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

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* Also issued as A/5707.

LETTER OF TRANSMITTAL

25 May 1964

Your Excellency,

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

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

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

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

Accept, Sir, the assurances of my highest consideration.

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

His Excellency Mr. Roger Seydoux,
President of the Security Council,
United Nations,
New York.

/...

REPORT OF THE SPECIAL COMMITTEE

1. On 23 March 1964, the Special Committee submitted an urgent report to the Security Council and the General Assembly^{1/} "in view of grave new developments in the Republic of South Africa, namely, that some political prisoners opposed to apartheid have just received death sentences, others are threatened with the same penalty, and all of them risk being hanged"^{2/}
2. The Special Committee, being convinced that effective mandatory measures must be taken urgently to meet this grave situation and to prevent irrevocable consequences, recommended as a first step that the Security Council should demand that the South African Government should:
 - "(a) Refrain from the execution of persons sentenced to death under arbitrary laws providing the death sentence for offences arising from opposition to the Government's racial policies;
 - "(b) End immediately trials now proceeding under these arbitrary laws, and grant an amnesty to all political prisoners whose only crime is their opposition to the Government's racial policies;
 - "(c) Desist immediately from taking further discriminatory measures; and
 - "(d) Refrain from all other actions likely to aggravate the present situation."^{3/}
3. The Special Committee further recommended that, unless the South African Government complied within a brief time-limit with the aforementioned minimum, but vital, demands, the Security Council, in conformity with the terms of Chapter VII of the Charter of the United Nations and on the basis of the recommendations of the General Assembly and the Special Committee, should take new mandatory steps to compel the South African Government to comply with the decisions of the Council.^{4/}
4. Since that report was issued, the Special Committee has continued to review the situation in the Republic of South Africa in the discharge of its mandate under General Assembly resolutions 1761 (XVII) and 1978 (XVIII). A number of new and important developments have occurred in the Republic of South Africa since that time. The main developments are given in annex I to the present report.

^{1/} A/5692-S/5621.

^{2/} Ibid., para. 13.

^{3/} Ibid., para. 14.

^{4/} Ibid., para. 15.

5. The South African Government has shown no willingness to comply with the resolutions of the General Assembly and the Security Council or to take the minimum steps recommended in the last report of the Special Committee. On the contrary, it has continued to persecute opponents of the policies of apartheid and passed new discriminatory legislation depriving the non-Whites of the few remaining rights. The gravity of the situation, and particularly the urgent need for effective measures to save the lives of those who have already been or may be sentenced to death, has given rise to the need for this new report, pursuant to the terms of reference of the Special Committee.

6. The trial of Nelson Mandela, Walter Sisulu and other leaders of the people and opponents of apartheid was resumed on 20 April 1964 and continues in Pretoria under arbitrary and iniquitous laws, which violate the fundamental principles of universal justice and human rights and prescribe the death penalty for acts of resistance to the policy of apartheid. A number of other similar trials are taking place in the country. In those which have already concluded, numerous persons have been given the most severe sentences for belonging to the African National Congress and the Pan-Africanist Congress, nationalist political movements which are banned, or for acts arising from opposition to the policies of apartheid.

7. Meanwhile, the Parliament has passed the Bantu Laws Amendment Bill which also violates the fundamental principles of human rights and further aggravates tension in the country.

8. These developments are greatly increasing the threat of violent conflict in South Africa which is bound to have the most serious repercussions in the continent of Africa and in the world. The statement of Mr. Nelson Mandela at his trial in Pretoria on 20 April 1964,^{5/} as well as the evidence of others accused in that trial, shows clearly that the policies of the South African Government have left no effective means of protest and redress to the opponents of apartheid in South Africa except resorting to violence.

9. The Special Committee has taken note of the urgent and earnest appeal by the Secretary-General to the Government of South Africa on 27 March 1964 "to spare the lives of those facing execution or death sentences for acts arising from their

5/ A/AC.115/L.67.

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

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

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

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

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

^{6/} United Nations press release SG/SM/48, 30 March 1964.

^{7/} S/5471.

^{8/} S/5658, para. 44.

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

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

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

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

^{9/} Reproduced in document A/AC.115/L.65.

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

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

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

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

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

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

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

ANNEX I

NOTE ON DEVELOPMENTS IN SOUTH AFRICA SINCE
THE SPECIAL COMMITTEE'S REPORT OF
23 MARCH 1964 TO THE GENERAL ASSEMBLY AND
THE SECURITY COUNCIL.

I. INTRODUCTION

In annexes to the report of 23 March 1964,^{1/} the Special Committee transmitted to the General Assembly and the Security Council a review of developments in South Africa since its previous report of 13 September 1963.

Since 23 March 1964 the Government of South Africa has reaffirmed its policies of apartheid, introduced serious new discriminatory methods and continued persecution of opponents of the policies of apartheid and continued its military build-up, thus aggravating the danger of violent conflict. These developments are briefly reviewed in the following sections.

^{1/} A/5692-S/5621.

II. DECLARATIONS BY THE GOVERNMENT OF THE REPUBLIC
OF SOUTH AFRICA ON ITS RACIAL POLICIES

During the period under review, the South African Government has continued to state that it would not abandon its policies of apartheid or make any concessions in response to world opinion, but that it would oppose international action to bring about a change of its racial policies.

In a major policy statement in the House of Assembly on 23 April 1964, that is three days after the publication of the report of the group of experts established in pursuance of the Security Council resolution of 4 December 1963, Prime Minister Dr. H.F. Verwoerd stated that in any attempt to "link up the various racial groups in one multi-racial society, the majority group will and must eventually become the dominant group ... From a multi-racial society we can expect no other result than ... one man, one vote, or Black domination ... If South Africa wants to achieve its objective of remaining White there is only one method, and that is to segregate the Whites and the Blacks."^{2/}

He continued:

"We have set ourselves a clear objective ... We as a White nation, which is settled here ... and which has developed the country and brought prosperity not only for ourselves but also for the non-Whites in our midst, will continue to exist in future as an independent nation. That is our unshakeable object, an object in regard to which we will not negotiate and which we will not abandon ...

"Integration has proved an outright failure ... We shall be able to prove that it is only by creating separate nations that discrimination will in fact disappear in the long run ... They (the African States) want their ideas to triumph in our country so that the White man can disappear from this country ..."^{3/}

Prime Minister Dr. Verwoerd added that the Great Powers "only see South Africa as a pawn on the world chess-board. If it gets in the way it must be destroyed." He continued:

"South Africa cannot set its policy by ... what is in line with the resolutions of U.N. organizations ... We will not allow our lives and our continued existence to be decided by foreign interests."^{4/}

^{2/} House of Assembly Debates, 23 April 1964, col. 4816.

^{3/} Ibid., cols. 4814-21.

^{4/} Ibid., cols. 4815-18.

With regard to South Africa's membership in the United Nations, Prime Minister Dr. Verwoerd stated in the House of Assembly on 24 April 1964:

"South Africa's membership of various bodies is dependent upon what is in the best interests of South Africa in the opinion of the Government. The Government judges the situation from time to time in the light of prevailing circumstances. We are not prepared to leave South Africa in the lurch in any way. I reject as absolutely incorrect and untrue the insinuation that continued membership is the only proof of our readiness to fight for South Africa and that we are leaving South Africa in the lurch when we give up our membership under certain circumstances. There are circumstances in which one serves the best interests of one's country by not being a member of a particular body and in which one serves the best interests of one's country ... by choosing one's own methods of fighting. The same thing applies to the United Nations. The policy of South Africa is to remain a member of the U.N. as long as it is considered to be in the interests of South Africa. If circumstances should arise under which it will no longer be in the interests of South Africa, then she will no longer remain a member." 5/

On 25 April Prime Minister Dr. Verwoerd declared at a Nationalist Party rally at Paarl that South Africa would stand firm in the face of outside pressure. He said there were two reasons for confidence, first, the path chosen by the Government satisfied the basic requirements of justice to all sections of the population, and secondly, South Africa was one of the bastions of White civilization and Christendom: "The whole world is dependent on ... the White nations. Africa will fall into chaos and disorder without the protecting hand of the White nations." He added that the Western Powers were willing to make concessions to the African States on one point after another to win their votes in the United Nations, and expected the South African Government to make the same sort of concessions. South Africa would be sacrificing her existence once she started to make concessions. Because South Africa's stability was as important to the West as to the Republic itself, South Africa must stand fast. He said:

"I believe that there will come a time when the Powers will draw the line and will refuse to be pushed any further ... It seems that the boycotts and other threats are bringing the Western Powers to a point where they will eventually have to decide whether they can make further concessions."

For his part he would give the assurance that South Africa would resist the attacks against her:

5/ House of Assembly Debates, 24 April 1964, cols. 4899-4900.

"If it is necessary for us to make the sacrifices we will do so; but if we stand together as one people and let the world know that we are going to do what is right and how strong and universal is our will, so they know that if they do anything it will be against a strong, unified nation, then the future is bright and beautiful ...

"I do not want to leave the people under any illusions. We will fight with our economic strength if it is boycotts we face, and with our sons and daughters and ourselves if it is force. For us it is a matter of life or suicide ... The South African nation has always ... fought for its existence. If this has been true when the nation was small and weak and without economic or military power, how much more true is it now that South Africa is strong ..." 6/

Other leaders and spokesmen of the South African Government have declared, in similar vein, that apartheid or "separate development" was the only way of averting racial tension, that the survival of the White man was at stake and that the South African Government would not make any concessions on its racial policies.

For instance, Dr. Carel De Wet, South African Ambassador to the United Kingdom, stated in late March:

"It seems to me that separate development and happiness with progress for all are bedfellows ...

"My Government stands immovable on our birthright as a distinct White nation to survive and rule in those parts of South Africa which we have settled and civilized ..." 7/

The Deputy Minister for South West Africa Affairs, Mr. J.G.H. van der Wath, stated on 23 April 1964 that once South Africa began making concessions her enemies would demand more and would not be satisfied until the White man capitulated. 8/

6/ Cape Times, 27 April 1964; South African Digest, Pretoria, 1 May 1964.

7/ South African Digest, Pretoria, 26 March 1964.

8/ Cape Times, 24 April 1964.

III. CONTINUED PURSUIT OF THE POLICIES OF APARTHEID

The South African Government has continued to implement racially discriminatory measures and has pushed ahead with drastic new legislation to enforce apartheid.

1. Bantu Laws Amendment Bill

The introduction in Parliament of the Bantu Laws Amendment Bill, which makes Africans in "white areas" (constituting 87 per cent of the territory) temporary migrants totally dependent on work permits from the Government, was described in the last report of the Special Committee. Ignoring wide-spread opposition, the Government pushed ahead with the Bill and it was passed by the House of Assembly on 7 April and the Senate in May.

The essence of the legislation was explained by the Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, in the House of Assembly on 7 April 1964:

"Dominating all this is one aspect of our policy, namely that the Bantu's presence in the urban areas is justified by the labour he does; that is the most important and the best exemption the Bantu can ever obtain."

He stated that Africans would have no citizenship rights in urban areas: the exemptions or concessions were "simply arrangements for them to remain here."^{9/}

In terms of the Bill, all urban areas and any other areas the Minister so proclaims would be "prescribed areas". In these areas no African may enter into or be employed without obtaining permission from a Government labour bureau. A labour bureau officer may refuse to register or cancel a service contract if he considers that it is not in the public interest, impairs the safety of the State or the maintenance of public order, or is likely to do so.

The Deputy Minister stated on 7 April:

"Every Bantu must obtain permission to enter and to live in an urban area or a proclaimed area; he must obtain permission at the bureau to work there or he must obtain permission to enter from the local authority official concerned. That is fundamentally necessary in each case."^{10/}

^{9/} House of Assembly Debates, 7 April 1964, col. 3809.

^{10/} Ibid., col. 3808.

The definition of "idle Bantu" is greatly widened. Unemployed Africans may be considered "idle". African girls over the age of fifteen who are not attending school can be deemed "idle Bantu". The category of "undesirable" Africans is also extended to Africans convicted of any of a number of offences, including political offences.

Africans declared to be "idle" or "undesirable" may be ordered to move to their "homelands", to work colonies or rehabilitation centres, or permitted to take up approved employment. These provisions may be applied to all Africans who had previously acquired the right to remain in urban areas by having lived there since birth or continuously for fifteen years, or by working continuously for the same employer for ten years.

The Bill removes the right previously accorded to wives of Africans who have worked in an urban area for two years to visit their husbands on a so-called "conception visit". Such visits will henceforth be prohibited except with the express permission of a labour bureau officer.

The Bill provides for the establishment of "aid centres" to which Africans arrested for or convicted of offences under the pass laws may be admitted. Unemployed Africans may also go to these centres. Officials in charge of the "aid centres" may arrange for Africans and their dependents to be sent to any other place or, with their consent, be placed in employment.

The Government has stated that such centres will not be used as detention centres. The Minister stated that no African could be compulsorily detained in an "aid centre", "but nothing should prevent an African who was unemployed or was in an area illegally being admitted to such a centre at his own request". Arrested persons may be taken to the centres and courts may be held there.

2. Reactions to the Bantu Laws Amendment Bill

The Bill has aroused wide-spread opposition in the country.

The South African Institute of Race Relations stated on 28 February 1964:

"The Institute is convinced that by its contemplated actions the Government will cause a further deterioration of race relations and by imperilling the security of the majority of Africans imperil the security of all peoples in the Republic... It is of the opinion that in addition to undermining security, it will heighten instability, discourage Africans from acquiring that sense of belonging to a community which is essential

to the development of ordered social life, and inhibit the growth of an African middle class." 11/

The Christian Council of South Africa, representing twenty-eight churches, said the Bantu Laws Amendment Bill "infringes on certain basic Christian concepts concerning family life and the dignity of the individual".12/

Sir de Villiers Graaff, leader of the United Party, stated on 7 April:

"The Bill is placing officials in a place where they are invading the sphere of the courts... There are virtually no safeguards for the exercise of these powers." Senator R.D.P. Jordan (United Party) stated on 4 May that the Bill "converted the Bantu into labour slaves." He said it was the death warrant of a host of rights Africans had enjoyed as citizens of South Africa, and gave terrifying powers to junior officials against which there was no right of appeal except to other officials.13/

The Roman Catholic Archbishop of Cape Town, Most Rev. Owen McCann, stated on 1 May 1964 that one of the sores on the body politic of South Africa was the migratory labour system. He stated:

"The Bantu Laws Amendment Act treats the Bantu as a labour unit, not considering his personal dignity and the rights flowing from this dignity. It disregards the family obligations he may have, and in fact continues the sad break-up of family life which is one of the evils of the system. We know it is disastrous to family life - that it induces instability of marriage, mal-education of the offspring and delinquency and leads to immorality." 14/

The Times, London, commented on 8 May 1964:

"The Bill's practical use is as a police measure. Its worst effects... will be to turn the middle-class African who had a stake in law and order because he had some security and status finally against the White man. He will become a rootless member of a floating labour force."

3. Establishment of advisory bodies for racial groups

The Government is taking further steps to establish separate advisory bodies on racial lines.15/

11/ Race Relations News, Johannesburg, March 1964.

12/ Rand Daily Mail, Johannesburg, 4 March 1964.

13/ Cape Times, 5 May 1964.

14/ Cape Times, 2 May 1964.

15/ A/5692-S/5621, annex II.

The Coloured Persons Representative Council Bill, introduced on 26 February, was approved by the House of Assembly on 30 April 1964. The Minister of Coloured Affairs, Mr. P.W. Botha, stated on 10 April 1964 that the object of the Bill was to establish "a representative Coloured council for the Republic which, with its executive committee, can be the mouthpiece of the Coloured population; which can serve as a means of consultation between the Republican Government and the Coloured population, and can serve as an instrument by means of which Coloured leaders in the spheres of local government, education, communal welfare and rural areas can lead and serve their community".^{16/} He added:

"I must reject the standpoint that the only basis for proper consultation and goodwill is an equal franchise on the same voters' roll... The safety and good order and progress of South Africa as a State with a Christian character are closely dependent on the continued existence of this White nation with its strong position of power in Southern Africa. The continued existence of the White man is also the best guarantee for the safety and progress of the Coloureds as a minority group in the area of White South Africa".^{17/}

He argued that consultation between separate racial groups could never take place through a common voters' roll but through separate racial councils subordinate to the White nation.

In the terms of the Bill, the functions of the Council will be to advise the Government on matters affecting the economic, social, educational and political interests of the Coloured people when it is requested to do so, and to serve as a link between the Coloured population and the Government. The Minister refused to specify what powers the Council would have other than acting purely on the request of the Government. He stated:

"At this stage it is not wise to specify what legislative power they will have... It is a process of emancipation... It is not a process which can just take place holus bulus... We have the precautionary measure that we shall not be doing more for the Coloured population than they are prepared to do for themselves... They will have to show signs of initiative, of a sense of responsibility, of a willingness to serve, of faith in their own people; they will have to show signs that they are trying to escape from the misery and the difficulties of their own masses before they receive responsibility from me."^{18/}

^{16/} House of Assembly Debates, 10 April 1964, col. 3999.

^{17/} Ibid., col. 3994.

^{18/} Ibid., col. 4000-01.

Mr. Barney Desai, President of the Coloured Peoples Congress, stated before the delegation of the Special Committee on 13 April 1964:

"In the case of the Coloured people... they can only discuss matters which they have been asked to discuss. That leaves much to be desired in so far as democracy is concerned... I think the Transkei proposals are a fraud. All I am trying to say is that the proposals for the Coloured people are an even greater fraud. It is just a matter of constitutional hocus pocus." 19/

Mr. J.M. Connan, United Party, said that the Bill was "another step on the road to separate development" and that his Party could under no circumstances support it. 20/

The Government's efforts to set up an advisory body of persons of Indian and Pakistani origin were described in the last report of the Special Committee. 21/ The National Indian Council, composed of twenty-one members who had been appointed by the Minister of Indian Affairs on 3 February 1964, was convened on 23 March. The Minister told the Council's inaugural meeting in Cape Town that the Council "will go a long way towards relieving the frustration which might have existed in the past". He added that if Indians felt frustrated they might well ask to what extent their plight was due to the reckless and irresponsible words and actions of some of their compatriots. 22/

On 14 April 1964 the first Indian Consultative Committee was appointed by the Executive Committee for the Transvaal. The Committee is at Laudium, an Indian township recently established under the Group Areas Act for Indians evicted from Johannesburg, and consists of five members. 23/

19/ A/AC.115/L.65.

20/ House of Assembly Debates, 10 April 1964, col. 4003.

21/ A/5692-S/5621, annex II.

22/ South African Digest, 3 April 1964.

23/ South African Digest, 24 April 1964; S.A.I.S., 15 April 1964.

4. Implementation of the Transkei Constitution Act^{24/}

On 5 May 1964 State President Swart opened the first session of the Transkei Legislative Assembly. He pledged Government assistance and referred to an appropriation of 13 million rand for the Transkei in the budget estimates before the Parliament as tangible proof of such assistance. South Africa, he said, was the Transkei's "patron, friend and good neighbour".^{25/}

^{24/} A/5692-S/5621, annex II.

^{25/} Southern Africa, London, 8 May 1964.

IV. REPRESSIVE MEASURES AGAINST AND PERSECUTION OF
OPPONENTS OF THE POLICIES OF APARTHEID

During the period under review, the South African Government has continued trials of persons opposed to the policies of apartheid. A large number of persons have been given heavy sentences for belonging to banned organizations or for breach of the security laws. One more death sentence has been passed. The "Rivonia" trial of Nelson Mandela, Walter Sisulu and others was resumed on 20 April and is rapidly drawing to a close.

1. Trials and convictions of opponents of apartheid

A. The "Rivonia trial" in Pretoria

On 4 March 1964 the trial was adjourned after the State had presented 174 witnesses and about 500 documents in evidence against the accused. After two adjournments the trial resumed on 20 April 1964 for the presentation of the defence and is rapidly drawing to a close.

On 20 April 1964, Mr. Nelson Mandela made a statement in his defence.^{26/} He was followed by Mr. Walter Sisulu, Ahmed Kathrada, Raymond Mhlaba, Lionel Bernstein, Govan Mbeki, Dennis Goldberg, Andrew Mlangeni and Elias Matsoaledi.

On 18 May 1964 the defence closed its case.^{27/}

B. Other trials

On 18 March 1964 in Pretoria, six Africans were sentenced to 3 years' imprisonment, 2-1/2 years conditionally suspended, on charges of belonging to the African National Congress. The magistrate said he had taken into consideration the fact that the men had been detained since May 1963.^{28/}

On 23 March in East London, Mr. Washington Bongco was sentenced to death on six charges of sabotage. Mr. Felize Mlanda and Mr. Brian Mjo were each sentenced to 20 years' imprisonment for allegedly participating in a petrol bomb

^{26/} A/AC.115/L.67.

^{27/} Reuters, 18 May 1964.

^{28/} Pretoria News, 18 March 1964.

attack. Mr. Malcomes Kondoti was sentenced to 18 years' imprisonment on charges of sabotage, membership in the African National Congress and soliciting money. Mr. Douglas Sparks, Mr. Stephen Tshwete and Mr. Lungelo Dwaba were also sentenced on charges of belonging to the African National Congress and soliciting money.^{29/}

Also in March in Johannesburg, three Whites, including one immigrant, were charged with sabotage.^{30/}

On 1 April in Queenstown, three Africans were sentenced to a total of 21 years' imprisonment on charges of sabotage and taking part in the activities of the African National Congress. The charge of sabotage alleged stone-throwing attacks on homes.^{31/}

On 1 April in Cape Town, two Africans were charged with being members of Poqo and the Pan-Africanist Congress.^{32/}

On 3 April 1964 in Johannesburg, four Africans were charged with conspiring to commit sabotage. One African was also charged with possessing banned literature. Bail was refused.^{33/}

On 10 April in Cape Town, Mr. Elliott Dudamashe and Mr. Welton Beshe were each sentenced to 3 years' imprisonment on charges of being members of Poqo. Application for bail was refused.^{34/}

On 13 April in Cape Town, Mr. Randolph Vigne, former National Vice-Chairman of the Liberal Party, was acquitted of violating his banning order.^{35/}

On 15 April in Pietermaritzburg, four non-Whites were charged with receiving training overseas to further the aims of Poqo.

On 15 April in Cape Town, Dr. Neville Alexander and ten other persons were sentenced on charges of sabotage. Dr. Alexander, a doctor of philosophy described as one of Cape Town University's most brilliant graduates, Rev. Don Davis, Mr. Marcus Solomons, Miss Elizabeth van der Heyden, teachers, and Mr. Fikele Bam, a student, were each sentenced to 10 years' imprisonment on charges of leading the National Liberation Front which allegedly had plans to overthrow the Government by means of revolution and guerilla warfare. Mr. Lionel Davis and Mr. Gordon Hendricks

^{29/} Cape Times, 24 March 1964.

^{30/} Spotlight on South Africa, Dar es Salaam, 27 March 1964.

^{31/} Rand Daily Mail, Johannesburg, 2 April 1964.

^{32/} Cape Times, 2 April 1964.

^{33/} Sunday Express, Johannesburg, 5 April 1964.

^{34/} Cape Times, 11 April 1964.

^{35/} The Times, London, 14 April 1964.

were sentenced to 7 years' imprisonment on charges of being members of the Regional Committee of the National Liberation Front. Mr. Ian Leslie van der Heyden, Miss Dulcie September, Miss Dorothy Alexander and Miss Doris van der Heyden were found guilty of being "ordinary members" of the NLF and sentenced to 5 years' imprisonment.^{36/}

On 24 April in Ladysmith, seven Africans were sentenced to 1 to 5 years' imprisonment on charges of being office-bearers in the African National Congress. Four of the accused were sentenced for having taken part in its activities.^{37/}

In April in Cape Town, eighteen non-Whites, including two women, were charged with contravening the Suppression of Communism Act. They were charged with having become or continued to be office-bearers of the African National Congress and with having participated in its activities. They were also charged with having unlawfully advocated, advised or encouraged the achievement of the objects of the African National Congress. On 17 April charges were withdrawn.^{38/}

On 1 May in Humansdorp, eleven Africans, including one woman, were sentenced to a total of 27 years' imprisonment on charges of belonging to the African National Congress.^{39/}

2. Detention without trial

Section 17 of the General Law Amendment Act of 1963, which provides for the detention of persons without trial for periods of ninety days at a time, has been widely used since the last report of the Special Committee.

On 21 April 1964, the Minister of Justice, Mr. B.J. Vorster, stated that 5 Bantu females, 1 White male, 2 Coloured males, 1 Indian male, and 109 Bantu males had been detained since 21 January 1964.^{40/} Those detained include Miss Leabie Mandela, sister of Mr. Nelson Mandela and a nurse at Baragwanath Hospital, Johannesburg.^{41/}

^{36/} Cape Times, 16 April 1964.

^{37/} New York Times, 25 April 1964.

^{38/} Cape Times, 18 April 1964.

^{39/} The Star, Johannesburg, 2 May 1964.

^{40/} House of Assembly Debates, 21 April 1964, col. 4599.

^{41/} Cape Times, 14 April 1964.

Eighty-four persons had been released since that date, of whom twenty-one had been charged with political offences including "sabotage; furthering/becoming a member of a banned organization; incitement to commit murder; conspiracy and incitement to commit sabotage; malicious injury to property; recruiting persons to receive military training outside the Republic of South Africa; possession of explosives; leaving country for military training; possession of banned literature."^{42/}

On 5 May 1964 the Minister of Justice stated that 706 persons had been detained under the 90-day clause.^{43/}

In addition, the Minister of Justice stated on 14 April that five persons had been detained in the Transkei for alleged political offences between 1 February and 9 April under Proclamation 400, which provides for indefinite detention without trial.^{44/}

3. Reactions to the 90-day Detention Clause

The 90-day detention clause has provoked strong condemnation in South Africa.

The 90-Day Protest National Committee was established on 26 February 1964 by a conference of representatives of churches and religious organizations, the Civil Rights League, the Institute of Race Relations, the National Council of Women, the National Union of South African Students, the Black Sash, trade unions and academic institutions. The Conference was convened on the initiative of Mr. J. Hamilton Russell, a former member of Parliament who resigned in protest against the General Law Amendment Act of 1963, and Mr. Justice Centlivres, former Chief Justice of South Africa. Mr. Russell stated at the Conference that if Christ preached in South Africa today, He would not only be called a Leftist by the Minister of Justice but He would probably be banned as a Communist or detained for ninety days. He said: "This in a land that calls itself Christian and where many

^{42/} House of Assembly Debates, 21 April 1964, col. 4599.

^{43/} House of Assembly Debates, 5 May 1964, col. 5444.

^{44/} House of Assembly Debates, 14 April 1964, col. 4151.

churchmen think it is evil to bathe on Sunday. What of the innocent men, women and children who have spent Sunday after Sunday in the solitary confines of a small concrete hell?" He appealed to the Churches to lead a crusade to abolish "this unchristian law which degrades the human mind and soul".^{45/}

On 6 May 1964 Mr. Russell, Chairman of the Committee, stated that it had published a booklet to present the "unanswerable case for the abolition of this drastic and dangerous law".^{46/}

The Co-ordinating Committee of Religious Churches, representing 5,000,000 Whites and non-Whites in South Africa, issued a Declaration on 4 May 1964 condemning the clause. The Declaration states:

"Inasmuch as we believe it is a fundamental tenet of justice that there should be no imprisonment without trial, and that access to the normal protections of the Rule of Law should be accorded to everyone, and that Section 17 of the General Law Amendment Act (commonly known as the 90-day Detention Clause) is a tragic breach and negation of this principle, and a violation of the moral law, and an offence to religious conscience, and appeal to those in authority not to repromulgate it when it comes under review."

The Declaration was signed by the following nineteen church leaders: the Most Rev. Robert Selby Taylor, Anglican Archbishop of Cape Town; the Most Rev. Owen McCann, Roman Catholic Archbishop of Cape Town; the Rev. Stanley G. Pitts, President, Methodist Church of South Africa; Professor Israel Abrahams, Chief Rabbi, United Council Orthodox Hebrew Congregation of Cape and South West Africa; Rabbi David Sherman, Rabbi Cape Town Jewish Reform Congregation; the Rev. W.G.M. Abbott, Chairman Congregational Union of South Africa; the Right Rev. Helge Fosseus, Bishop, Evangelical Lutheran Church (South East Region); the Rev. D.M. Bottoman, Moderator, Presbyterian Church of Africa; Rabbi B.M. Casper, Chief Rabbi, United Hebrew Congregation of Johannesburg; the Rev. Paul S. King, Acting Board Representative, London Missionary Society; Shiek Abukader Najaar, Chairman, Muslim Judicial Council; Mrs. Audrey Hoole, Yearly Meeting Clerk, the Religious Society of Friends; the Rev. P.R. Webber, Acting Administrative Secretary, Disciples of Christ; the Rev. W.O. Rindahl,

^{45/} Rand Daily Mail, Johannesburg, 27 February 1964.

^{46/} Cape Times, 7 May 1964.

Superintendent, American Lutheran Mission; the Rev. T. Ellwyn, Chairman, Church of Sweden Mission in South Africa; the Rev. N.G. Ngobo, Chairman, Congregational Church in Africa; the Rev. G. Froise, Superintendent, Norwegian Mission in South Africa; the Rev. Victor Carpenter, Minister in Charge, Unitarian and Church; and Commissioner Wm. B.F. Wotton, of the Salvation Army.

On 20 May 1964, eleven religious leaders representing 250,000 Christians, Jews and Moslems called on the South African Government to abolish the 90-day detention clause and declared they were "deeply disturbed" at the moral implications of the provisions allowing detention without trial.^{47/}

4. Torture of prisoners

Allegations of torture of prisoners in South African jails received wide attention as a result of a trial in Bultfontein.

On 11 April 1964, four policemen, including the station commander and a clerk of the court, were convicted in connexion with the murder through torture of an African prisoner, Mr. Izak Magaise, and assault with intent to murder a second prisoner, Mr. Philemon Makhetla. The two men had been arrested on 3 December 1963 for the alleged theft of 13.50 rand in milk coupon money. The prisoners were tortured through assault, electric shock, smothering, and dropping on the floor.

Constable Coetzee, one of those convicted, stated in evidence:

"I have been taught to use and have used plastic bags myself in the past on suspected persons. It is common in investigations. I don't think there is a police station in the country that does not use violence during questioning."

He said it was his method, although he knew it was illegal, and that he had always tried not to leave marks.

Constable Maree said that he and Constable Van Wyck dropped Mr. Magaise three times from a height of 3 feet; after the third time he was dead.

While the trial was in progress opposition members of Parliament called for an inquiry into the treatment of prisoners by police and prison officers. They noted that police brutality had been alleged at places as wide apart as White River, Bellville, Johannesburg, Queenstown and Zululand.

^{47/} New York Times, 21 May 1964.

On 24 April, Prime Minister Dr. Verwoerd refused to institute an inquiry into police malpractices. He stated that a country-wide investigation had already been undertaken by the police themselves following the evidence in court. Dr. Verwoerd said that "at a few places" individual policemen were found with electric shock machines, and strongly denied the "insinuation" that such machines had been issued to the police force. He said an inquiry at that point could only point to a lack of confidence in the investigation held by the police.^{48/}

Also on 24 April, the Minister of Justice stated that the police were in the front-line in the "cold war" against South Africa and that the Republic's enemies were attempting to undermine the front-line by allegations of torture.^{49/}

On 1 May 1964 the Minister of Justice stated that police and prison officers found guilty of assault on witnesses or prisoners were not dismissed in all cases. He said that 149 police and 10 prison staff guilty of assault had been retained in the service.^{50/}

On 5 May 1964 the Minister of Justice stated that 51 complaints in regard to treatment of detainees had been officially lodged with the police and in 48 instances "no grounds for prosecution could be found".^{51/}

5. New repressive legislation

In view of the current trials of opponents of the policies of apartheid great concern has been expressed in South Africa and abroad over the introduction in the current session of Parliament of the Attorneys, Notaries and Conveyancers Admission Amendment Bill. In terms of the Bill only South African citizens or persons admitted to the Republic for permanent residence will be entitled to enrol as attorneys, except that Southern Rhodesians may practise if approved by the Minister of Justice.

The Bill also provides that in future a person must have passed in both official languages in the Matriculation examination before he can be allowed to

^{48/} House of Assembly Debates, 24 April 1964, col. 4898.

^{49/} Cape Times, 25 April 1964.

^{50/} House of Assembly Debates, 1 May 1964, col. 5281. Earlier, on 25 March 1964 the Minister of Justice, Mr. B.J. Vorster, stated that 354 members of the Police and Prison Department had been convicted in the past four years of "offences involving irregular treatment" of persons in custody (Cape Times, 26 March 1964).

^{51/} House of Assembly Debates, 5 May 1964, cols. 5444-45.

practise as an attorney. It also prescribes circumstances under which certain attorneys may be struck off the roll or suspended from practising.^{52/}

This legislation will make it difficult for many of the accused to obtain counsel, as they will not be able to obtain foreign legal assistance or engage attorneys listed as communists in terms of the Suppression of Communism Act.

The Government has also hinted that further restrictions would be imposed on the press. On 27 April 1964 Prime Minister Dr. Verwoerd stated that English-language newspapers went near the border of treason against South Africa by placing the Republic in a vulnerable position to be attacked from the outside world. The Government would not be prevented from taking action in the best interest of the safety of South Africa.^{53/}

On 11 May the South African Press Commission recommended the establishment of a council for the "self-control and discipline" of the South African and overseas press. The proposed commission, with which every newspaper and journalist in South Africa would have to register, would be authorized to impose unlimited fines and exercise virtually the same punitive powers as a court of law over newspapers and journalists for bad reporting of political and racial matters. There would be no appeal from its decisions.^{54/}

The Commission's proposals provoked strong condemnation in South Africa and abroad. Mrs. Helen Suzman, Progressive Party, stated on 12 May in the House of Assembly that the Commission's report was "part of the Government's theme that it is right and the rest of the world is wrong", and the reasons for its establishment had been the Government's opposition to "the concept of freedom of expression". She added: "There is nothing more calculated than this to make us the laughing stock of the civilised world." Dr. Jan Steytler, leader of the Progressive Party, stated: "The entire report of the Press Commission is based upon the premise that White supremacy is sacred." Sir de Villiers Graaff, leader of the United Party, stated that the recommendation to establish a press council should be rejected. In addition, the report provoked wide-spread condemnation from the South African press.^{55/}

52/ Cape Times, 3 April 1964.

53/ Cape Times, 28 April 1964.

54/ New York Times, 12 May 1964.

55/ Reuters, 12 May 1964.

On 14 May the International Press Institute, Zurich, described the proposals as "a step toward the political control of the press". It said the proposed press council would:

"not be a safeguard of the freedom of the press but an infringement of that freedom. The compulsory registration of journalists would constitute a permanent threat to their livelihood and freedom of operation. Such a measure would seriously interfere with the flow of uncensored news ..." 56/

56/ New York Times, 15 May 1964.

V. MILITARY BUILD-UP AND TRENDS TOWARDS VIOLENT CONFLICT

As indicated in previous reports, the expansion of military and police forces and the ruthless repression of the opponents of the policies of apartheid have increased the danger of a violent conflict in South Africa. The main developments in this connexion since the last report of the Special Committee are reviewed below.

1. Build-up of military forces

In its last report the Special Committee noted the introduction of the record defence budget totalling 210 million rand or \$294 million.^{57/}

In justification of the increase in the budget, the Minister of Finance, Dr. T.E. Donges, stated in late March that it was intended to ensure South Africa's continued stability. The prevailing international situation and the attitude of certain African States made it necessary to strengthen the Republic's defences.^{58/}

Reference may also be made in this connexion to the statement of the Minister of Foreign Affairs, Dr. H. Muller, in late April 1964: "All countries with Black and White citizens have racial problems ... Nobody will be investing here if they believe the Whites are losing control."^{59/}

The South African Government appears to be particularly anxious to acquire a fleet of warships.

In March 1964, Rear Admiral H.H. Bierman, Chief of Naval Staff, commissioned a new anti-submarine frigate, the President Pretorius, built at a cost of 8 million rand in Portsmouth, England. It is to be delivered to South Africa later in 1964.^{60/}

South Africa has also commissioned two refitted destroyers, the Simon van der Stel and the Jan van Riebeeck. It is expanding dockyard facilities at Simonstown for the Republic's war fleet.^{61/}

The Government is reported to be seeking to purchase at least three submarines from the United Kingdom.

^{57/} A/5692-S/5621, annex II.

^{58/} South African Digest, 3 April 1964.

^{59/} South African Digest, 1 May 1964.

^{60/} South African Digest, 26 March and 17 April 1964. The Government had earlier taken delivery of three new frigates.

^{61/} South African Digest, 3 April 1964.

Press reports indicate that the South African Government intends to call 16,527 whites, the equivalent of an infantry division, for military induction by December 1964, and to have 145,000 men under arms by the end of the year. The New York Times stated: "In effect, one of every two White males in the country who reaches the age of 17 this year will be drafted."^{62/}

On 26 April 1964 press reports indicated that the Government had drawn up a "master plan for civil defence" in the event of riots and war. The plan would provide for reception centres for civilians, hospital facilities and the concentration of rescue workers at points near "target areas."^{63/}

2. Trends towards violent conflict

The grave danger of violent conflict between the forces of the Government and the non-white victims of repression has been underlined by the "Rivonia trial" now in progress in Pretoria.

The accused, who include some of the most prominent leaders of the non-White population of South Africa, have not denied that they had planned sabotage as the only way to end racial domination, and have emphasized that violence had become inevitable. Mr. Nelson Mandela, giving evidence in his defence, stated on 20 April 1964:

"I do not, however, deny that I planned sabotage. I did not plan it in a spirit of recklessness, nor because I have any love of violence. I planned it as a result of a calm and sober assessment of the political situation that had arisen after many years of tyranny, exploitation and oppression of my people by the Whites ...

"Firstly, we believed that as a result of Government policy, violence by the African people had become inevitable, and that unless responsible leadership was given to canalise and control the feelings of our people, there would be outbreaks of terrorism which would produce an intensity of bitterness and hostility between the various races of this country which is not produced even by war. Secondly, we felt that without violence there would be no way open to the African people to succeed in their struggle against the principle

^{62/} New York Times, 26 March 1964.

^{63/} Sunday Times, Johannesburg, 26 April 1964.

of White supremacy. All lawful modes of expressing opposition to this principle had been closed by legislation, and we were placed in a position in which we had either to accept a permanent state of inferiority, or to defy the Government. We chose to defy the law. We first broke the law in a way which avoided any recourse to violence; when this form was legislated against, and when the Government resorted to a show of force to crush opposition to its policies, only then did we decide to answer violence with violence.

"But the violence which we chose to adopt was not terrorism. We who formed Umkonto were all members of the African National Congress, and had behind us the ANC tradition of non-violence and negotiation as a means of solving political disputes. We believed that South Africa belonged to all the people who lived in it, and not to one group, be it Black or White. We did not want an inter-racial war, and tried to avoid it to the last minute ... The hard facts were that fifty years of non-violence had brought the African people nothing but more and more repressive legislation, and fewer rights. It may not be easy for this Court to understand, but it is a fact that for a long time the people had been talking of violence - of the day when they would fight the White man and win back their country, and we, the leaders of the African National Congress, had nevertheless always prevailed upon them to avoid violence and to pursue peaceful methods. When some of us discussed this in May and June of 1961, it could not be denied that our policy to achieve a non-racial state by non-violence had achieved nothing, and that our followers were beginning to lose confidence in this policy and were developing disturbing ideas of terrorism ...

"At the beginning of June 1961, after a long and anxious assessment of the South African situation, I, and some colleagues, came to the conclusion that as violence in this country was inevitable, it would be unrealistic and wrong for African leaders to continue preaching peace and non-violence at a time when the Government met our peaceful demands with force.

"This conclusion was not easily arrived at. It was only when all else had failed, when all channels of peaceful protest had been barred to us, that the decision was made to embark on violent forms of political struggle, and to form Umkonto We Sizwe. We did so not because we desired such a course, but solely because the Government had left us with no other choice ...

"We felt that the country was drifting towards a civil war in which Blacks and Whites would fight each other. We viewed the situation with alarm. Civil war could mean the destruction of what the ANC stood for; with civil war racial peace would be more difficult than ever to achieve." 64/

Mr. Walter Sisulu and other defendants in the "Rivonia trial" made similar statements.

ANNEX II

REPORT OF THE DELEGATION OF THE SPECIAL COMMITTEE ON THE
POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC
OF SOUTH AFRICA ON THE INTERNATIONAL CONFERENCE ON ECONOMIC
SANCTIONS AGAINST SOUTH AFRICA, LONDON, 14-17 APRIL 1964*

* Previously issued under the symbol A/AC.115/L.68.

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I. INTRODUCTION

1. On 3 April 1964, the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa decided to send a delegation, consisting of its officers and its Sub-Committee, to attend as observers the International Conference on Economic Sanctions against South Africa, held in London from 14 to 17 April.

2. In accordance with this decision, the following members attended the Conference:

Chairman: Mr. Diallo Telli (Guinea)

Rapporteur: Mr. Ram C. Malhotra (Nepal)

Chairman of the Sub-Committee: Mr. E.C. Anyaoku (Nigeria)

Members of the Sub-Committee: Mr. Joseph B. Phillips (Ghana)

Mr. Virgilio Mañagas (Philippines)

3. The delegation as a whole attended the Plenary sessions on 14 and 17 April, and divided itself into three teams to attend the closed meetings of the Commissions on 15 and 16 April.

4. The delegation has the honour to submit herewith a brief review of the Conference, taking into account the expert papers submitted to the Conference, the discussions in the Commissions and in Plenary, and the conclusions reached by the Conference.

5. The delegation was impressed by the wide-spread conviction at the Conference that the situation in South Africa constitutes a grave threat to international peace and security and that the United Nations has a key role to play in the imposition of effective economic sanctions against South Africa and in all efforts to resolve the South African situation. The participants were, however, conscious that United Nations resolutions over many years have not been effective largely because of the unwillingness of some States which maintain close relations with South Africa to join in collective measures. Their main concern was the search for ways and means to persuade these States to take effective action for the fulfillment of United Nations objectives in South Africa. The conclusions of the Conference merit serious attention by the United Nations organs as the developments on this question affect the prestige and authority of the Organization.

6. The delegation was happy to note that the work of the Special Committee was widely known among the delegates to the Conference and regarded as a useful contribution to the common efforts to resolve the situation in South Africa.

7. The delegation wishes to take this opportunity to express its sincere appreciation to Mr. Ronald Segal, Convener of the Conference, and to his associates, for their unfailing courtesy and their valuable assistance.

II. ORGANIZATION OF THE CONFERENCE

8. The International Conference on Economic Sanctions against South Africa was called as a result of the initiative of the Anti-Apartheid Movement, London. Mr. Ronald Segal, a South African writer now in exile, was the Convener.
9. The Conference had as its patrons the Chiefs of State of Algeria, Ethiopia, Ghana, Guinea, Liberia, Senegal, Tanganyika and Tunisia, and the Heads of Government of India, Kenya and Malaysia. The sponsors included a large number of distinguished scholars and prominent personalities from Argentina, Belgium, Canada, Colombia, Denmark, France, Iceland, Ireland, Italy, Japan, Norway, Poland, Sweden, Tanganyika, the Union of Soviet Socialist Republics, the United Kingdom and the United States.
10. The Conference was held at Friends House, London, under the chairmanship of Mr. Mongi Slim, Foreign Minister of Tunisia. It was attended by official delegations, representing Governments or ruling parties of twenty-nine countries, including twenty-seven Member States of the United Nations,^{1/} as well as representatives of organizations and individuals from a number of other countries.
11. The purpose and significance of the Conference were described by the Chairman in his opening speech in which he noted that despite the numerous resolutions adopted by the United Nations organs:

"The South African Government persists in following the criminal path it has chosen.

"Taking an objective view, and setting aside our legitimate feelings of disgust that this attitude arouses, we can justifiably conclude that the South African Government has placed itself despite repeated warnings outside the human family. In time humanity will arrive at the logical conclusions about this situation, starting with the economic sphere.

"History, as well as the actual state of the world prove conclusively that Governments as well as political regimes base their strength and even their existence in their economy and its development. It is therefore in the economic sphere that one should look for the best means of reacting on the

^{1/} Algeria, Bulgaria, Cameroon, Congo (Leopoldville), Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Kenya, Liberia, Libya, Malaysia, Morocco, Norway, Pakistan, Poland, Senegal, Sierra Leone, Sudan, Tanganyika, Tunisia, Union of Soviet Socialist Republics, Yugoslavia and Zanzibar.

South African Government in order to bring it to a better understanding and respect for the inalienable human rights, the dignity of liberty equal for all without distinction of colour or race. It is the study of the means for applying efficient economic sanctions that we should turn objectively, overcoming our feelings and passions.

"This Conference is, therefore, of great importance. It is important owing to the quality, number and diversity of the tendencies of its participants. It is also important owing to the nature of the problems under discussion for whose solution the Conference must arrive at conclusions capable of affecting in the right way the decisions of the appropriate agencies with respect to positive economic sanctions against the South African Government.

"The hesitation and doubt expressed by certain countries about the possibility, usefulness and efficiency of such sanctions have unfortunately encouraged indirectly the Government of Pretoria to continue its policy of apartheid. By a serious and objective discussion our Conference must dispel these doubts and provide an irrefutable proof of the possibility, efficiency and necessity of resorting to such sanctions.

"The fact that this Conference is held in London is for us of special significance. The British people and particularly the present generation will not forget the catastrophic consequences to the world of the failure of the British Government's attempt to impose economic and other sanctions in 1936 against fascist Italy for its aggression in Ethiopia. It cannot be forgotten that it was the resistance, the hesitations then displayed by certain countries for imposing such sanctions, that encouraged the subsequent aggression by other European countries, which finally led to the Second World War.

"It is therefore important that this Conference held in London should arrive at decisive and concrete conclusions which would clearly show that sanctions against the South African Government are an obvious and efficient measure in order to make it give up, definitely, its racist policy."

12. The Conference began with two Plenary sessions on 14 April. The opening speech of the Chairman was followed by the reading of messages; the address by H.E.M. Diallo Telli, Chairman of the Special Committee and of its delegation to the Conference, and the presentation of a paper by Per Hakkerup, Foreign Minister of Denmark. The Chairman of the Special Committee, in greeting the Conference, described the work of the Special Committee in the discharge of its mandate, and stated inter alia:

"In carrying out its mandate, the Special Committee has noted with satisfaction that many developing countries have responded in a positive manner to the recommendations of the General Assembly and the decisions of the

Security Council and have made great economic and commercial sacrifices by taking the specific steps recommended by the United Nations against the South African Government.

"Nevertheless, those sacrifices, however onerous they may have been for the countries concerned, have had only a very limited effect on the situation in South Africa because most of the important economic and trade partners of South Africa have refused to co-operate ...

"The foregoing explains the importance which the Special Committee attaches to the part played in the economy of the Republic of South Africa by foreign trade, which rests largely on exports of a limited number of products, and by investments of foreign capital, which have greatly strengthened the present regime in South Africa.

"In these two important fields, peoples, private organizations, Governments and international institutions have a real possibility of showing that they are determined peacefully to put an end to the policy of apartheid. A boycott on exports and the blocking of investments, together with an embargo on arms, would constitute the three decisive means of bringing about any peaceful change in South Africa."

13. The second meeting was devoted to the presentation and discussion of a paper "Apartheid - the Indictment" by Mr. Oliver Tambo, Deputy President of the African National Congress of South Africa.

14. The Conference was then divided into Commissions for the discussion of various aspects of the question.

Five Commissions were set up as follows:

Commission I - "Sanctions and their effect on international trade and finance." Chairman: Mr. A.Z.N. Swai, Minister for Development Planning, Tanganyika.

Commission II - "Sanctions and their effect on individual economies." Chairman: Professor V.K.R.V. Rao, member of the Indian Planning Commission.

Commission III - "The racial crisis in South Africa, its international implications and the probable effects of sanctions on South Africa." Chairman: Rt. Rev. Ambrose Reeves, former Bishop of Johannesburg.

Commission IV - "Legal and political aspects of sanctions." Chairman: Mr. Joseph Thorson, President of the Exchequer Court of Canada, and Mr. Mainza Chona, Minister of Justice of Northern Rhodesia.

Commission V - "Policing aspects of sanctions." Chairman: Mr. T.J. Mboya, Minister of Justice and Constitutional Affairs, Kenya.

Commissions I and II, however, decided to remain in joint session under the joint chairmanship of the two Chairmen. Commissions IV and V also decided to meet together under the joint chairmanship of their three chairmen.

15. The Commissions had before them a number of papers by the following well-known experts:

Economic Aspects

A. Maizels (Senior Research Officer, National Institute of Economic and Social Research, London; author of Industrial Growth and World Trade and articles on world trade): "Economic Sanctions and South Africa's Trade".

Brian Lapping (of The Guardian, with the assistance of a group of young Fabians): "Oil Sanctions against South Africa".

G.D.N. Worswick (Fellow of Magdalen College, Oxford; joint editor of The British Economy, 1945-1950 and The British Economy in the 1950's): "The Impact of Sanctions on the British Economy".

Elliot Zupnick (Associate Professor of Economics, City University of New York; author of Britain's Postwar Dollar Problem): "The Impact of Sanctions on the United States".

Roger Opie (Fellow of New College, Oxford; editor of The Pankers' Magazine; Economic Advisor, H.M. Treasury, 1958-1960): "Gold".

K.N. Raj (Professor at the Delhi School of Economics): "Sanctions and the Indian Experience".

Impact on South Africa

Colin Legum (Commonwealth correspondent of the London Observer; author of Pan-Africanism and other books on African affairs; former Johannesburg City Councillor) and Margaret Legum (economist and author on African affairs; former Lecturer in Economics and Politics, Rhodes University): "Power in South Africa".

R.M. Bostock (Research Fellow in the Department of Political Economy, University of Edinburgh): "Sanctions and the High Commission Territories".

J.D. Marvin (former editor of the South African Financial Mail; editor of the London Investor's Chronicle): "Sanctions against South Africa: the Impact and the Aftermath".

Legal, Political and Strategic Aspects

Conference Steering Committee: "Sanctions and World Peace".

D.H.N. Johnson (Professor of International Law, University of London; Assistant Legal Adviser, British Foreign Office, 1950-1953; Senior Legal Officer, Office of Legal Affairs, United Nations, 1956-1957): "Sanctions against South Africa? The Legal Aspect".

Peter Colvocoressi (Chairman, the Africa Bureau; Council Member of the Royal Institute of International Affairs and the Institute for Strategic Studies; author of World Order and New States and other books on international affairs): "The Politics of Sanctions: The League and the United Nations".

William F. Gutteridge (Head of Department of Languages and Social Science, Lanchester College of Technology, Coventry; Senior Lecturer in Modern Subjects, R.M.A. Sandhurst, 1949-1963; author of Armed Forces in New States; Nuffield Travelling Fellow in Africa, 1960-1961): "The Strategic Implications of Sanctions against South Africa".

Neville Brown (of the Institute for Strategic Studies): "The Strategic Situation".

Rosalyn Higgins (International lawyer, Royal Institute of International Affairs; United Kingdom intern, United Nations, 1958; Commonwealth Fund Fellow, Yale Law School, 1959-1961; Junior Fellow in International Studies, London School of Economics, 1961-1963; author of The Development of International Law in the Political Organs of the United Nations): "International Action and Domestic Jurisdiction".

16. On 17 April, the three reports of the Commissions were submitted to the Plenary session and adopted.

17. Before closing, the Conference adopted the following resolution:

"The Conference charges the Steering Committee to convey to all Heads of State and specialist international, national and other organizations the urgency of acting upon the resolutions and decisions of the Conference and to urge any appropriate action. It further charges the Steering Committee to bring to the notice of the Organization of African Unity the urgent need for setting up a permanent commission to pursue energetically the ends of economic sanctions."

III. THE THREAT TO INTERNATIONAL PEACE AND SECURITY

18. Underlying all the discussions at the Conference was the common recognition of the enormous dangers posed by the continued imposition of the policies of apartheid in South Africa, and the need for urgent and effective action to eliminate the system of apartheid. The Conference devoted much attention to the political, economic and legal grounds for international action against the Government of South Africa and to the appropriate measures to be taken.

19. The general consensus at the Conference was that international action is justified and urgently required because the situation in South Africa is leading to a conflict and constitutes a grave threat to international peace and security.

20. Mr. Colin Legum and Mrs. Margaret Legum, well-known writers on African affairs, pointed out in their paper that as the Government used coercive laws, reinforced by the police and the army, to prevent effective mobilization of African power for non-violent action, and greatly increased police and defence expenditures, African nationalism grew more militant and began to use new weapons.

"Thus both sides are now speaking the language of violence. Both urge their supporters that violence cannot be shirked. The seeds of racialism have begun to bear fruit. In such a situation it is vain to hope that the conflict will not produce a race war. The political dynamic inside the country can lead in one direction only.

"Neither side can win without active help from outside. The White government hopes to persuade the West that it deserves support to make 'Separate Development' work. The Africans look to the independent African States and to international opinion to sustain them in their struggle. The result is predictable - a race war into which outside Powers will inevitably be drawn."

21. The fact that the threat of conflict arises largely from internal acts of the Government, it was generally agreed, does not preclude international remedial action. Dr. Rosalyn Higgins pointed out in the paper on "International Action and Domestic Jurisdiction":

"There may be a stage at which the internal acts of a government become so provocative as to be tantamount to a threat to the peace. The precedent of the Nuremberg Tribunal indicates, for example, that the killing of German Jews in concentration camps was not to be regarded as matter solely for German concern and jurisdiction. The continued development of the law in this

direction since 1946 confirms that, where persons of one racial group are being ill-treated, governments of the same race in adjoining countries have a genuine legal interest. What is less certain, however, is whether this interest is more than an ex poste facto right of jurisdiction in a Court of law, or whether it is a valid legal basis for intervention. The case for the latter interpretation is, of course, stronger if the intervention is under the auspices of the United Nations."

22. The threat to the peace of Africa created by the South African situation was also elaborated by the Conference Steering Committee in the paper on "Sanctions and World Peace":

"The South African question assumes particular importance in the context of Africa, for at least three reasons.

"First, the regime of white supremacy and apartheid in South Africa is regarded by the rest of Africa as an extreme manifestation of colonialism: a centre of counter-revolution and reaction whose aims are seen as the preservation of an order wholly in conflict with and antagonistic to the great changes that have swept the continent in the past decade. ...

"Secondly, the extreme forms which racialism take in South Africa are regarded by the African people as standing insults to their dignity and a provocation to their pride and national self-respect. No African government can ignore this, nor the fact that its people are inflamed by South Africa's defiant pursuit of apartheid. This agitation has become a source of all-African discontent which compels every African State, as a matter of national self-interest, to pursue a direct anti-South African policy.

"Thirdly, the South African question has now become considerably more serious and direct for the independent African States as a result of the formidable programme of militarization that South Africa has undertaken in recent years. This programme introduces a new factor into the international character of the South Africa problem. It not only reinforces the belief that the Government of the Republic is prepared to use the force of arms in order to maintain apartheid, but by the very nature of the armaments being acquired, threatens the safety of the independent States of Africa. ...

"The South African arms build-up envisages not only the development of a considerable defence posture. It includes the creation of a force capable of large-scale offensive operations, employing weapons and aircraft of considerable range to bring countries in a wide arc stretching from Ghana to Somalia within its firing power. Some Western countries, particularly Britain, have claimed interests of strategy in South Africa and link these interests with their supply of arms and equipment to the South African Government. In this way the general war danger is being introduced into the continent, greatly adding to the security problems of the independent African States. A new and far-reaching imbalance in armaments and military

power has developed in the continent as a result of the South African military build-up. This is a new and serious source of disturbance which exposes the African States to demands for redressing the balance and hence for a diversion of their scarce resources into a costly arms race. ...

"These African reactions portend a conflict with strong racial implications, carrying enormous consequences for world peace."

23. The paper added that the situation "carries with it the seeds of a most dangerous conflict - a race war, which may spread throughout the world". It further noted that

"The South African question has contributed to the deterioration of relations between third States. The meeting of Foreign Ministers of the member countries of the Organization of African Unity, held in Lagos recently, decided to recommend to the African member States to withdraw overflight and transit facilities from all aircraft and vessels, irrespective of nationality, which fly between South Africa and countries abroad. And in other ways, the attitude and policies of several Western countries towards the South African question have influenced and disturbed their relations with the emergent nations and peoples of Africa. This is a further source of tension in international relations."

24. Several experts expressed the view that the determination of the threat to international peace and a decision to apply coercive measures such as sanctions were primarily political decisions.

25. Mr. Peter Calvo-coressi stated in his paper on "The Politics of Sanctions: The League and the U.N.", that a "threat to the peace" is not necessarily an act but a "state of affairs". Under the Charter, the Security Council is competent to consider the facts and declare whether any of the circumstances envisaged by Article 39 had arisen. Once the Security Council has pronounced itself under Article 39, no Member of the United Nations may question its conclusions or legitimately abstract itself from the consequences.

"The application of sanctions in any particular case involves a politico-economic decision within a legal framework."

26. Professor D.H.N. Johnson stated in his paper on "Sanctions Against South Africa: The Legal Aspect":

"... it must be realized that any decision to apply sanctions against South Africa would be a political decision. All that a lawyer can do is to set out the underlying legal principles and to indicate how the decision to apply sanctions, if such decision were taken on political grounds, could not merely be kept within the law but could also be implemented in such a way as best to promote the rule of law."

27. Professor Johnson added:

"... a threat to the peace and a 'breach of the peace' must be judged objectively. Parties are not allowed to say that a 'threat to the peace' exists merely because they disapprove of another State's conduct. Nor, however, is a party allowed to say that no 'threat to the peace' exists merely because the question turns on domestic issues and such threats to international peace as do exist are not his responsibility but are fomented from outside by his critics and opponents."

28. A detailed discussion of this question of the threat to the peace took place in the Commissions of the Conference with the participation of many noted legal and political experts. The relevant parts of the reports of the Commissions, adopted by the Conference, are reproduced below.

29. The report of Commission III stated:

"South Africa today is in a state of crisis. Power is in the hands of the Government which is ruling without the authority of the people, and which is waging what amounts to war on all those who oppose the policy of apartheid. This policy involves for the Africans, Coloureds and Indians removal from their homes, separation from their families, denial of opportunities for advancement, participation in the Government and basic human rights. Faced with the growing opposition of the people the Government has introduced savage laws which fall on all opponents of apartheid, Black and White. For years the great mass of the people struggled to win equal rights for all, first by normal constitutional means and later by non-violent protest. Denied all legal methods of struggle and subjected to increasing restrictions on their political actions and on their freedom of movement they have turned as a last resort to violence as their only means of redress. They are faced with a ruthless Government which is able to draw support from its main trading partners. The prospect therefore is increasing violence and bloodshed at a cost which the world cannot contemplate.

"Further there is every likelihood of this internal conflict spreading beyond the borders of the Republic. There is an imminent danger that this would involve the rest of the continent of Africa and possibly beyond and might lead to a global war."

30. The joint report of Commissions IV and V, in which this matter was discussed in greater detail, stated:

"The Legal and Political Commission of the Conference deliberated at length on the question: Is the South African situation a threat to peace, a state of affairs in which the United Nations must be prevailed upon to apply economic sanctions against South Africa?"

"The Commission has unanimously and without reservation come to the conclusion that the policies of the present South African Government do constitute a most serious threat to the peace, and an ever more dangerous one.

"Apartheid is a form of government which denies to the vast majority of South Africans the most elementary human rights; it violates the United Nations Charter, the Universal Declaration of Human Rights, and all civilized precepts of government; it flies in the face of international standards and fundamental freedoms.

"Apartheid is a form of colonialism which has used race discrimination and armed suppression against its people in order to entrench White minority rule and to prevent the right of national groups - which constitute the majority in the country - to participate in the government and to determine their own future.

"Above all it is vital to note that the apartheid system is a tyranny that is especially inflammatory because it is a racial form and this race rule - unique in the world in its brutality and rigidity and official enforcement - is a threat to peace by its very existence.

"The minority government of apartheid clings to power by the use of force and violence against the South African people and recent years have seen bitter offensives launched by a greatly strengthened police state to crush organizations and forces in the country that campaign for human rights and opportunities. The South African Government has refused to veer from its path of rule by force; it resolutely refuses to recognize or negotiate with the representatives and leaders of the persecuted majority; it has rejected every opportunity for a peaceful and negotiated solution to the country's problems; and in the present series of political trials, chief among them the Rivonia Trial, it seeks to incarcerate indefinitely or even bring to death the spokesmen of the people who have led them in their fight for equality and fundamental freedoms.

"South Africa's racial policies are a continual threat to peace within her own borders.

"By its seizure and misrule of South West Africa, the South African Government has persistently and deliberately failed to fulfil its international obligations in the administration of the mandated territory. It has thereby, by flagrant defiance of United Nations resolutions over the past seventeen years, created a crisis for the international community where the time is long overdue for action to save this territory from South Africa's misrule. Even in the face of the most unanimous condemnation of the world South Africa continues to press forward with the intensification of apartheid in this territory as planned by the Odendaal Commission.

"South Africa's economic involvement in other territories, notably the Protectorates, the Rhodesias and the Portuguese colonies of Mozambique and

Angola, buttresses colonial race rule in half a dozen countries and threatens the whole of the southern portion of the continent with the consequences of her bellicose race policies.

"Above all, South Africa's race rule is an ever present incitement to the rest of Africa where oppression of the African people on the grounds of race is a cause of the most intense provocation. South Africa is seen by independent Africa to be not only an extreme manifestation of colonialism but also as a centre of aggression and counter-revolution that menaces the principles and practices of the new independent Africa. In the view of the African nations the continuance of colonialism and racialism in this form constitutes a menace to the peace of the continent and the world; and this is a vital factor in the foreign policies of all the independent States, cementing all-African unity and inspiring their determination to act against a force which challenges the very basis of independence for Africa.

"This Commission finds that within South Africa the apartheid government is arming against its people to maintain apartheid and an explosive unrest threatens to develop at any time from isolated acts of sabotage and resistance into prolonged armed conflict that will engulf the whole southern half of the continent. Outside South Africa independent Africa is inflamed not only by the practices of apartheid but by the evidence that South Africa's formidable programme of militarization makes the apartheid state a belligerent threat to the peace of the continent."

31. The joint report added that the South African Government had been able to flout recent resolutions of the Security Council by taking advantage of weakness in their wording, "a weakness which is due to the reluctance of three of the permanent members of the Security Council, the United States, the United Kingdom and France, to envisage enforcement measures against South Africa".

"If the resolution had defined the situation in South Africa as being a threat to the peace in the words of the Charter then the question of enforcement measures would automatically have arisen in the case of defiance by South Africa of the Security Council's resolution. As on the insistence of the Powers named, these key words were not used - being replaced by the rhetorically stronger, but effectively weaker form 'seriously disturbing international peace and security', South Africa has been able to defy this resolution of the United Nations like all the others with continued impunity.

"This situation is humiliating for the United Nations and damaging to the prospects of a strengthened world order. By refusing to recognize the existence of the real and serious threat to world peace which is constituted by the South African situation, the Security Council is allowing this threat to develop to even more dangerous proportions. Responsibility for this situation rests primarily on the Governments of the three countries named and

secondly on public opinion in these countries which has not yet been sufficiently awakened to the danger the South African system of government represents to international peace and security."

32. On the question of the threat to the peace, the joint report concluded:

"The determination of the existence of a threat to peace is not, in itself a legal question but a question of fact subject to political assessment.

"The Commission is of the opinion that the South African situation does constitute a threat to peace and that the reasons why the Security Council has not recognized it as such are political reasons stemming from the reluctance of certain Powers, having close relations with South Africa, to undertake or support sanctions of any kind.

"It is sometimes argued, on behalf of these Powers and by others, that the South African situation cannot be considered a threat to the peace within the meaning of the Charter because the danger to international peace arises exclusively, it is claimed, from the possible intent of African and other adversaries of South Africa's internal policies. In the Commission's view this opinion cannot be sustained. The threat to the peace arises in the first instance from the policies and practices which the South African Government imposes by the threat and use of force on the majority of the population over which it has control. The populations of the other States in Africa know that these policies are directed against Africans as such, although the regime can make them effective only against the population within its borders.

"All peoples neighbouring on a State which systematically oppresses people like them and which refuses to negotiate about, or even to discuss, its oppressive policies are bound to resent this situation intensively and, if all other recourse is exhausted, to consider military means.

"It would be perverse either to ignore the threat to the peace which this constitutes or to claim that this derives primarily from the policies of the neighbouring countries. The primary threat to the peace is constituted by the South African Government's use of force against the majority of its own population. Secondary threats to the peace come from the massive build-up of South African armed forces, which menaces the independent countries of Africa, and from the hostile reaction of the African population within and beyond the borders of South Africa.

"If the South African Government can be induced to abandon its policies of racial oppression imposed by force then no threat will arise from beyond its borders.

"Those who are concerned about this threat to the peace must therefore seek by all effective means to induce the Government of South Africa to abandon these practices."

IV. THE CASE FOR ECONOMIC SANCTIONS

33. The arguments for the application of economic sanctions against South Africa as the only effective peaceful means of resolving the South African situation have often been stated in the United Nations organs, and have resulted in General Assembly resolution 1761 (XVII) of 6 November 1962. We need, therefore, refer only briefly to some of the relevant contributions at the Conference.

34. Mr. Duma Nokwe, Secretary-General of the African National Congress of South Africa, stated in his message to the Conference:

"Economic Sanctions against South Africa can reduce the price in human lives which has to be paid in struggle against apartheid. We hope Conference will reinforce demand of people of South Africa."

35. The Organization of African Unity declared in its message to the Conference:

"We agree that an effective way to break the backbone of apartheid in South Africa is by measures of economic sanctions, for apartheid is a system based on economic privileges and exploitation. We should expect the international community to go beyond manifestations of moral indignation and have the courage of its convictions by taking measures of self-defence against the assault perpetrated by the South African Government on universal values. We cannot agree with those who say that economic sanctions will only add misery to the unfortunate victims of apartheid. To these we say - what more suffering could there be than under apartheid? And the victims themselves are demanding precisely such measures."

36. The report of Commission III stated:

"... the Commission is convinced that the world has a duty to intervene in order both to help break the deadlock within South Africa and also to bring about the conditions necessary for social change with the minimum cost in terms of human life and suffering. The only effective means, short of military intervention, is economic sanctions. These must be swift and total. To achieve this it is necessary that all States should co-operate in enforcing such sanctions."

37. The joint report of Commissions IV and V stated:

"Intermediary between moral suasion which has failed and military means which should be used only in the last resort, are a number of sanctions and measures holding varying prospects of success. It is the Commission's considered opinion that all methods in this range holding prospects of even limited success should be tried. ... Economic and other sanctions constitute however, the only peaceful option available and it is clear for that reason

that they must be given a trial. The sole hope of ending the apartheid system in South Africa without the use of force lies in the determined and united application by the world community of effective economic sanctions and political measures associated with such sanctions."

38. The argument that economic sanctions are not desirable as they may harm the non-white people of South Africa and consolidate the Whites in an even more uncompromising position were rejected at the Conference. The report of Commission III stated:

"The effects of sanctions would fall on all the people of South Africa. Africans are used to privation and are prepared for more. It is they who have repeatedly asked for sanctions because they believe that if the Government is deprived of outside assistance it would be easier for them to achieve their objectives. We believe that the majority of the Indians and Coloureds stand by the Africans in this. It is frequently argued that sanctions would consolidate the whites behind the present South African Government. It is our conviction that total sanctions would have a profound effect on the white minority. They would rapidly be involved in discomfort, inconvenience and hardships of varying degrees. Further they would be faced with imminent disaster. This would compel many of the more reactionary to re-think their position and would create conditions in which the more liberal elements would be encouraged to come out more openly against apartheid. There were signs of this happening after Sharpeville and indeed at each crisis under Nationalist rule since the Defiance Campaign but the cracks were papered over; the crisis was not big enough and there was not sufficient pressure from outside. Furthermore we believe that sanctions will be an encouragement to the people of South Africa in their struggle. It would be unrealistic to suppose that violence can be avoided, but it seems probable that in these circumstances it will be far less than in the prolonged brutal and civil strife which we would otherwise foresee."

39. The objectives of economic sanctions were defined as follows in the reports of the Commissions:

"It was agreed that the object of economic sanctions was to produce a sufficient breakdown in the operation of the South African economy to create a situation in which apartheid would be brought to an end." (Joint report of Commissions I and II).

"... complete trade sanctions provide the only effective means of intervention short of military intervention ... the aim of sanctions is to remove economic support from apartheid so that the people of South Africa can bring about change ... prevented from involving the whole continent and beyond ...

"The aim of sanctions is to help bring about conditions in which the people of South Africa can establish a non-racial democracy. The constitution of such a democracy must be worked out by the people of South Africa themselves." (Report of Commission III).

"Certainly hopes expressed by many in the past about the spontaneous development of some kind of liberal force in South Africa proved wholly without foundation. It may however be more reasonable to consider the possibility that business interests in South Africa, and associated with South Africa, may come to see the need for political change if it becomes evident that world opinion on this matter is seriously determined and will not be content, as in the past, with lip service to liberal ideas about South Africa." (Joint report of Commissions IV and V).

Vulnerability of South African economy

40. Several papers dealt with the vulnerability of South Africa to total or selective economic sanctions.

41. Mr. A. Maizels, Senior Research Officer of the National Institute of Economic and Social Research, London, in his paper on "Economic Sanctions and South Africa's Trade", stated:

"Exports account for about one-quarter of South Africa's gross domestic product, and imports for one-fifth. These proportions are large enough for severe damage to be done to the functioning of the South African economy against the whole of her foreign trade. ...

"Imports are heavily weighted by capital goods items, textiles, petroleum and chemicals; exports by gold, wool, uranium, fruit and vegetables and diamonds. Economic sanctions would thus result directly in a large proportion proportionate cut in supplies of capital equipment, and would also most probably bring the great part of South African industry to a stand-still for lack of materials and components. The gold mining industry, which is virtually self-sufficient in materials, could carry on production, but this would be pointless if South Africa could find no buyers for its gold abroad. ...

"It would be possible to apply sanctions to particular commodities, as an alternative to a general trade embargo. The advantage of a 'selective' type of sanctions would be considerable economic dislocation in the South African economy with a minimum of disturbance of traditional trading channels. It would, moreover, face the South African Government with an urgent alternative of either negotiating with the United Nations (with the possibility of further sanctions in the background), or of imposing a complete reshaping of their economy, with an inevitable drastic cut in the standard of living. The fact that the sanctions were limited to a small number of commodities, and would still allow South Africa to trade in world markets on a considerable scale, might well encourage an atmosphere in which fruitful negotiations could begin.

"Objections to a limited programme of sanctions of this type might be that it would be more burdensome, or more difficult, to police effectively than would a complete embargo on trade with South Africa, and that it is not likely to be as effective. However, a limited programme could be given a time limit within which negotiations should start; if they do not, the full range of sanctions could then be applied.

"Such a minimum programme of trade sanctions would consist of an embargo on exports to South Africa of capital equipment and petroleum, together with an embargo on purchases of South African gold. The effect on the South African economy of withholding supplies of capital equipment from abroad, including spares for maintenance of existing equipment, has already been indicated.

"South Africa is even more dependent on imports for her supplies of petroleum than she is for capital equipment. In recent years, almost all her petroleum has been imported, mainly in refined form, the state-owned SASOL Corporation's output from its oil-from-coal plant being only about .25 million tons a year. Total consumption in 1962 was 3.5 million tons, and is growing fairly steadily at 5 per cent a year; at this rate, import requirements by 1970 would amount to over 5 million tons, unless home output is expanded.

"Apart from the probability of an extension of output by SASOL, there remains the possibility of a large-scale oil strike within South Africa. Exploration leases have already been issued (mainly to a consortium of US, British, French and West German companies) covering 300 thousand square miles in Natal, the Orange Free State and Cape Province. Exploration is also being pressed forward in South West Africa. Nonetheless, a dramatic change in South Africa's dependence on imported petroleum is unlikely, at least for the remainder of this decade, during which the South African economy will be vulnerable to an embargo on its foreign petroleum supplies."

42. Mr. Maizels concluded:

"Several main conclusions can reasonably be drawn from this review of the character of South Africa's foreign trade. First, the South African economy is a relatively 'open' one, in the sense that foreign trade plays a major role in economic growth, both by providing growing markets for South African produce, and by providing the industrial materials, fuel and capital equipment on which that growth has fed. Second, the concentration of South African foreign trade on a limited number of industrialized countries implies that no attempt by the United Nations to impose sanctions on South Africa could succeed without the full agreement and participation of these countries, among which Britain and the United States are the most important. Third, sanctions limited to a few 'key' commodities (petroleum, capital equipment and gold) would have severe adverse repercussions on the South African economy, without putting that economy under 'siege' conditions. Fourth, some form of policing of trade with countries not conforming with a general United Nations sanctions scheme would have to be instituted to prevent any substantial evasion by way of trade diversion.

"Finally, the countries imposing sanctions would suffer an economic loss, since they would have to switch their trade to less profitable markets, or buy from more expensive sources of supply. Such losses would, however, be marginal for most countries, and there seems little case for proposing a special scheme of compensation from international funds, particularly as the majority of countries likely to be most affected (relatively to their total trade) have already banned trade with South Africa. If one assumes that Southern Rhodesia and Portugal (together with Mozambique) under their present regimes, would not comply with a United Nations request for sanctions, then there would be very few countries indeed (Mauritius might be one), for which the imposition of sanctions might involve any appreciable loss. In the absence of an international compensation scheme, such countries might well decide not to invoke sanctions on their trade with South Africa. Such a decision would not, however, significantly reduce the effectiveness of a uniformly-applied system of sanctions by the main industrial countries under the authority of the United Nations."

43. Brian Lapping dealt in further detail with the question of selective sanctions in his paper on "oil Sanctions against South Africa". He noted that South Africa is less dependent on oil than most industrialized countries as oil provides only about 10 per cent of its fuel consumption and as it has enormous coal reserves. He described the probable effects of oil embargo as follows:

"Roughly half the oil consumed in South Africa is in the form of petrol, which is mainly for the propulsion of private cars. These are the normal means of transportation of the White population, and the South African government is proud of the Republic's high car ownership. When the effects of an oil embargo begin to be felt, the inevitable petrol rationing for motor cars will strike at one of the props of the White South African way of life.

"Even more, however, it will strike at agriculture. In 1959 there were 106,000 tractors in use, 45,000 lorries, and 80,000 other vehicles on farms in South Africa. Road transport is the farmer's normal means of contact with the railways, by which he despatches his products for sale. The white farmer's extensive holdings are substantially mechanized, and here oil is the main source of power, both for production and transport.

"Some diamond mines in South West Africa and the fishing fleet, which has been a steady source of exports based on canning in recent years, are also dependent on oil. A growing chemical industry has developed following the establishment of oil refineries in South Africa, and would be severely hit if the oil-flow stopped. Motor car assembly, which has become a large industry in South Africa, would presumably suffer, as would the complete motor car production plants which are being built by Ford, General Motors, Dyna-Panhard and the Diahatsu Kogyu Company.

"The defence forces are, of course, dependent on oil for mobility."

44. Mr. Lapping stated that SASOL, which extracts about 10 per cent of the country's present oil needs from coal, might be able to increase its production at a cost of £40 million for the machinery to satisfy every 10 per cent of the present need.

"This expenditure would have to be regarded as a pure defence cost, since at the moment SASOL does not see economic sense in increasing oil production, and has in fact slightly diminished it."

Apart from SASOL's production, all South Africa's oil comes from overseas, the bulk being imported in crude form and refined in the Republic. Increase of storage capacity for crude oil would cost roughly £600,000 for each month's supply.

45. Effectiveness of the oil embargo, Mr. Lapping added, requires the full co-operation of the many oil exporting countries which have so far not supported sanctions.

"The large oil-consuming countries, especially the United States and those in Western Europe, are the ones we need to worry about, and no party with a prospect of power in any of these countries, let alone a government, has yet made an oil embargo against South Africa part of its policy. Unless it is backed by a blockade, an embargo could be rendered ineffective if one Western Government decided not to break it, not even to encourage companies to break it, but merely to allow some trifling inefficiencies of administration occasionally to hamper the free movement of the embargo inspectors sent by the United Nations, or regularly, but always accidentally, to fail to stop sales of oil to independent businessmen, for whose subsequent use of the oil the government concerned really could not be held responsible. ... Thus it can be seen that an oil embargo requires the active co-operation of the powerful countries of the West, and probably their military support. Such co-operation will never be obtained by exhortation, but only by convincing the governments concerned that supporting an embargo is in their own national interest.

"Once the persuasion of the Western powers is accomplished, the problem of organizing the embargo will have to be faced. A blockade by ships of war off the South African coast looks like the simplest answer. If the United States and Britain are persuaded to support an embargo, why should they not lend ships to enforce it?"

46. Mr. Lapping considered an international oil-rationing scheme designed to enforce an oil embargo without the use of a military blockade, but argued that in view of the complexity and doubtful effectiveness of such a scheme, a blockade would be the only way.

47. He summarized his conclusions as follows:

"1. No embargo would be effective without the support of the United States, Britain, and other Western powers.

"2. South Africa's present oil stocks would last four to six months, at her present rate of consumption, and could probably be extended.

"3. Agriculture in South Africa would be severely affected by an oil embargo, industry much less so.

"4. An oil embargo, to have a reasonable expectation of effectiveness, would need to be enforced by a blockade."

48. The question of selective sanctions on strategic materials was also briefly referred to by William F. Gutteridge in his paper on "The Strategic Implications of Sanctions against South Africa". He stated:

"... The key materials are rubber and oil in all its forms. Synthetic and natural rubber is imported from a wide range of sources, especially the United States and Malaya: 2/ the domestic production of motor tyres and tubes is in value about five times the figure for those imported ready manufactured. The dangers of dependence on foreign raw materials are significant but could be partially offset by stockpiling, and synthetic manufacture, for which no figures are available.

"Oil is imported from the main oil producing areas and most notably from Iran which provides about £6 M of crude oil annually, as well as about £5 M of motor spirit and considerable quantities of paraffin. Oil companies in South Africa hold about two months' supply of motor spirit and three months' diesel fuel: government stocks for strategic purposes are not known. The weakness here is recognized and action with a tinge of desperation is evident in this field. Sasol, the state-owned plant which produces oil from coal now yields about 40 million gallons of petrol annually or around 10 per cent of the country's needs, and makes a minor contribution to the supply of diesel oil, is in the process of development. It is unlikely, however, that in the next fifteen years even with the considerable expansion of manufacturing capacity which is planned, this source could do more than maintain the present position with regard to oil supply....

"Thus a blockade which concentrated on oil and rubber and in particular shut off supplies from the Persian Gulf, would have a substantial chance of bringing the South African government to its knees, because it would within a matter of months, restrict internal security patrols and above all reduce the capacity of the security forces to move rapidly to meet an emergency."

2/ South African trade statistics show imports according to country of origin. Malaysia stated in the Special Committee on 12 May 1964 that while rubber imports into South Africa may have originated in Malaysia, they were not in fact directly exported from that country (A/AC.115/SR.34).

49. As regards the effect of a ban on sales of South African gold, Mr. Roger Opie stated:

"Suppose a total ban on South African gold sales was successful. The loss of income this would impose on South Africa is serious. Gold accounts for some 10 to 12.5 per cent of the Republic's gross national product, and sales of it for some half of her total exports. A complete stop to such sales would cut GNP by something like, at least, one-fifth to one-quarter fairly quickly (unless the Government or Reserve Bank financed the stockpiling of it) apart from the indirect effects of such a fall in income on the demand for and output of South African capital goods industries."

50. The Conference came to the conclusion that economic sanctions against South Africa can be effectively applied to achieve the objectives stated in paragraph 39. The Conference also decided, after discussion, to support total economic sanctions rather than selective sanctions.

V. ECONOMIC AND STRATEGIC ASPECTS OF SANCTIONS
AGAINST SOUTH AFRICA

51. Commissions I and II discussed in detail the implications of economic sanctions against South Africa both for individual countries and for the world trade and payment system as a whole. Strategic aspects of economic sanctions were considered by Commissions IV and V.

Impact of sanctions on individual countries

52. Three expert papers dealt with the impact of total economic sanctions on the major trading partners and the world payments system.

53. Professor G.D.N. Worswick, in a paper on "The Impact of Sanctions on the British Economy", dealt with the effect of total sanctions on the British economy. This paper is of particular significance as the United Kingdom accounts for nearly a third of the foreign trade of South Africa and nearly half of foreign investment income from South Africa. On the effect of a ban on exports to South Africa, Prof. Worswick stated:

"... the immediate impact on Britain of stopping all sales to South Africa will be a loss of income to owners of capital, and a reduction of income (e.g. through short-time working) for some, and a complete loss of employment for others. But this is not a permanent loss. Put the other way round, we can say that the immediate effect of the ban is to release productive resources which become available for alternative uses. Take employment: if, which is reasonable, we postulate a continuation of policies of full employment, workers made unemployed by the ban will, sooner or later, be re-employed elsewhere. An economist might argue that, in the nature of things, the alternative employment will be marginally less productive than the one it replaces. There is something in this ... But even if this 'permanent' loss were as high as 10 per cent (which is putting it high for such a relatively small shift) it would amount to something of the order of £20 million a year, which, spread over the whole population, is barely perceptible. The important losses are the transitional ones - between the loss of employment in the old occupation and picking it up again in the new one. The same applies to loss of profits from current trading."

To compensate the transitional losses, he suggested the following:

"An alternative line of approach would be to offer to under-developed countries, e.g. independent African States, a total of loans at a rate equal in value to the previous exports to South Africa. Part of these loans, however, would be 'earmarked', i.e. could only be spent on the products of

those industries most adversely affected by the South African ban. Such a scheme would go a long way towards overcoming transitional losses, and would, at the same time, have a certain political appeal."

54. Prof. Worswick then took account of the possible loss of income in the order of £60 million a year by British investors, and suggested the following means to spread the burden evenly:

"The British Government would offer to take title of all shares and bonds concerned, and pay compensation, in the form of interest-bearing British government securities. The interest on these securities could be financed during the ban by an increase in the income tax on unearned incomes. If, when the ban is over, the South African investments begin to yield again - the money will flow into the Treasury, and the U.K. taxpayer can be relieved pro tanto."

55. Considering the effect of a ban on imports from South Africa, Prof. Worswick stated that in most cases there would be no real difficulty in finding satisfactory alternative supplies. There would be some loss but it would be so wide-spread as not to call for specific amelioration.

56. Prof. Worswick concluded:

"Thus there is no simple answer to the question - what would be the effect of economic sanctions on the U.K. economy itself? If Britain acted unilaterally, and then proceeded to cope with consequential balance of payments problems by the wrong means, the outcome might mean a sacrifice of 2 1/2 per cent of national product. But if an optimal policy were followed, a combined operation of all the nations, the overall loss would be imperceptible, especially in economies which are growing at a reasonable rate. Britain's position with regard to sanctions is a strategic one. On the one hand her trade constitutes about one third of the external trade of South Africa. Thus if Britain stayed out, the effectiveness of sanctions by other countries would be significantly diminished, the more so if Britain allowed her own trade consequentially to increase. On the other hand, if Britain were to do it alone, and were obliged to cope with consequential balance of payments problems single-handed, she might run into rough water. Thus Britain, if she supports sanctions, has a strong case for asking that they should take the form of a combined U.N. operation, in which event the burden would be light."

57. Professor Elliot Zupnick submitted a paper on "The Impact of Sanctions on the United States". He concluded:

"The imposition of sanctions against the Republic of South Africa will, on balance, have a very minor impact on the American economy. The cessation of exports will result in disemployment of 50,000 workers. The

cessation of imports from the Republic will not create any serious problems, although the cost of substitutes may rise nominally. The threat that sanctions will result in the loss of foreign investment is more apparent than real, especially if the sanctions are universally applied and effectively policed. Finally, the reduction in the gold outflow from the Republic of South Africa should not be a source of difficulty and may even help bring about some long overdue reforms in the international financial mechanism".

58. The Conference also had before it a detailed paper on "Sanctions and the High Commission Territories" by Mr. R.M. Bostock. He concluded that although the three High Commission Territories would feel certain difficulties because of their special situation, they, with the support of all the African States, the United Nations and the United Kingdom, can certainly withstand an economic boycott directed against South Africa.

59. Another paper, submitted by Professor K.N. Raj of India, dealt with "Sanctions and the Indian experience". He noted that India had prohibited trade with South Africa in 1946 when that trade was considerable.

"Though the decision to sever trade relations with South Africa was motivated primarily by considerations of national self-respect and prestige, it was undoubtedly strengthened by the belief that such action could also be effective."

This ban, however, made little difference to South Africa. A number of countries acted as transit camps for re-export to South Africa of commodities imported from India. Subsequently, South Africa was able to find alternative sources.

Professor Raj concluded:

"The case for economic sanctions is obviously a political one and the factors that determine their success are also in the ultimate analysis of a political character. If all countries decide on severing trade relations with South Africa, and if action is taken more or less simultaneously, the boycott will be certainly effective. Even if all countries are not prepared to be actively involved, the boycott can be made effective provided those who join are numerous and strong enough to prevent others from taking advantage of the situation. But if a small group of countries decide to 'go it alone', it is very unlikely that sanctions can achieve their objective however large the share of South African trade enjoyed by the sanctioning countries might be now and however vital the requirement of the South African economy for their products. The loss is likely to fall more heavily on them than on the country against which the boycott is imposed This is essentially the main lesson of the Indian experience in boycotting South Africa."

60. After detailed discussion, the Conference concluded "that losses accruing to individual countries and firms as a result of the imposition of total economic sanctions were likely to be very small, compared with the losses that would accrue if South Africa exploded into a racial war."

"It was also agreed that it would be essential, in view of their strategic role in relation to trade with South Africa, that the programme of sanctions should have the active participation of the United States and the United Kingdom. But it would also be necessary for the programme to have the backing of all other important member nations in order to prevent South Africa evading the effects of the sanctions imposed by some countries by diverting its trade to others ...

"The Commission felt that it was important to look at the individual economies of Britain, the United States, West Germany, and Japan. There was some discussion about the weight that should be given to problems of Britain and the United States. But the detailed consideration of their problems arose not so much from sympathy for their difficulties as from an appreciation of two things: first, that Britain and the United States are the major opponents of sanctions; and second that the arguments about the economic consequences usually go unchallenged. The Conference, and in particular the terms of reference of the Economic Commissions, gave us a valuable opportunity to examine the arguments and to explode the myths. ...

"The Commission concluded that for the industrial countries of which the above four would be most affected, no vital national issues are at stake and these countries cannot convincingly plead economic disaster as a reason against supporting sanctions.

"In addition to the effects on national economies, the effects on individual groups were considered. It was agreed that there are two reasons, apart from political considerations, why countries like the United States and Britain are opposed to sanctions. One is the existence of important business groups in these countries having considerable interests in South Africa; the other is the fear that if sanctions were not enforced simultaneously by other competing countries like Germany, France and Japan, these business groups would lose through sanctions without the objective of sanctions being achieved. It was felt that the only effective way of overcoming the hesitations on these accounts is to make clear to all business groups in all countries that continuance of trade and business with South Africa would bring them losses far greater than their gains. Many of these business groups have larger interests in countries which have already decided to adopt economic sanctions against South Africa, than in South Africa itself. Discriminatory action against these companies could be an important and decisive factor in winning the support of their opposing governments."

Impact of sanctions on the world trade and payments system

61. Mr. Maizels, in his paper on "Economic Sanctions and South Africa's Trade", referred to above, while noting that South Africa is by far the largest gold producer in the world, stated:

"However, it is not likely that even the complete cessation of South Africa's gold sales to the rest of the world would have a serious adverse effect on the world liquidity position. At the end of 1962, the official gold reserves held by all countries outside the Soviet area totalled \$39 billion so that, assuming that about one-half of the current South African output (\$892 million in 1962) went into monetary reserves, this would represent only just over 1 per cent of the total current stock. There is always the possibility, moreover, that the loss of supplies from the world's largest producer might induce the monetary authorities in the main trading nations to improve the present monetary arrangements."

62. Mr. Roger Opie, in his paper on "Gold", dealt in detail with the impact of a ban on South African gold sales, and concluded that while a ban could severely damage the South African economy, it "need do no more than the most trifling damage to the international monetary system (and might just precipitate a much needed series of reforms therein)". He added that even a mere refusal by the central banks of the Western world to buy South African gold would harm them little but South African gold producers much.

63. On the question of the impact of sanctions on the world trade and payments system, the Conference reached the following conclusion:

"The dependence of total world trade on the South African economy ... was extremely small, and the effects on world trade of the complete disruption of economic relations between South Africa and the rest of the world would not be serious.

"It was strongly emphasized that an effective programme of sanctions would only be temporary: it would be maintained only until apartheid had been abandoned, and this would happen within a very few years, and possibly within a matter of months. It was pointed out that the financial crisis which had hit South Africa at the time of the Sharpeville massacre was an indication of the vulnerability of its economy. When apartheid had been abandoned, sanctions will be withdrawn, trade and payments between South Africa and the rest of the world would be rapidly re-established.

"It was agreed that world trade and payments would not suffer any serious effects as a result of the cessation of South African gold sales. Although South African gold production accounts for more than 70 per cent of newly mined gold outside the Soviet area, it represents a very small

annual addition to total international reserves. In view of the temporary nature of a programme of economic sanctions, the cessation of South African gold sales should do little damage to the international liquidity system. In any case the world is well aware of the need to reorganize and extend the system of international liquidity, and a cessation of South African gold sales might accelerate this process. Even under existing arrangements, it would be perfectly feasible for the appropriate United Nations agency to make credit available to offset any loss of world liquidity.

"It was also agreed that there should be no difficulty in making sufficient gold available out of Central Bank reserves to offset any tendency for the gold price to rise as a result of any increase in private hoarding. There was some discussion of the problem of distinguishing newly mined South African gold from other newly-mined gold, but it was agreed that a system of identifying South African gold would not be necessary if there was a total blockade on South African imports, since South Africa would not in that case be able to use foreign exchange that accrued from clandestine sales of gold."

Strategic aspects

64. Two papers dealt with the strategic aspects of economic sanctions.
65. Professor William F. Gutteridge, in his paper on "The Strategic Implications of Sanctions against South Africa" stated:

"Sanctions could be either total or concerned with commodities vital to the country's economy and its defence. Total sanctions are in an important sense easier to apply: a blockade in these circumstances would simply aim at the prohibition of all traffic with South Africa whether by land, sea or air. A limited procedure would involve search and would, therefore, be more tedious in its application on the various routes of entry into Southern Africa. If there were full co-operation on the part of all the members of the United Nations with the exception of Portugal then the task would be relatively simple from the military point of view, especially if the areas of Portuguese Mozambique and Angola were to be included in the blockade. If they were not then the leakage of supplies whether by land or air would be unlikely to contribute much to the alleviation of growing shortages of commodities like oil and rubber in which the South African economy is most vulnerable, though a loophole, however trivial, could be an embarrassing complication in other ways. The land frontiers with the two Portuguese territories are not conducive to free traffic of large quantities of goods and the terrain is such that they could not be rapidly developed for this purpose even if it should prove worthwhile

"A plan for economic sanctions to be successful must be accompanied by massive means of enforcement if it is not to be readily disrupted by officially unrecognized groups exploiting the situation for gain or adventure. South Africa has a negligible merchant marine and relatively few transport aircraft of her own and so would inevitably be dependent for supplies on an agglomeration of strange friends."

66. Referring to the question of a blockade to prevent supplies of oil and rubber to South Africa, Professor Gutteridge stated:

"The effectiveness of such an operation would depend upon its backers. The Republic would almost certainly have the capacity to frustrate it, if the only naval forces available were the few frigates, seaward defence boats and so on which countries like Ethiopia, Ghana, Nigeria and Senegal could contribute. Few of the smaller nations have any aircraft at all capable of the long duration flights which are necessary for ocean patrol. It might be that opinion in favour of sanctions would be so strong as to make insignificant the number of vessels available and able to convey the relevant supplies. To run the risk involved in no action, however, would be an invitation to ridicule. The alternative is a relatively full-dress operation which only powers of some military standing could organize on behalf of the United Nations. The immediate military problems of a blockade are clear enough: it is to some extent a question of whether the long-term strategic and immediate political concerns of the major powers of the West are seen to coincide sufficiently to engage them in a project which in all other respects is bound to be deemed unpalatable.

"Given such participation the necessary blockade would become a matter of organization."

67. Mr. Neville Brown, in his paper on "The Strategic Situation" stated:

"There would be little prospect of a naval patrol being effective without the collaboration of the major naval powers. The coastline of the Republic of South Africa is some 1,600 miles and vessels enter South African ports at the average rate of 40 a day. The coastline of the Portuguese Overseas Territories, which might be used to smuggle goods in, extends over an extra 1,500 miles and vessels enter Portuguese controlled ports at an average rate of 20 per day. To work an effective control system it would be necessary to have aircraft carriers on station to direct other warships towards approaching merchantmen. Four fleet carriers would probably be needed to help maintain a patrol of South Africa and seven to help maintain one of South Africa plus the Portuguese Overseas Territories. The United States keeps 26 fleet carriers in service, Britain 4, and France 3. Australia, Canada, India and the Netherlands have one each.

"The number of warships needed actually to inspect incoming merchantmen would be of the order of 25 to 50 and provision of these would be well within the capability of several nations.

"A point to note is that oil tankers are exceptionally easy to identify. Oil can of course be carried in tins or barrels in ordinary tramp ships but this mode of transit is neither safe nor convenient."

68. The Conference reached the conclusion that economic sanctions against South Africa should be total and universally enforced. They should have the support and active participation of the major trading partners of South Africa. The enforcement of sanctions would not provide a problem if such sanctions were ordered and operated by the United Nations with the support of the Great Powers.

VI. OBSTACLES TO ECONOMIC SANCTIONS

69. As indicated in the preceding sections, the general consensus of the Conference was that the situation in South Africa constitutes a threat to the peace in terms of Article 39 of the United Nations Charter; that effective international intervention is essential to avoid a grave international crisis; that the imposition of economic sanctions is the only peaceful means to deal with the situation; and that international economic sanctions are legal, feasible, and practical, and involve no insurmountable problems.

70. It was the view of the Conference that the main obstacle to economic sanctions is not the impracticability or undesirability of economic sanctions, but the attitude of various Powers.

71. The joint report of Commissions IV and V, approved by the Conference, stated:

"The main obstacle to the implementation of such a policy - the policy of a serious attempt to end the apartheid system by peaceful means - lies in the fact that three major Powers, permanent members of the Security Council have in varying degrees associations with South Africa, have shown themselves consistently reluctant to do anything that might disturb the status quo in that country. These states are the United States of America, the United Kingdom and France.

"The United Kingdom, because of its heavy economic involvement in South Africa, is unlikely to take the lead in any measures designed to bring about radical change. It is true that a change of Government in the United Kingdom might eliminate the more cynical practices of the present British Government, such as the continued sale of arms to South Africa, in defiance of the Security Council resolution. It is clear, however, from the message of the Leader of the Opposition, Mr. Harold Wilson, to this Conference that even a Labour Government would not take a lead in the use of sanctions against South Africa. While, therefore, it is desirable that the efforts of the Anti-Apartheid Movement and others concerned with enlightenment of British public opinion on this question should continue, it would not be realistic to look for a new lead from this quarter. It can however reasonably be expected that a British Labour Government would not be able to take a less progressive position on this matter than the United States. It would seem, therefore, possible that the British support for economic sanctions might be obtained if the position of the United States were to change.

"The position of the United States is in many respects the key to the problem of securing international support for the use of economic sanctions. The influence of the United States at the United Nations is such that it is inconceivable that that body could adopt sanctions without not merely the consent but the active support of the United States. It is therefore

essential that for the action which ought to follow this conference a special effort should be made to influence American opinion in the right direction ...

"As regards France, which might until recent times have been classified almost automatically as politically sympathetic to the South Africa regime, it has been suggested to the Commission that recent evolutions of France's foreign policy and France's relations with the French-speaking African states might lead to a radically new approach on France's part to the South African question. The Commission is not in a position to assess exactly what weight should be given to these reports, but it considers that the matter should be carefully explored.

"In the Commission's opinion, if the support of these three Powers can be obtained for sanctions against South Africa, then the United Nations will be certain to determine on such action and will have the necessary power at its disposal to make the programme of applying sanctions respected by the South African regime. Without such support, or at least the support of the United States, no programme of internationally applied total economic sanctions is likely to come into being and therefore if this support is denied, the situation will continue to drift as it is doing at present towards an explosion of violence."

VII. FINDINGS AND RECOMMENDATIONS OF THE CONFERENCE

72. As indicated in the preceding sections, after a study and discussion of papers by well-known experts on the various aspects of the question of economic sanctions against South Africa, the Conference reached the conclusion that the situation in South Africa constitutes a grave threat to international peace and security. It considered that the Security Council should define this situation as a threat to the peace in terms of Article 39 of the Charter so that mandatory action can be taken under the auspices of the United Nations.

73. The Conference noted that as all efforts towards moral suasion had failed over many years, the only effective means, short of military action, to change the situation in South Africa was the imposition of total economic sanctions.

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

75. These conclusions, in the view of the delegation of the Special Committee, deserve serious consideration by the competent organs of the United Nations.

76. Finally, the Conference adopted a number of findings and recommendations which are reproduced below:

Findings and Recommendations of Commissions I and II

1. After detailed consideration, the Commission finds that a policy of total economic sanctions against South Africa is feasible and practical and can be effective. The Commission therefore strongly recommends a policy of total economic sanctions against South Africa.

2. The Commission finds that the adverse effects of a policy of collective sanctions on world trade, finance and the economies of individual countries having significant share in the South African economy would be small and marginal. Even these effects may be mitigated by the adoption of domestic measures by the countries concerned, and by international action.

3. The Commission recommends that the widest possible publicity be given to the fact that such adverse effects as the imposition of sanctions might have on the British and American economies would be marginal, and that arguments that vital economic interests are at stake are highly exaggerated.
4. The Commission recommends that countries imposing sanctions against South Africa consider the appropriateness of adopting a policy of discrimination against firms of any country which deal with and strengthen South Africa economically.
5. The Commission recommends that this report and recommendations be transmitted to the United Nations Conference on Trade and Development currently in session in Geneva for consideration when formulating their proposals for the promotion of economic development and international trade.

Findings and Recommendations of Commission III

The beliefs of this Commission are:

That South Africa is in a crisis which amounts to a state of race war;
That the crisis cannot be resolved except by intervention from outside;
That complete trade sanctions provide the only effective means of

intervention short of military intervention;

That the aim of economic sanctions is to remove economic support from apartheid so that the people of South Africa can bring about change, with the minimum cost in human life and suffering, and the present race war be prevented from involving the whole continent and beyond;

That the effect of total sanctions could quickly achieve those aims and that their total effect on the High Commission Territories must be faced but can be considerably lessened.

Findings and Recommendations of Commissions IV and V

The Commission recommends an intensive programme of action designed to bring nearer the day of mandatory economic sanctions against South Africa.

1. Activity on a national and international level by all forces united on the need for sanctions to use the machinery of the United Nations to declare that the South African situation constitutes a threat to world peace within the meaning of Article 39 and to invoke the provisions of Chapter VII for mandatory sanctions.
2. Recognizing that mandatory action can only result from a Security Council resolution which would require the support of the Five Permanent Members of the Security Council, special pressures are essential to get the Governments of the United Kingdom, the United States of America and France to change the direction of their policies on the South African question.
3. The campaign must stress that opposition to apartheid and continued trade which bolsters this system are incompatible policies; are policies against the trend of world opinion; are contradictory to the long-term interests of those Powers; and a potential source of conflict with the Powers of Africa and Asia. The continued frustration of the wishes of the overwhelming majority of nations and even of mankind could lead to a breakdown of the United Nations, to alignments on a colour basis and to extreme crisis on a world scale.
4. The sanctions movement can be impelled forward by the most loyal adherence to boycott resolutions of the United Nations and other assemblies, and in all countries where it is not fully observed the most energetic steps should ensure its complete enforcement.
5. Within specific countries appropriate pressures must be devised in this campaign. Examples are:
 - In the United States pressure by the Negro and Civil Rights Movements to influence State Department policy.
 - In the former French territories of Africa, pressures on France.
 - In the United Kingdom, pressures by Commonwealth countries particularly in Africa and Asia.
 - In the Middle East pressure on the oil-producing countries.
6. Concerted action to blacklist firms, that trade with South Africa and thrive on apartheid must be planned. Information must be disseminated to show South Africa's trading relations with the rest of the world, and, by contrast, the trading position of Africa and Asia with the rest of the world.

7. There should be launched appeals to Heads of States, to the Trade Union movements of all countries, to the major religions of the world, to youth and student organizations, and to political parties, sensitive to pressure at times of Election.

8. Information services to counter the propaganda of the South African Government and the South African Foundation should argue the unanswerable case against apartheid and so influence public opinion.

These and other activities call for the establishment of a permanent body to further the movement for economic sanctions and to co-ordinate activity on the international plans.

