{178/} E/4475; E/CN.4/972, paras. 78-90. In resolution 1329 (XLIV) the Economic and Social Council took note of the report of the Commission on Human Rights.

CHAPTER VI
SOUTHERN RHODESIA

SECTION A

INTRODUCTION

279. During the period under review, the question of Southern Rhodesia was considered by the General Assembly and the Committee of Twenty-four by the Security Council, by the International Conference on Human Rights held at Teheran from 22 April to 13 May 1968, as well as by the Economic and Social Council and the Commission on Human Rights.

280. Measures taken by the various United Nations organs during the period under review focused on the following points: obligation of the administering Power to take whatever measures were necessary, including the use of force, to bring about the overthrow of the illegal racist minority régime; mandatory economic, commercial, diplomatic and other sanctions; condemnation of the actions of the States which continue to maintain relations with Southern Rhodesia; condemnation of the Governments of South Africa and Portugal for their continued support to the illegal régime; assistance to the victims of repression; support to the liberation movement of the people of Southern Rhodesia; and intensification of action by the United Nations to promote public awareness.

281. Also, during this period, the Committee of Twenty-four also gave special consideration to the questions of military arrangements and of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, South West Africa and Territories under Portuguese domination and efforts to eliminate colonialism, apartheid and racial discrimination in southern Africa.^{179/}

^{179/} See chap. VII, paras. 339-342.

SECTION B

ACTION TAKEN BY THE GENERAL ASSEMBLY AND ITS SUBSIDIARY BODIES

282. At its twenty-second session, the General Assembly considered the question of Southern Rhodesia and adopted on 3 November 1967 by 92 votes to 2, with 18 abstentions, resolution 2262 (XXII).^{180/} In this resolution the General Assembly, inter alia, described the policies of oppression, racial discrimination and segregation practised in Southern Rhodesia as a crime against humanity, reaffirmed the legitimacy of the struggle of the people of Zimbabwe, condemned the failure and the refusal of the Government of the United Kingdom to take effective measures to bring down the illegal racist minority régime in Southern Rhodesia and affirmed its conviction that sanctions, in order to achieve their objectives, would have to be comprehensive, mandatory and backed by force.^{181/}

283. At the same session in connexion with other agenda items, the Assembly adopted decisions relevant to the situation in Southern Rhodesia. In resolution 2326 (XXII), the General Assembly, inter alia, drew the attention of all States to the grave consequences of the development in southern Africa of the entente between the Governments of South Africa and Portugal and the illegal racist minority régime of Southern Rhodesia, the activities of which run counter to the interests of international peace and security, and called upon all States, particularly the main trading partners of the entente, to withhold any support or assistance to the members of the entente. By resolution 2349 (XXII), the Assembly decided to include in the United Nations Training and Educational Programme assistance to persons from Southern Rhodesia, provided that this was done only in so far as it did not interfere with existing United Nations schemes for educational assistance for such persons and that it was done with due regard to Security Council resolutions 216 (1965) of 12 November 1965 and 217 (1965) of 20 November 1965 relating to non-recognition of the illegal régime in Southern Rhodesia.^{182/}

^{180/} For action taken by the General Assembly at its twenty-third session, see annex II to the report.

^{181/} For other action taken by the General Assembly in resolution 2262 (XXII), see the study, E/CN.4/949/Add.3, chap. V.

^{182/} See also para. 211 above.

284. On 7 March 1968, following the execution of three persons by the illegal régime in Southern Rhodesia the Committee of Twenty-four adopted a resolution expressing profound shock at the assassination and urgently calling upon the administering Power to take immediate and effective steps to prevent the recurrence of such crimes and to safeguard the persons of the African inhabitants of Southern Rhodesia.^{183/} It drew urgent attention of the Security Council to the grave situation in the Territory with a view to taking effective action.

285. On 19 March 1968, the Chairman of the Committee of Twenty-four stated that the illegal régime had embarked on a policy of racial discrimination and apartheid similar to that of South Africa. He added that the Security Council should call upon the Government of the United Kingdom in the most peremptory terms to take action along the lines prescribed by the General Assembly. The Committee decided to transmit the statement of the Security Council.

286. At its twenty-third session, the General Assembly adopted on 25 October 1968 resolution 2379 (XXII), in which it reaffirmed the inalienable right of the people of Zimbabwe to self-determination, freedom and independence; and considered that any independence without a government elected by a majority of the people of Zimbabwe would be contrary to the provisions and objectives of resolution 1514 (XV). The General Assembly called upon the Government of the United Kingdom of Great Britain and Northern Ireland not to grant independence to Southern Rhodesia unless it was preceded by the establishment of a government based on free elections by universal adult suffrage and on majority rule. It further called upon all States not to recognize any form of independence in Southern Rhodesia without the prior establishment of a government based on majority rule in accordance with General Assembly resolution 1514 (XV).

^{183/} Two more persons were executed on 11 March 1968.

SECTION C

ACTION TAKEN BY THE SECURITY COUNCIL: MARCH-MAY 1968

287. On 12 March 1968, thirty-six African States requested an urgent meeting of the Security Council to examine the situation in Southern Rhodesia. In their view, it was obvious that the selective mandatory sanctions adopted in resolution 232 (1966) had failed, as had been demonstrated by the recent execution of political prisoners by the illegal racist régime in Southern Rhodesia. They stated that the continuing grave situation in Southern Rhodesia still constituted a threat to international peace and security and that it was urgently incumbent upon the Council to envisage the necessary measures and action under Chapter VII of the Charter. The Security Council discussed the matter at meetings held between 19 March and 29 May 1968.

288. The Council had before it reports submitted by the Secretary-General on the implementation of resolution 232 (1966) of the Security Council which called for selective sanctions against the illegal régime in Southern Rhodesia. In March and April 1968 the Security Council also received communications from the Committee of Twenty-four and the Commission on Human Rights condemning and expressing shock at the execution of five Africans by the illegal régime.

289. During the discussion in the Council, five Afro-Asian States submitted a draft resolution which would inter alia urge the United Kingdom, as the administering Power, to take urgently all necessary measures, including the use of force, to bring an end to the rebellion in Southern Rhodesia and urge all States to render moral and material assistance to the national movements of Southern Rhodesia in order to enable them to achieve their freedom and independence. The United Kingdom submitted a draft resolution which set out a series of measures beyond those adopted in resolution 232 (1966).

290. Following consultation among the members of the Security Council, a new draft resolution was submitted. It was adopted unanimously on 29 May 1968 as resolution 253 (1968).

291. By this resolution the Security Council noted that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end. It also expressed its grave concern that the measures taken by the Security Council have

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not been complied with by all States and that some States, contrary to resolution 232 (1966) of the Security Council and to their obligations under Article 25 of the Charter, have failed to prevent trade with the illegal régime in Southern Rhodesia. It further affirmed the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence. Acting under Chapter VII of the United Nations Charter, the Security Council took measures concerning economic, commercial, diplomatic and other sanctions against the illegal régime. It decided that all States Members of the United Nations shall prevent:

(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(b) Any activities by their nationals or in their territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution;

(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment, and material for use in schools and other educational institutions, publications news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and

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any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia.

292. The Security Council further decided that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs. It also emphasized the need for the withdrawal of all consular and trade representatives in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217 (1965).^{184/}

293. The Security Council also decided that all States Members of the United Nations shall:

(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date or issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and

(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have furthered or encouraged,

^{184/} By para. 6 of resolution 217 (1965), the Security Council calls upon all States not to recognize the illegal régime and not to entertain any diplomatic or other relations with it.

or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in resolution 232 (1966) of 16 December 1966.

294. The Council also decided that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia. It further called upon all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration.

295. The Security Council condemned all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and called upon the Government of the United Kingdom to take all possible measures to put an end to such actions. It also called upon the United Kingdom, as the administering Power in the discharge of its responsibilities, to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514 (XV) which contained the Declaration on the granting of independence to colonial countries and peoples. The Council considered that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole. The Security Council urged all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence.

296. The Security Council further decided to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations: (a) to examine such reports on the implementation

of the present resolution as are submitted by the Secretary-General; (b) to seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in paragraph 291 above or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council.

297. The Council also requested the United Kingdom, as the administering Power, to give maximum assistance to the committee, and to provide the committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232 (1966) may be rendered fully effective.

It further called upon all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution.

SECTION D

ACTION TAKEN BY THE INTERNATIONAL CONFERENCE ON HUMAN RIGHTS,
22 APRIL-13 MAY 1968

298. In resolution III, entitled "Measures to achieve rapid and total elimination of all forms of racial discrimination in general and the policy of apartheid in particular, "the International Conference condemned the practices of South Africa and Portugal which provided support to the illegal racist white minority régime in Southern Rhodesia and called upon the Government of the United Kingdom, the administering Power, to take all necessary measures, including the use of force, to put an end to that régime.^{185/}

^{185/} See also paras. 230 and 231 above.

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SECTION E

ACTION TAKEN BY THE ECONOMIC AND SOCIAL COUNCIL
AND THE COMMISSION ON HUMAN RIGHTS

299. By resolution 2 (XXIV), the Commission on Human Rights expanded the mandate of the Ad Hoc Working Group of Experts to include Southern Rhodesia in its investigation of the treatment of political prisoners. In resolution 1302 (XLIV), the Economic and Social Council decided to request the Ad Hoc Working Group of Experts to carry out, in co-operation with the United Kingdom, the administering Power, and in co-operation with the International Labour Organisation, taking due account of the latter's primary responsibility in this matter, examinations of the denial and infringements of trade union rights, by the illegal racist régime in Southern Rhodesia. It also requested the Working Group to report to the Economic and Social Council at its forty-sixth session on its findings and to submit its recommendations.

300. In connexion with the question of the execution of African political prisoners in the colony of Southern Rhodesia, the Commission on Human Rights adopted two consensuses and sent two telegrams to the Government of the United Kingdom, the administering Power of the territory.^{186/} In the first consensus, the Commission condemned the illegal killing of three political prisoners as a clear and extreme denial, as well as a flagrant and gross violation of human rights and fundamental freedoms of the African people, and expressed its grave concern about the threat to international peace and security constituted by the current situation in Southern Rhodesia. It drew the matter to the attention of the Security Council for immediate and appropriate action. In its first telegram to the Government of the United Kingdom, the Commission urged that effective and urgent action be taken to stop any further killings by the racist régime of Southern Rhodesia and that immediate release of all political prisoners and freedom fighters be secured. In the second consensus, which was adopted after the execution of two more political prisoners in Southern Rhodesia, the Commission expressed the hope that the Security Council would take immediate and appropriate

^{186/} E/4475, paras. 91-103.

action to restore peace and security to the area. In the telegram sent to the Government of the United Kingdom on this subject, the Commission expressed its profound dissatisfaction at the efforts of the administering Power to prevent such gross and flagrant violations of human rights and once again urged immediate and more effective action to stop further killings and to secure the immediate release of African political prisoners and freedom fighters.

301. The Economic and Social Council at its forty-fourth session and the Commission on Human Rights at its twenty-fourth session have also adopted in a number of resolutions decisions which dealt with the area of southern Africa as a whole.^{187/}

^{187/} See paras. 239, 242 above.