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

Addendum\*\*

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\* Also issued as A/5497/Add.1.

\*\* The present document contains annexes I-VII to the report of the Special Committee (S/5426). Annex VIII will be issued as document S/5426/Add.2.

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ANNEX I

GENERAL ASSEMBLY RESOLUTION 1761 (XVII)  
OF 6 NOVEMBER 1962

The policies of apartheid of the Government  
of the Republic of South Africa

The General Assembly,

Recalling its previous resolutions on the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa,

Further recalling its resolutions 44 (I) of 8 December 1946, 395 (V) of 2 December 1950, 615 (VII) of 5 December 1952, 1179 (XII) of 26 November 1957, 1302 (XIII) of 10 December 1958, 1460 (XIV) of 10 December 1959, 1597 (XV) of 13 April 1961 and 1662 (XVI) of 28 November 1961, on the question of the treatment of peoples of Indian and Indo-Pakistan origin,

Noting the reports of the Governments of India<sup>a/</sup> and Pakistan<sup>b/</sup> on that subject,

Recalling that the Security Council in its resolution of 1 April 1960<sup>c/</sup> recognized that the situation in South Africa was one that had led to international friction and, if continued, might endanger international peace and security,

Recalling further that the Security Council in its aforesaid resolution called upon the Government of South Africa to initiate measures aimed at bringing about racial harmony based on equality in order to ensure that the present situation does not continue or recur and to abandon its policies of apartheid and racial discrimination,

Regretting that the actions of some Member States indirectly provide encouragement to the Government of South Africa to perpetuate its policy of racial segregation, which has been rejected by the majority of that country's population,

1. Deplores the failure of the Government of the Republic of South Africa to comply with the repeated requests and demands of the General Assembly and of the Security Council and its flouting of world public opinion by refusing to abandon its racial policies;

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a/ A/5166.

b/ A/5173.

c/ S/4300 (see annex II).

2. Strongly deprecates the continued and total disregard by the Government of South Africa of its obligations under the Charter of the United Nations and, furthermore, its determined aggravation of racial issues by enforcing measures of increasing ruthlessness involving violence and bloodshed;

3. Reaffirms that the continuance of those policies seriously endangers international peace and security;

4. Requests Member States to take the following measures, separately or collectively, in conformity with the Charter, to bring about the abandonment of those policies:

(a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;

(b) Closing their ports to all vessels flying the South African flag;

(c) Enacting legislation prohibiting their ships from entering South African ports;

(d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;

(e) Refusing landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa;

5. Decides to establish a Special Committee consisting of representatives of Member States nominated by the President of the General Assembly with the following terms of reference:

(a) To keep the racial policies of the Government of South Africa under review when the Assembly is not in session;

(b) To report either to the Assembly or to the Security Council or to both as may be appropriate from time to time;

6. Requests all Member States:

(a) To do everything in their power to help the Special Committee to accomplish its task;

(b) To refrain from any act likely to delay or hinder the implementation of the present resolution;

7. Invites Member States to inform the General Assembly at its eighteenth session regarding actions taken, separately or collectively, in dissuading the Government of South Africa from pursuing its policies of apartheid;

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8. Requests the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and of the Security Council on this subject and, if necessary, to consider action under Article 6 of the Charter.

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ANNEX II

SECURITY COUNCIL RESOLUTION OF 1 APRIL 1960<sup>a/</sup>

The Security Council,

Having considered the complaint of twenty-nine Member States contained in document S/4279 and Add.1 concerning "the situation arising out of the large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in the Union of South Africa",

Recognizing that such a situation has been brought about by the racial policies of the Government of the Union of South Africa and the continued disregard by that Government of the resolutions of the General Assembly calling upon it to revise its policies and bring them into conformity with its obligations and responsibilities under the Charter of the United Nations,

Taking into account the strong feelings and grave concern aroused among Governments and peoples of the world by the happenings in the Union of South Africa,

1. Recognizes that the situation in the Union of South Africa is one that has led to international friction and if continued might endanger international peace and security;
2. Deplores that the recent disturbances in the Union of South Africa should have led to the loss of life of so many Africans and extends to the families of the victims its deepest sympathies;
3. Deplores the policies and actions of the Government of the Union of South Africa which have given rise to the present situation;
4. Calls upon the Government of the Union of South Africa to initiate measures aimed at bringing about racial harmony based on equality in order to ensure that the present situation does not continue or recur and to abandon its policies of apartheid and racial discrimination;
5. Requests the Secretary-General, in consultation with the Government of the Union of South Africa, to make such arrangements as would adequately help in upholding the purposes and principles of the Charter and to report to the Security Council whenever necessary and appropriate.

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a/ S/4300.

ANNEX III\*

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

Rapporteur: Mr. Ram C. MALHOTRA (Nepal)

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\* Originally issued as A/5418 and S/5310.

## INTRODUCTION

1. The Special Committee on the Policies of apartheid of the Government of the Republic of South Africa was established by General Assembly resolution 1761 (XVII) of 6 November 1962, with the following terms of reference:

"(a) To keep the racial policies of the Government of South Africa under review when the Assembly is not in session;

"(b) To report either to the Assembly or to the Security Council or to both, as may be appropriate, from time to time."

2. In accordance with the provisions of that resolution, the President of the General Assembly, on 18 February 1963, announced the appointment of the following members to serve on the Committee: Algeria, Costa Rica, Federation of Malaya, Ghana, Guinea, Haiti, Hungary, Nepal, Nigeria, Philippines, Somalia.<sup>a/</sup>

3. The Special Committee held its first meeting on 2 April 1963 and elected Mr. Diallo Telli (Guinea) as Chairman, Mr. Volio Jimenez (Costa Rica) as Vice-Chairman, and Mr. M.P. Koirala (Nepal) as Rapporteur. The Committee agreed that Mr. Ram C. Malhotra (Nepal) should act as the Rapporteur in the absence of Mr. Koirala.

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<sup>a/</sup> A/5400.

I. THE BACKGROUND OF THE QUESTION AND THE ORGANIZATION OF  
WORK OF THE SPECIAL COMMITTEE

4. The racial policies of South Africa have been under consideration by the principal organs of the United Nations since the first session of the General Assembly when the Government of India complained of the treatment of population of Indian origin in the Union of South Africa. The question of apartheid proclaimed as a State policy by the National Party of South Africa, which came to power in 1948, has been before every session of the General Assembly since 1952 when it was brought up in the wake of the institution of a series of discriminatory measures against the non-White population and severe repressive measures to suppress the "defiance campaign" launched by the victims and opponents of such discrimination. This question was also considered by the Security Council, in March-April 1960, when large-scale killings of unarmed and peaceful demonstrators against racial discrimination and segregation in South Africa led to an urgent complaint by twenty-nine Member States.

5. The two main organs of the United Nations have adopted no less than twenty-seven resolutions on the discriminatory racial policies of the Government of South Africa.<sup>b/</sup> In these resolutions, they declared that these policies were contrary to the obligations of South Africa under the provisions of the United Nations Charter, that they had led to international friction and that a continuation of the policies was likely to endanger international peace and security. Increasing majorities of Member States have rejected the persistent contention of the South African Government that its racial policies were essentially within the domestic jurisdiction of the country. Virtually all the Member States of the United Nations have now recorded their conviction that the present policies of the Government of the Republic of South Africa are contrary to the purposes and principles of the Charter. The resolutions of the General Assembly and the Security Council reflect the universal feeling that the policies of apartheid, and the repressive measures designed to enforce those policies, have become

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<sup>b/</sup> The resolutions of the General Assembly and the Security Council with regard to the racial policies of the Government of South Africa are listed in appendix I.

increasingly dangerous. Any conflict in South Africa, arising from the oppressive racial policies of apartheid, cannot but have grave international repercussions affecting relations between Member States.

6. The United Nations has also been seriously concerned for many years over the forcible extension of apartheid policies to the mandated territory of South West Africa.<sup>c/</sup> This action of the Government of the Republic of South Africa, added to its gross violation of its obligations as a mandatory Power towards the United Nations and its suppression of the people of South West Africa under its colonial rule, has considerably increased tension in that area.

7. Repeated appeals by the General Assembly and the Security Council, expressions of regret and concern and demands that it desist from the discriminatory racial policies and initiate measures aimed at bringing about racial harmony based on equality have failed to receive a positive response from the Government of South Africa. It pressed forward with further measures of racial discrimination and more intensive repression to enforce such policies. The danger of racial conflict in South Africa increased from year to year as all legal and peaceful means of protest and redress were progressively closed.

8. In view of the negative attitude of that Government, despite its clear obligations under the Charter, and the growing danger of conflict, the General Assembly recommended in resolution 1598 (XV) of 13 April 1961 and resolution 1663 (XVI) of 28 November 1961 that all States take separate and collective action, in conformity with the Charter of the United Nations, to bring about the abandonment by the Government of the Republic of South Africa of the present policies of racial discrimination.

9. By resolution 1761 (XVII) of 6 November 1962, which provided for the establishment of the Special Committee, the General Assembly again deplored the failure of the Government of the Republic of South Africa to comply with the repeated requests and demands of the General Assembly and of the Security Council; strongly deprecated the continued and total disregard by the Government of the Republic of South Africa of its obligations under the Charter of the United Nations and, furthermore, its determined aggravation of racial issues by enforcing measures

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<sup>c/</sup> The resolutions of the General Assembly with respect to South West Africa are listed in appendix II.

of increasing ruthlessness involving violence and bloodshed; reaffirmed that the continuance of those policies seriously endangers international peace and security; requested Member States to take certain measures, separately or collectively, in conformity with the Charter, to dissuade the Government of the Republic of South Africa from pursuing its policies of apartheid; and requested the Security Council to take appropriate measures, including sanctions, to secure compliance by the Government of the Republic of South Africa with the resolutions of the General Assembly and of the Security Council on this subject and, if necessary, to consider action under Article 6 of the Charter.

10. The Special Committee, in considering its mandate "to keep the racial policies of the Government of South Africa under review" and "to report either to the Assembly or to the Security Council or to both, as may be appropriate, from time to time", took account of the course of consideration of the question by the United Nations organs and the purposes of General Assembly resolution 1761 (XVII). It noted that the General Assembly and the Security Council had already studied and reviewed the racial policies of the Government of South Africa, on the basis of a number of documents and reports, including three reports of the United Nations Commission on the Racial Situation in the Union of South Africa, and had clearly declared their conclusions. As early as 2 December 1950, in resolution 395 (V), the General Assembly held that "a policy of 'racial segregation' (apartheid) is necessarily based on doctrines of racial discrimination". On 8 December 1953, in resolution 721 (VIII), the Assembly took note of the following conclusions of the United Nations Commission on the Racial Situation in the Union of South Africa that:

"(a) It is highly unlikely, and indeed improbable, that the policy of apartheid will ever be willingly accepted by the masses subjected to discrimination, and

"(b) That the continuance of this policy would make peaceful solutions increasingly difficult and endanger friendly relations among States."

11. On 14 December 1954, by resolution 820 (IX), the General Assembly noted the profound conviction of the Commission that the policy of apartheid constitutes a grave threat to the peaceful relations between ethnic groups in the world. On 1 April 1960, the Security Council recognized that the situation in the

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Union of South Africa was one that had led to international friction and if continued might endanger international peace and security. On 13 April 1961, by resolution 1598 (XV), the Assembly affirmed that "the racial policies being pursued by the Government of the Union of South Africa are a flagrant violation of the Charter of the United Nations and the Universal Declaration of Human Rights and are inconsistent with the obligations of a Member State"; and that "their continuance endangers international peace and security".

12. These conclusions of the General Assembly and the Security Council indicate, in the view of the Special Committee, that the review to be undertaken by the Special Committee was not intended as a compilation of relevant information or as a basis for the characterization of the policies of apartheid in the light of the Charter, but as an essential element in the efforts of the General Assembly to dissuade the Government of the Republic of South Africa from pursuing its policies of apartheid, and to ensure the upholding of the purposes and principles of the Charter in South Africa. The work of the Special Committee was to be a basis for individual and collective efforts by Member States to secure a speedy and effective solution of the grave situation in South Africa.

13. In the light of these considerations and taking into account the provisions of operative paragraph 6 of General Assembly resolution 1761 (XVII), requesting all Member States:

"(a) To do everything in their power to help the Special Committee to accomplish its task;

"(b) To refrain from any act likely to delay or hinder the implementation of the present resolution",

the Special Committee decided at its 1st meeting on 2 April 1963 to send letters to the Government of the Republic of South Africa (appendix III) and to the Governments of other Member States (appendix IV) inviting their co-operation and assistance to the Special Committee in the accomplishment of its task (appendix III). Further, on 5 April 1963, the Special Committee decided to announce that it would receive memoranda from organizations and individuals and hear persons or representatives of organizations who may be in a position to provide it with information on the racial policies of the Government of the Republic of South Africa.

14. The Special Committee then proceeded with an examination of the recent developments concerning the racial policies of the Government of the Republic of

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South Africa and, in the light of General Assembly resolution 1761 (XVII), decided to submit an interim report to the General Assembly and the Security Council in accordance with operative paragraph 5 (b) of that resolution. The Committee felt that such an interim report should be submitted not only to inform the principal organs of the progress of its work, but also to draw their attention to the serious situation created by the attitude of the **Government of the Republic of South Africa**, in particular the recent adoption of further discriminatory and repressive measures and the build-up of military and police forces in South Africa. The Committee would continue with further consideration of all aspects of the situation covered by its mandate, in the light of replies from Member States to its letter dated 11 April 1963 and further developments in South Africa, and submit one or more reports to the General Assembly or the Security Council or both, as and when necessary.

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II. RESPONSE OF THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA  
TO GENERAL ASSEMBLY RESOLUTION 1761 (XVII)

15. The recent statements and actions of the Government of the Republic of South Africa reveal no desire or willingness to accept General Assembly resolution 1761 (XVII) and adjust its racial policies in accordance with the Assembly's recommendations. On the contrary, it has repeatedly denounced the provisions of that resolution, and indicated that it would not be deterred from proceeding with its policies.

16. The Minister of Foreign Affairs of the Republic of South Africa, on 4 April, took exception to the very presence of the Secretary-General at the 1st meeting of the Special Committee on 2 April in such terms that the Committee was obliged to express its strong indignation.

17. Moreover, in a reply dated 16 April 1963 to the Special Committee's letter of 5 April inviting the co-operation and assistance of the Government of the Republic of South Africa in the accomplishment of its task, the Minister of Foreign Affairs categorically refused, by claiming that his Government regarded the adoption of resolution 1761 (XVII), including the establishment of the Special Committee, as contrary to the provisions of the Charter.<sup>d/</sup>

18. South African official statements have sought to belittle the significance of the General Assembly resolution on the ground that it had not been supported by the major trading partners of the Republic of South Africa and that it would, therefore, remain largely ineffective.

19. South African official statements have also claimed that the United Nations had disregarded its purposes and commands little respect, and that the Western Powers had lost or were losing confidence in the United Nations. Such statements are often accompanied by derogatory references to a majority of Member States.

20. The Special Committee wishes to draw the attention of all Member States, especially those with diplomatic, economic, military and cultural relations with the Republic of South Africa, to the tenor of these statements so that effective steps may be taken to discourage its Government from persisting in its present attitude towards the United Nations.

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<sup>d/</sup> A/AC.115/L.4.

21. The Special Committee also notes the argument in South African official statements that the purposes of the opposition to South African racial policies is not the elimination of discrimination, but the institution of discrimination against the White population in Africa.

22. In this connexion, the Special Committee wishes to affirm its view that the problem is not one of colour or race, or an aspect of the cold war, but the consequence of a racialist ideology, enshrined as state policy and implemented by force against the majority of the people of the country, despite the obligations of the Government of the Republic of South Africa under the United Nations Charter.

23. The Special Committee recalls the provisions of operative paragraph 1 of General Assembly resolution 616 B (VII), reaffirmed by subsequent resolutions by which the Assembly:

"Declares that in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality."

The doctrine of apartheid is based on the assumption that a majority of population can be forced to remain indefinitely in a subordinate position as the hewers of wood and the drawers of water under the permanent control of a minority of the population. The imposition of discrimination not only is inequitable to a majority of the population, but is repugnant to the purposes and principles of the Charter and the Universal Declaration of Human Rights, and carries with it the danger of international friction and threat to the peace. It is, therefore, the responsibility of all Member States, irrespective of other differences, to seek an end to the present policies of the Government of the Republic of South Africa and promote the evolution of policies consonant with the purposes and principles of the United Nations Charter.

24. In this connexion, several members of the Special Committee expressed their regret at the absence in the Committee of members from certain regions of the world, especially of States which, through their traditional relations with

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South Africa, are able to exercise an effective influence on that country. The Committee considers that the co-operation of all States, especially those which have had close diplomatic, economic, military and cultural relations with South Africa, is essential for the most effective performance of its work and for the success of other efforts by the Organization to dissuade the Government of the Republic of South Africa from pursuing its present policies of racial discrimination.

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### III. CONTINUED PURSUIT OF APARTHEID

25. Despite the provisions of the Security Council resolution of 1 April 1960<sup>e/</sup> and General Assembly resolution 1761 (XVII) of 6 November 1962, reports from South Africa indicate that the Government of the Republic of South Africa continues to pursue its policies of apartheid and, indeed, is proceeding to adopt and implement serious legislative and administrative measures at the risk of greatly heightened tension in the country. A few of these measures are illustrative.
26. The Group Areas Act, designed to impose segregation in the "White areas", which has been specifically referred to by the General Assembly in resolution 395 (V) of 1950, continues to be implemented.
27. The Government Gazette of the Republic of South Africa has reproduced a large number of decisions by the Group Areas Development Board proclaiming "group areas" in cities and towns. These decisions require the uprooting of tens of thousands of persons from their homes. The Government has proceeded to implement these decisions despite protests by the people affected and by local authorities.
28. Illustrative of the policy is the recent decision to remove 2,000 Africans from their homes in Besterspruit, where they have lived for fifty years, to the Vryheid location. In February 1963, these Africans were moved, despite opposition from the Vryheid Town Council, before alternative accommodation were ready and were obliged to live in tents.
29. The Government has also announced its decision to reserve the Western Cape Province for the Whites and the Coloureds (people of mixed descent) and established two committees on 23 November 1962 to help implement the decision. This move involves the gradual removal of the African inhabitants who constitute a large segment of the labour force in the area, and appears to have created wide-spread unrest.
30. The Government has further announced its intention to re-settle the people of Indian and Pakistani origin, and Coloured (people of mixed descent) residents

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<sup>e/</sup> Official Records of the Security Council, Fifteenth Year, Supplement for April, May and June 1960, document S/4300.

of the East Rand and the Cape Peninsula. In the latter area, an estimated 10,000 Indians are to be removed.<sup>f/</sup>

31. The Special Committee has received two memoranda complaining against the implementation of the Group Areas Act. The first of these memoranda, from the Council for Muslim Unity and Progress, Johannesburg, protested, in particular, against the taking over by the State of Mosque property in Piet Retief, developed for fifty years by charitable contributions, despite the injunctions of Islamic religious laws that such property cannot be sold, abandoned or exchanged.

32. The second memorandum, from the Transvaal Indian Congress, gives details on the effect of the application of the Group Areas Act on the people of Indian and Pakistani origin in the province of Transvaal, estimated at about 60,000. Under this legislation, the memorandum claims, a majority of these people are being uprooted from their places of trade and residence, at the cost of millions of Rand in property, and forced to move to desolate areas outside the centres of towns. A number of persons, including Mr. Nana Sita, former President of the Transvaal Indian Congress, were recently sentenced to imprisonment for refusing to move from their homes and places of business.<sup>g/</sup>

33. Moreover, the Government has recently published the Bantu Laws Amendment Bill, designed to impose stricter controls on the movement of Africans into urban areas and to send back by force to the Bantu reserves such Africans as are not considered essential, even though they had lived in the urban areas for long periods of time. This Bill, in effect, denies rights of residence to Africans in the so-called White areas, which constitute over six sevenths of the area of the country, and has evoked wide-spread opposition. The South African Institute of Race Relations commented in a memorandum on this Bill:

"If the Bill is passed it will mean that all Africans throughout the area outside the Reserves are to be treated as foreigners and as interchangeable pawns, there solely to serve the interests of the white man, instead of as human beings with human aspirations, who have every moral right, equal to that of White residents, to remain where they are."<sup>h/</sup>

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f/ Race Relations News, Johannesburg, March 1963, p. 3.

g/ Mr. NANA SITA was convicted in December 1962 to three months' imprisonment for refusing to vacate a shop he had occupied for thirty years in a Pretoria suburb now declared a White area. He was again sentenced to six months' imprisonment on 4 April 1963 on the same charge.

h/ Race Relations News, Johannesburg, March 1963, p. 2.

34. The Government is also taking steps to expel "foreign Bantus", many of whom have resided in South Africa for long periods of time, while providing inducements for the immigration of Europeans. Almost a million alien Africans are affected.

35. On 24 January 1963, the report of the Froneman Committee on the question of the foreign Bantus was tabled in the House of Assembly. The Committee recommended that unemployed foreign Bantus, as well as all wives, children and other dependents, should be repatriated immediately to the countries of their birth; that detention camps should be set up near the borders to detain Africans convicted of illegal entry; and that "all foreign Bantu who are in service should be replaced determinedly and methodically by indigenous labour in all sectors of the economy" within five years.<sup>i/</sup>

36. The Government has ordered that all African women should carry "reference books" from 1 February 1963. The enforcement of the pass system for African women has been protested widely for many years as it threatens to disrupt the lives of urban African families. The Government has prohibited protest meetings planned for 1 February on the grounds that they would endanger the peace.

37. Finally, the Government is proceeding with the creation of "Bantustans" by consolidating the African reserves and establishing local authorities. The Transkei Constitution Bill was introduced in the current session of the Parliament.

38. The promotion of Bantustans, though publicized by the Government as evidence of its sincerity in pursuing "separate development", is, in the view of the Special Committee, a measure which seeks to accentuate and reinforce inequality. This move followed the abolition of even token and indirect representation of Africans in the sovereign Parliament. The reserves, covering less than a seventh of the land area of the country, are economically not viable, and depend on the migration of labour to the mines, farms and urban areas. The Constitution for Transkei provides that a majority of the "Parliament" of the region should consist of tribal chiefs, and that tribal affinities, rather than residence, should determine the eligibility of voters for this "Parliament". The powers of self-government are limited and all decisions are subject to approval by the State President.

<sup>i/</sup> There were about 800,000 foreign Africans in the Republic of South Africa in 1960; of these, 186,000 were wives and children. The Star, weekly, Johannesburg, 25 January 1963.

39. The Special Committee notes that the moves towards Bantustans have aroused wide-spread opposition on the ground that they are designed to divide the Africans and to justify denial to them of rights in the greater part of the country. They have contributed to tension in the reserves and to serious disturbances, particularly in the Transkei.

40. The Special Committee, in accordance with the provisions of operative paragraph 5 (a) of General Assembly resolution 1761 (XVII), is undertaking a more detailed review of relevant legislative and other measures of the Government of the Republic of South Africa.

41. The apartheid policies of the Government of the Republic of South Africa have undermined the economic, cultural, social and political rights of a majority of the population. They have denied the opportunity for persons of all "racial" groups to contribute to the development of the country. The denial of opportunities for the Africans to advance into skilled jobs and professions, and the measures of forcible segregation, have tended to retard the growth of the national economy. The present policy, at once inequitable and irrational, has heightened tensions within the country and could only be enforced by a regime of repression.



#### IV. REPRESSIVE MEASURES AND THE QUESTION OF "RACIAL CONFLICT"

42. The Special Committee wishes to express its most serious concern over the repressive measures of the Government of the Republic of South Africa, designed to impose its discriminatory racial policies. These measures have progressively closed the legal and peaceful means of protest and redress available to the victims and opponents of discrimination and segregation. The recent incidence of sabotage and violence, and even more intensified repressive measures, have greatly enhanced the dangers of racial conflict in South Africa which cannot but have serious national and international repercussions.

43. The Special Committee would recall the accounts in the reports of the United Nations Commission on the Racial Situation in the Union of South Africa concerning the measures adopted before 1955 to suppress protests against discriminatory racial policies - notably the Suppression of Communism Act, the Riotous Assemblies Act, the Public Safety Act, the Criminal Law Amendment Act and the various restrictions on the right of assembly.

44. The repressive measures were continuously strengthened to suppress the activities of the major non-white organizations and all the uncompromising opponents of apartheid. Prominent leaders of these movements were banned from addressing public gatherings or publishing their views. Many of them were arrested in 1956 on a charge of treason and held for long periods until released by the courts.

45. Despite such measures, however, resistance to apartheid continued, as evidenced by the demonstration in Sharpeville in March 1960 and in many other areas in the subsequent period. Though the Security Council deplored the measures adopted by the Government, leading to the loss of life of many Africans, and called upon the Government of South Africa to abandon its policies of apartheid and racial discrimination, and initiate measures aimed at bringing about racial harmony based on equality, the South African Government proceeded to intensify its repressive measures by proclaiming a State of Emergency and promulgating new repressive legislation. The African National Congress and the Pan-Africanist Congress were banned under a newly-adopted Unlawful Organizations Act.<sup>i/</sup> A number of prominent leaders of all racial groups were obliged to go into exile, while thousands of persons were imprisoned in South Africa or placed under severe restraints.

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<sup>i/</sup> A proclamation extending the ban on the two organizations for a further twelve months from 7 April 1963 was published in the Government Gazette on 1 March 1963.

46. The General Assembly, in resolutions 1598 (XV) of 13 April 1961 and 1663 (XVI) of 28 November 1961, took note of these measures and deprecated the ruthless enforcement of ever-increasing discriminatory laws and measures accompanied by violence and bloodshed.

47. A new stage in the repression of protest and resistance was reached in June 1962 with the promulgation of the General Law Amendment Act which strengthened earlier repressive legislation. This law was referred to by a number of delegations at the seventeenth session of the General Assembly, and the General Assembly, in resolution 1761 (XVII), strongly deprecated the "determined aggravation of racial issues by the Government of the Republic of South Africa by enforcing measures of increasing ruthlessness involving violence and bloodshed".

48. The Government of the Republic of South Africa, however, has proceeded to implement this law, as well as earlier repressive legislation, even more actively since the adoption of General Assembly resolution 1761 (XVII).

49. The primary purpose of the repressive measures would seem to be to immobilize and silence the organizations and leaders who are most consistently opposed to the fundamental premises of apartheid and advocate the complete equality of races. By these repressive measures, backed by greatly expanded military and police forces, the Government seeks to impose its racial policies on an unwilling population.

50. The main brunt of the attack has been directed against the major non-white organizations, and against those whites who have actively opposed apartheid, with the result that the groups which were prepared to utilize every means of legitimate and peaceful protest have been left no opportunity for action within the framework of legal restraints. Some of the actions taken by the State in the recent past are illustrative.

51. Over 400 persons have been named "statutory Communists" under the Suppression of Communism Act, the outstanding feature of which, according to the United Nations Commission on the Racial Situation in the Union of South Africa, is "its very

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broad definition of the meaning of Communism".<sup>k/</sup> These persons were prohibited from office or membership in thirty-six organizations. The Minister of Justice told the Parliament in March 1963 that 148 persons had been banned under the Suppression of Communism Act, the Riotous Assemblies Act and the General Law Amendment Act. Since 30 July 1962, more than a score of persons have been served with house arrest orders. A number of persons have been charged with sabotage -

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k/ Official Records of the General Assembly, Eighth Session, Supplement No. 16 (A/2505 and Add.1), para. 716. Under section 1 of the Act, communism is defined as the doctrine of Marxian socialism as enunciated by Lenin and Trotsky, that of the Comintern and the Cominform or related theories, and as applicable in particular to any doctrine or scheme which aims at:

- "(i) The establishment of despotic government based on the dictatorship of the proletariat under which only one political organization is recognized;
- (ii) Bringing about any political, industrial, social or economic change within the Union by the promotion of disturbance or disorder, by unlawful acts or omissions or by the threat of such acts or omissions or by means which include the promotion of disturbance or disorder, or such acts or omissions or threat;
- (iii) Bringing about any political, industrial, social or economic change in the Union under the direction of or in co-operation with any foreign government or institution one of whose purposes is to promote in the Union a system akin to that in operation in a country which has a despotic government based on the dictatorship of the proletariat;
- (iv) The encouragement of hostility between the European and non-European races in South Africa, the results of which are likely to further the achievement of a despotic government based on the dictatorship of the proletariat or the change within the Union set out in (ii) above."

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defined in very broad terms under the General Law Amendment Act.<sup>1/</sup> Others were prosecuted for defying orders under the Group Areas Act. Several newspapers

1/ Sub-sections (1) and (2) of section 21 of the General Law Amendment Act read:  
"(1) Subject to the provisions of sub-section (2), any person who commits any wrongful and wilful act whereby he injures, damages, destroys, renders useless or unserviceable, puts out of action, obstructs, tampers with, pollutes, contaminates or endangers -

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) any water supply;
- (d) the supply or distribution at any place of light, power, fuel, foodstuffs or water, or of sanitary, medical or fire extinguishing services;
- (e) any postal, telephone or telegraph services or installations, or radio transmitting, broadcasting or receiving services or installations;
- (f) the free movement of any traffic on land, at sea or in the air;
- (g) any property, whether movable or immovable, of any other person or of the State,

or who attempts to commit, or conspires with any other person to aid or procure the commission of or to commit, or incites, instigates, commands, aids, advises, encourages, or procures any other person to commit, any such act, or who in contravention of any law possesses any explosives fire-arm or weapon or enters or is upon any land or building or part of a building, shall be guilty of the offence of sabotage and liable on conviction to the penalties provided for by law for the offence of treason: Provided that, except where the death penalty is imposed, the imposition of a sentence of imprisonment for a period of not less than five years shall be compulsory, whether or not any other penalty is also imposed.

"(2) No person shall be convicted of an offence under sub-section (1) if he proves that the commission of the alleged offence, objectively regarded, was not calculated and that such offence was not committed with intent to produce any of the following effects, namely -

- (a) to cause or promote general dislocation, disturbance, or disorder;
- (b) to cripple or seriously prejudice any industry or undertaking or industries or undertakings generally or the production or distribution of commodities or foodstuffs at any place;
- (c) to seriously hamper or to deter any person from assisting in the maintenance of law and order;
- (d) to cause, encourage or further an insurrection or forcible resistance to the Government;
- (e) to further or encourage the achievement of any political aim, including the bringing about of any social or economic change in the Republic;
- (f) to cause serious bodily injury to or seriously endanger the safety of any person;
- (g) to cause substantial financial loss to any person or to the State;
- (h) to cause, encourage or further feelings of hostility between different sections of the population of the Republic;
- (i) to seriously interrupt the supply or distribution at any place of light, power, fuel or water, or of sanitary, medical or fire extinguishing services;
- (j) to embarrass the administration of the affairs of the State."

opposed to the Government's racial policies were banned; a number of journalists were prevented from pursuing their professions.

52. A list of some of the persons affected by repressive measures is indicative of the present situation. Chief Albert Luthuli, President-General of the African National Congress, is interned and the Press is prohibited from quoting him. Mr. Oliber Tambo, Executive Vice-President of the African National Congress, is in exile. Mr. Walter Sisulu, former Secretary-General of the African National Congress, has been sentenced to six years in prison and served with a twenty-four hour house arrest order while on bail pending appeal. Mr. Duma Nokwe, Secretary-General of the African National Congress, and Moses Kotane, member of its executive committee, were put under house arrest, but fled the country in January 1963. Mr. Nelson Mandela, another member of the executive, is serving a five-year term of imprisonment, and his wife is under house arrest; Mr. Alfred Nzo, a member of the executive of the African National Congress, is under house arrest. Florence Matsomela, women's branch leader of the African National Congress, has been served with five banning orders.

53. Mr. Robert Sobukwe, President of the Pan-Africanist Congress, completed a three-year term of imprisonment on 3 May 1963, in connexion with the agitation against pass laws in 1960, and is being continued in detention under the new General Law Amendment Act. Mr. Petlako Leballo, Acting President, took refuge in Basutoland, where, following a search of his residence by the police, he disappeared mysteriously.<sup>m/</sup> Mr. John Mokone, a leader of the Pan-Africanist Congress, was arrested in April 1963 and charged under the Suppression of Communism Act. A number of other leaders of the Pan-Africanist Congress - including Mr. Nelson Mahomo, Mr. P. Molotsi, Mr. Vusumzi Make, Mr. J. Molefi, Mr. E.L. Ndoedibe and Mr. E.A. Mfafa - are in exile.

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<sup>m/</sup> The Special Committee received a cable on 5 April 1963 from a representative of the Pan-Africanist Congress in Dar-es-Salaam that reports from Basutoland suggested kidnapping and possible killing of Mr. Leballo by the police. In response to the Committee's request for information, the Permanent Representative of the United Kingdom stated in a letter dated 11 April 1963, that the Basutoland police, acting on their own initiative, and having obtained a warrant from a magistrate, had searched the premises of the Pan-African Congress in Maseru and also Mr. Leballo's house. A number of people were arrested and detained, but Mr. Leballo was not among those, and his whereabouts were unknown. The warrant for Mr. Leballo's arrest had been issued following the statements he had made in a press interview on 24 March.

54. Dr. Yusuf M. Dadoo, President of the South African Indian Congress, is in exile.
55. A number of whites have also been persecuted for their active opposition to governmental policies. Among those under house arrest and bans are Mrs. Helen Joseph, Secretary of the Federation of South African Women, and Mrs. Violet Weinberg, Vice-President of the Federation; Mr. Leon Levy, former President of the South African Congress of Trade Unions; Mr. Randolph Vigne, deputy national chairman of the Liberal Party, and Mr. Peter Hjul, its Cape Chairman. Mr. Patrick Duncan, a leader of the Liberal Party, was served with a banning order and fled from South Africa. A number of others are in exile.
56. Repression is increasing in severity and scope as the succession of discriminatory and repressive measures tends to extend opposition and to heighten resistance. As the General Assembly and the Security Council declared in a number of resolutions, the discriminatory and repressive policies, if continued, are likely to aggravate racial tension and precipitate a conflict with serious repercussions on international peace and security.
57. The Special Committee views with grave concern the development of the situation in South Africa in the past few years, especially since the adoption of General Assembly resolution 1761 (XVII). The discriminatory and repressive policies of the Government, instead of stifling opposition, appear to have turned it into clandestine and violent channels. A number of incidents of sabotage and violence have been reported by South African officials and the Press during recent months. The Government has reacted with increasingly severe measures, such as firings, mass arrests and intimidation.
58. A report submitted to the Parliament on 21 March 1963 by a Commission of Enquiry into the disturbances at Paarl last November stated that attacks by a clandestine organization called "Poqo", with many thousands of members, had increased to "Alarming proportions" and might spread on a national scale unless even more stringent security measures were adopted. The Minister of Justice accepted the recommendations of the report and the police began nation-wide arrests of "Poqo" suspects. Over 1,500 persons are reported to have been imprisoned.
59. On 22 April 1963, the Government introduced a new bill which provides for indefinite detention, without trial, of persons suspected of contravening the

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security laws or of having information on acts of sabotage. It also provides for sentences ranging from five years' imprisonment to death to persons convicted of receiving training abroad in violence or of advocating the forcible overthrow of the Government. This provision is retroactive to 1950 and is applicable to statements made before international organizations. The bill, furthermore, provides for summary trials and contains a number of other drastic provisions. The Minister of Justice indicated that even more repressive legislation may be introduced if necessary.

60. The General Law Amendment Bill was rushed through the Parliament and was signed by the State President on 2 May. The Government immediately proceeded to implement it by continuing the detention of Mr. Robert Sobukwe.

61. The Special Committee considers that the new legislation reflects the explosive situation which has developed in the Republic of South Africa as a result of increasing discriminatory and repressive policies pursued by its Government. It regards the recent repressive measures, particularly the mass arrests and the new legislation, as an open challenge to the United Nations.

62. The Special Committee wishes to draw the urgent attention of the General Assembly and the Security Council to the grave dangers inherent in the recent acts of the Government of the Republic of South Africa. It would express the hope that every effort would be made to dissuade that Government from its present course, and to persuade it to take immediate steps to end the bans on non-white political organizations, release political prisoners, withdraw restrictions imposed on the opponents of the policy of apartheid, and annul the repressive legislation.

63. In this connexion, the Special Committee also wishes to draw the attention of the General Assembly and the Security Council to the persecution of South African political refugees in neighbouring colonial territories, and to demand that the colonial Powers should forthwith end any collusion with or assistance to the Government of the Republic of South Africa in its repressive measures.

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V. THE EXPANSION OF MILITARY AND POLICE FORCES

64. The Special Committee has noted with deep anxiety the rapid expansion of South African military and police forces which not only reflects the gravity of the present situation in the country but is likely to have serious international repercussions. The Special Committee notes the statements made, particularly by representatives of African States, at the seventeenth session of the General Assembly, and in the Special Committee, that they regard the arms build-up in South Africa as a threat to their own security. The Committee also notes the concern expressed over this matter in other bodies of the United Nations in connexion with the consideration of the situation in neighbouring colonial territories.

65. The budget provision in South Africa for defence and police during the past few years provide an indication of the rate of increase in security forces. The expenditures for defence rose from 44 million rand in fiscal year 1960-1961, to 72 million rand for 1961-62, and 129 million rand in 1962-63.<sup>n/</sup> The estimate for 1963-1964 is 157 million rand,<sup>o/</sup> or nearly four times the amount spent before the Sharpeville incident and the Security Council resolution of 1 April 1960, and considerably in excess of the expenditure at the height of the Second World War, when South Africa maintained its fighting contingents in Europe.

66. The budget for police increased from 36 million rand in 1960-1961 to 38 million rand in 1961-1962 and 42 million rand in 1962-1963. A further increase in expenditure of 5 million rand is estimated for 1963-1964.

67. In presenting the 1963-1964 budget to the Parliament, the Minister of Finance declared that for South Africa the present time could almost be regarded as a period of cold war, calling for large expenditure over a relatively short period on expensive defence equipment.<sup>p/</sup> He added that peace would be ensured by "taking certain steps, as if one were preparing for war, so that the economy

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n/ Republic of South Africa, Estimates of the Expenditures to be defrayed from Revenue Account, 1959-1963.

o/ A rand is equivalent to half a pound sterling, or \$1.40. Republic of South Africa, House of Assembly Debates, Second Session, Second Parliament, 18 March - 22 March 1963, p. 3056.

p/ Ibid., p. 3054.



can be stimulated.<sup>9/</sup> The increase in defence spending, he continued, would also stimulate the confidence of investors and immigrants.

68. The Special Committee notes the repeated statements of spokesmen of the Government of the Republic of South Africa that the primary task of the Defence Forces is the maintenance of internal security in close co-operation with the police force. The expansion of the security forces, with primary emphasis on the Defence Forces, which remain exclusively White, would seem to indicate the Government's fear of resistance to its racial policies and its determination to suppress such resistance by force of arms.

69. The bulk of the increase in expenditure is devoted to the acquisition of modern weapons and equipment-aircraft, naval vessels, military vehicles, rockets, and automatic rifles - to increase the mobility and striking power of the armed forces. Local manufacture of arms and equipment is being greatly expanded.

70. Simultaneously, the Government is pushing ahead with plans for the expansion of the Permanent Force, as well as for increasing the number of armed Whites available in an emergency. The Minister of Defence told the Parliament on 11 February 1963 that the Government was increasing the number of army posts by 50 per cent and undertaking a similar expansion in the Navy and the Air Force. The Government is also greatly increasing the strength of the Citizen Force and the Commandos, and forming Civil air commandos to provide non-offensive support to ground commandos and the police in times of emergency. It has also established a police reserve initially of White citizens, with the task of attending to normal police duties such as patrolling residential areas and keeping a watch on dangerous points in times of emergency when the police are engaged in combatting riots or disturbances. It is providing rifle training to many more civilians, including women and youth at school age.

71. Present plans are reported to call for the mobilization of 250,000 men at short notice.

72. The Government of the Republic of South Africa has thus taken measures to have at its disposal the strongest military establishment on the African continent south of the Sahara. It has built a military establishment far in excess of defence needs and is maintaining the country on a war footing in peace time.

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<sup>9/</sup> South African Digest, Pretoria, 11 April 1963, p. 2.

73. The Special Committee expresses its grave anxiety and indignation at the continued provision of arms and equipment by other Powers to the Government of the Republic of South Africa, and the assistance rendered for local manufacture of weapons, despite the provisions of operative paragraph 4 of General Assembly resolution 1761 (XVII) and operative paragraph 8 of General Assembly resolution 1805 (XVII). The Special Committee cannot accept the military build-up in South Africa as a normal security measure, within sovereign rights of a State, in view of the sake of this expansion and the nature of the racial policies pursued by that Government despite the resolutions of the General Assembly and the Security Council. The Special Committee feels that the General Assembly and the Security Council should call upon the States concerned: (a) to halt forthwith all assistance to the Government of the Republic of South Africa in strengthening its armed forces, and, (b) to dissociate themselves from South African official claims that they regard the political and strategic importance of the country so highly that they would assist its Government in case of any conflict.

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## VI. CONCLUSION

74. In submitting this interim report to the General Assembly and the Security Council, in accordance with operative paragraph 5 (b) of General Assembly resolution 1761 (XVII), the Special Committee wishes to draw their attention urgently to the explosive situation resulting from the attitude of the Government of the Republic of South Africa towards the resolutions of the General Assembly and the Security Council. The Government of the Republic of South Africa has not only not complied with the repeated resolutions calling for the abandonment of the policies of apartheid, but has in recent months intensified discriminatory and repressive policies. The serious danger to international peace and security, recognized by the General Assembly in operative paragraph 3 of resolution 1761 (XVII), has been further aggravated by the recent discriminatory and repressive measures, and the expansion of military and police forces, described in this interim report.

75. In order to prevent an aggravation of the situation and to fulfil the purposes of General Assembly resolution 1761 (XVII), the Special Committee attaches the greatest importance to the immediate adoption of measures by all States to implement all the provisions of operative paragraph 4 of that resolution, including denial of the use of their air space by the aircraft of the Republic of South Africa. While noting with satisfaction the measures taken by a number of Member States, which have broken diplomatic and commercial relations with the Government of the Republic of South Africa or refrained from establishing such relations, the Special Committee notes with regret that nearly twenty Member States belonging to several regions of the world still maintain diplomatic relations with that Government. The Special Committee deems it essential that all States which maintain diplomatic, consular, commercial and other economic relations with the Government of the Republic of South Africa should be urged to adopt the effective measures recommended by the United Nations and report to the General Assembly and the Security Council at an early date.

76. The Special Committee feels that the States with traditional relations with South Africa bear a special responsibility to take all measures to dissuade its Government from its present policies and help save the people of South Africa from the disastrous consequences of these policies and thus assist in the maintenance

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of international peace and security. The Special Committee feels that a special and urgent appeal should be addressed to the Governments of these States.

77. The Special Committee notes that only eight States, including their dependencies, together shared over three-quarters of the exports and imports of South Africa in the first ten months of 1962.<sup>r/</sup> They account for most of the foreign investments in the country and include the principal suppliers of arms and equipment to South Africa. In the light of the last preambular paragraph of General Assembly resolution 1761 (XVII), by which the Assembly expressed its regret that "the actions of some Member States indirectly provide encouragement to the Government of South Africa to perpetrate its policy of racial segregation", the Special Committee considers that the special responsibility of these States should be emphasized by the General Assembly and the Security Council, and that they should be urged to end all such encouragement.

78. A particularly serious obligation rests on the colonial Powers responsible for the administration of territories neighbouring South Africa, and they should be urged to take appropriate measures towards the fulfilment of the objectives of General Assembly resolution 1761 (XVII).

79. The Special Committee has taken note of the provisions of the Security Council resolution of 1 April 1960 and the reports of the Secretary-General in accordance with operative paragraph 5 of that resolution. It deems it essential that, in view of the non-implementation of its resolution by the Government of South Africa and in the light of the latest and serious developments in South Africa, the Security Council should re-examine the situation. The Special Committee further deems it essential that the Security Council should remind the South African Government of its obligations under Article 25 of the Charter and take immediate and effective steps to halt the dangerous drift of events in South Africa.

Adopted at the 10th meeting  
of the Special Committee  
on 6 May 1963.

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<sup>r/</sup> Republic of South Africa. Monthly Abstract of Trade Statistics, January-October 1962.

APPENDIX I

List of resolutions of the General Assembly and  
the Security Council with regard to the racial  
policies of the Government of South Africa

(a) General Assembly

<u>Resolutions</u>	<u>Date</u>
44 (I) . . . . .	8 December 1946
265 (III) . . . . .	14 May 1949
395 (V) . . . . .	2 December 1950
511 (VI) . . . . .	12 January 1952
615 (VII) . . . . .	5 December 1952
616 A (VII) . . . . .	5 December 1952
616 B (VII) . . . . .	5 December 1952
719 (VIII) . . . . .	11 November 1953
721 (VIII) . . . . .	8 December 1953
816 (IX) . . . . .	4 November 1954
820 (IX) . . . . .	14 December 1954
917 (X) . . . . .	6 December 1955
919 (X) . . . . .	14 December 1955
1015 (XI) . . . . .	30 January 1957
1016 (XI) . . . . .	30 January 1957
1178 (XII) . . . . .	26 November 1957
1179 (XII) . . . . .	26 November 1957
1248 (XIII) . . . . .	30 October 1958
1302 (XIII) . . . . .	10 December 1958
1375 (XIV) . . . . .	17 November 1959
1460 (XIV) . . . . .	10 December 1959
1597 (XV) . . . . .	13 April 1961
1598 (XV) . . . . .	13 April 1961
1662 (XVI) . . . . .	28 November 1961
1663 (XVI) . . . . .	28 November 1961
1761 (XVII) . . . . .	6 November 1962

(b) Security Council

Resolution adopted on 1 April 1960 (document S/4300).

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APPENDIX II

List of resolutions of the General Assembly with regard  
to South West Africa

<u>Resolution</u>	<u>Date</u>
65 (I) . . . . .	14 December 1946
141 (II) . . . . .	1 November 1947
227 (III) . . . . .	26 November 1948
337 (IV) . . . . .	6 December 1949
449 (V) . . . . .	13 December 1950
570 (VI) . . . . .	19 January 1952
651 (VII) . . . . .	20 December 1952
749 (VIII) . . . . .	28 November 1953
852 (IX) . . . . .	23 November 1954
940 (X) . . . . .	3 December 1955
1047 (XI) . . . . .	23 January 1957
1054 (XI) . . . . .	26 February 1957
1055 (XI) . . . . .	26 February 1957
1138 (XII) . . . . .	25 October 1957
1139 (XII) . . . . .	25 October 1957
1140 (XII) . . . . .	25 October 1957
1141 (XII) . . . . .	25 October 1957
1142 (XII) . . . . .	25 October 1957
1143 (XII) . . . . .	25 October 1957
1243 (XIII) . . . . .	30 October 1958
1244 (XIII) . . . . .	30 October 1958
1245 (XIII) . . . . .	30 October 1958
1246 (XIII) . . . . .	30 October 1958
1356 (XIV) . . . . .	17 November 1959
1357 (XIV) . . . . .	17 November 1959
1358 (XIV) . . . . .	17 November 1959
1359 (XIV) . . . . .	17 November 1959

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<u>Resolution</u>	<u>Date</u>
1360 (XIV) . . . . .	17 November 1959
1361 (XIV) . . . . .	17 November 1959
1362 (XIV) . . . . .	17 November 1959
1563 (XV) . . . . .	18 December 1960
1564 (XV) . . . . .	18 December 1960
1565 (XV) . . . . .	18 December 1960
1566 (XV) . . . . .	18 December 1960
1567 (XV) . . . . .	18 December 1960
1568 (XV) . . . . .	18 December 1960
1593 (XV) . . . . .	16 March 1961
1596 (XV) . . . . .	7 April 1961
1702 (XVI) . . . . .	19 December 1961
1703 (XVI) . . . . .	19 December 1961
1704 (XVI) . . . . .	19 December 1961
1705 (XVI) . . . . .	19 December 1961
1804 (XVII) . . . . .	14 December 1962
1805 (XVII) . . . . .	14 December 1962
1806 (XVII) . . . . .	14 December 1962

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APPENDIX III

Letter dated 5 April 1963 from the Chairman of the Special  
Committee to the Minister for Foreign Affairs of the  
Republic of South Africa

I have the honour to inform you that the Special Committee which was established on 6 November 1962 under General Assembly resolution 1761 (XVII), and the composition of which was announced by the Secretary-General in his note A/5400 of 18 February 1963, began its work on 2 April 1963.

Being anxious to fulfil the task assigned to it under the above-mentioned resolution to the best of its ability and with the utmost objectivity and effectiveness, the Special Committee has asked me to invite the Government of the Republic of South Africa to lend its co-operation and assistance to the Committee in the accomplishment of this task. To that end, the Special Committee would be glad to know, as soon as possible, the form and manner in which this co-operation and assistance might be provided.

(Signed) DIALLO Telli  
Chairman

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APPENDIX IV

Letter dated 11 April 1963 from the Chairman of the Special  
Committee to the Ministers for Foreign Affairs of Member  
States

I have the honour to inform you that the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa held its first meeting on 2 April 1963.

You will no doubt recall that in resolution 1761 (XVII) of 6 November 1962 the General Assembly, after establishing the Special Committee, requested all Member States to do everything in their power to help the Committee to accomplish its task.

The Special Committee has asked me to emphasize to you the vital importance that it attaches to the implementation of the recommendation made to Member States in the above-mentioned resolution and to express the Committee's gratitude for any information you may be good enough to transmit to it in accordance with operative paragraph 6 (a) of the resolution, in writing or orally, both on racial policies in South Africa and on the manner in which your Government proposed to apply resolution 1761 (XVII).

I have the honour to enclose a copy of the text of General Assembly resolution 1761 (XVII) for your ready reference.

(Signed) DIALLO Telli  
Chairman

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ANNEX IV\*

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

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\*. Originally issued as A/5453 and S/5353.

1. On 6 May 1963, the Special Committee adopted its first interim report drawing the attention of the General Assembly and the Security Council urgently to the explosive situation resulting from the attitude of the Government of the Republic of South Africa towards the resolutions of these principal organs of the United Nations.
2. In its conclusions, the Special Committee stated that it deemed it essential:
  - (a) that all States which maintain diplomatic, consular, commercial and other economic relations with the Government of the Republic of South Africa should be urged to adopt the effective measures recommended by the United Nations and report to the General Assembly and the Security Council at an early date;
  - (b) that a special appeal should be addressed to the Governments of the States with traditional relations with South Africa to take measures to dissuade the Government of the Republic of South Africa from its present policies;
  - (c) that the special responsibility of the small number of States which account for most of the foreign trade of and foreign investments in the Republic of South Africa and which are the principal suppliers of arms and equipment to that country, should be emphasized and that they should be urged to end all direct or indirect encouragement to the Government of the Republic of South Africa to perpetrate its policy of racial segregation; and
  - (d) that the colonial Powers responsible for the administration of territories neighbouring South Africa should be urged to take appropriate measures towards the fulfilment of the objectives of General Assembly resolution 1761 (XVII).
3. Further, the Committee considered it essential that, in view of the non-implementation of the Security Council resolution of 1 April 1960 by the Government of the Republic of South Africa, and in the light of the latest and serious developments in the Republic of South Africa, the Security Council should

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re-examine the situation, remind the South African Government of its obligations under Article 25 of the Charter and take immediate and effective steps to halt the dangerous drift of events in South Africa.

4. In transmitting the report to the President of the Security Council, the Special Committee stated that it was highly desirable that the Council should consider the report as soon as possible and take the measures called for by the grave situation at present prevailing in the Republic of South Africa, which represents a serious threat to international peace and security.

5. Pursuant to its mandate under General Assembly resolution 1761 (XVII), the Special Committee continued consideration of the question with a view to submitting further reports to the General Assembly or the Security Council or both, as indicated in paragraph 14 of its first interim report. It has followed carefully the new serious developments in the Republic of South Africa since the first interim report which are described in appendix I, and heard a number of petitioners, including the representatives of the two major African nationalist organizations in the country. It has considered a number of communications received from Member States in reply to its letter of 11 April 1963. It has also taken note of the resolution adopted by the sixteenth World Health Assembly, and the resolutions adopted in June by the Governing Body of the International Labour Organisation, concerning the racial policies of the Government of the Republic of South Africa. Finally, it has taken note of a number of communications from non-governmental organizations and individuals.

6. In the light of this further review of the situation in the Republic of South Africa, the Special Committee decided that a second interim report should be addressed specifically and urgently to the Security Council, drawing its attention to the main documents and related records of the Special Committee, as well as transmitting conclusions reached by the Special Committee in order to cope with the serious situation prevailing in the Republic of South Africa.

7. The Special Committee recalls that on 1 April 1960, the Security Council recognized that the situation in South Africa had led to international friction and if continued, might endanger international peace and security. It recognized further that this situation had been brought about by the racial policies of

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the South African Government and its continued disregard of resolutions of the General Assembly calling upon it to revise its policies and bring them into conformity with its obligations and responsibilities under the Charter of the United Nations. It deplored the policies and actions of the South African Government which had given rise to the disturbances in March 1960 and the loss of life of many Africans. It called upon the Government of South Africa to abandon its policies of apartheid and racial discrimination and to initiate measures aimed at bring about racial harmony based on equality.

8. In over three years which have elapsed since this resolution, the terms of which have been endorsed and emphasized by vast majorities in successive sessions of the General Assembly, the South African Government has shown no evidence of any inclination to comply with the decision of the Security Council. It has persisted in violating its obligations under the Charter, including those under Article 25. Indeed, it has undertaken policies and actions which are manifestly opposed to the decision of the Security Council.

9. It has proceeded with a series of new apartheid measures. It has banned the organizations opposed to the policies of apartheid, and made membership in them subject to severe penalties; it has imprisoned thousands of persons, and attempted to silence opponents of apartheid by banishment, house arrest, internment and various other types of restrictions; it has enacted increasingly dictatorial legislation in violation of the Universal Declaration of Human Rights and used military and police forces to prevent peaceful protest against its racial policies.

10. The Special Committee notes that the General Assembly, in operative paragraph 8 of resolution 1761 (XVII) of 6 November 1962, requested the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with the resolutions of the General Assembly and the Security Council, and, if necessary, to consider action under Article 6 of the Charter.

11. The Special Committee's mandate to report to the Security Council, as appropriate, was designed primarily to enable it to assist the Security Council in connexion with all the measures envisaged in the above resolution.

12. The Special Committee notes that the Government of the Republic of South Africa has continued to act contrary to the decisions of the General Assembly

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and the Security Council, that the situation in the Republic of South Africa has continued to become graver, and that the threat to international peace and security has continued to increase. It feels that the time has come for the Security Council to initiate appropriate mandatory action to leave no doubt that the United Nations is determined to ensure the fulfilment of the purposes of the Charter in the Republic of South Africa within the shortest possible time.

13. The Special Committee submits the following observations and recommendations in order to assist the Security Council in taking such action.

14. The Special Committee notes that the Republic of South Africa has continued since the establishment of the United Nations with the practice of increasing racial discrimination in violation of the fundamental principles of the United Nations Charter. It has defied numerous resolutions of the United Nations Organs and, indeed, acted contrary to their appeals and demands. Such persistent violation of the Principles and provisions of the Charter, including those of Article 25, is manifestly incompatible with membership in the United Nations.

15. Second, the Special Committee notes the affirmation by the General Assembly that continuance of the policies of racial discrimination, and ruthless measures of repression against resistance to such discrimination, seriously endangers international peace and security. The Special Committee feels that this danger is increasing day by day as the policies of the Government of the Republic of South Africa make inevitable a conflict within the country and provoke increasing violence, by closing all means for the peaceful fulfilment of the purposes of the United Nations.

16. Any conflict in South Africa, precipitated by the racial policies of the present Government, cannot but have the most serious international repercussions threatening the peace in Africa and the world. Because of the kinship of the oppressed peoples of the Republic of South Africa with those of other independent States, and the abhorrence of the policies of apartheid throughout the world, the international community cannot permit the present Government of the Republic of South Africa to utilize military and police power to preserve the system of racial oppression and suppress resistance by violence.

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17. In view of its grave anxiety over the increasing threat to international peace and security, the Special Committee emphasizes the need for international political and economic action, in accordance with operative paragraph 4 of General Assembly resolution 1761 (XVII).

18. The Special Committee draws the most urgent attention of the Security Council to the great increase in the military and police forces in the Republic of South Africa, the acquisition of expensive modern arms by the Government of the Republic, and the rapid expansion of the manufacture of arms and ammunition in the country. The Special Committee feels that these measures underline the gravity of the threat to the peace and, at the same time, enhance the dangers inherent in the present situation.

19. The Special Committee, therefore, attaches the greatest importance to the provision in paragraph 4 (d) of General Assembly resolution 1761 (XVII) requesting Member States to refrain from exporting any arms or ammunition to South Africa. It feels that this provision covers the supply of all material, from governmental or private sources, which can be used for military purposes or for the suppression of resistance to the policies and practice of apartheid, as well as all assistance, direct or indirect, for the manufacture of such material in the Republic of South Africa.

20. The Special Committee deems it essential that the Security Council should insist that all States which continue to provide such supplies or assistance cease all such supplies and assistance immediately.

21. The Special Committee has taken note with satisfaction of reports that several Member States have taken partial or total measures in accordance with the provision of paragraph 4 (d) of General Assembly resolution 1761 (XVII), and considers it indispensable that all States should report forthwith to the United Nations on the measures they have taken.

22. In this connexion, the Special Committee wishes to emphasize that Member States, in taking appropriate measures, should note that there is not merely the danger of a racial conflict within the Republic of South Africa, but that the present situation constitutes a threat to international peace and security. They should refrain from supplying not merely the small arms and ammunition, but any means to increase the mobility of the security forces, as well as material which

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can be used by the Government of South Africa to perpetuate by force the policies of apartheid and by the abnormal military build-up pose a threat to the security of the other States which abhor the policies of apartheid.

23. The Special Committee also notes, in this connexion, that the Government of the Republic of South Africa has continued to refuse to fulfil its obligations with respect to the mandated Territory of South West Africa..

24. The Special Committee, further, draws the attention of the Security Council to the special responsibility of the permanent members of the Security Council to take measures to end the threat to international peace and security, and notes with concern that the Republic of South Africa has received military supplies from certain permanent members. It expresses the hope that these members will assume their full responsibility and make it clear to the Government of the Republic of South Africa that it can count on no co-operation, direct or indirect, in the pursuit of its disastrous policies.

25. The Special Committee regards the measures to stop further increase in the military and police power of the Government of the Republic of South Africa as the first and most urgent step to deal with the situation in the Republic of South Africa.

26. The Special Committee has taken note of suggestions that, as a second step, an effective embargo should be instituted on the supply of petroleum and petroleum products to the Republic of South Africa, in addition to the embargo on military supplies. It has, further, taken note of the suggestion that this embargo should be enforced by a blockade under the authority of the United Nations. The Special Committee feels that these suggestions are important and recommends them to the Security Council for consideration.

27. The Special Committee emphasizes the importance of all other measures which have been recommended by the General Assembly in paragraph 4 of resolution 1761 (XVII) in order to bring about the abandonment of the racial policies of the Government of the Republic of South Africa. It welcomes the measures taken by a number of States, despite the sacrifices involved, to comply with the recommendations of the General Assembly. It deems it essential that the Security Council should call on all States to take all the measures recommended as speedily as possible and to report to the United Nations without delay.

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28. The Special Committee has also taken note of the suggestion by the delegation of the African National Congress, which appeared as petitioners before the Special Committee, that the Republic of South Africa should be expelled forthwith from the United Nations. The Special Committee has also noted the increasing pressures brought to bear in the affiliated bodies of the United Nations and its Specialized Agencies by certain Member States for the withdrawal by the Republic of South Africa from membership in those Organizations. Several members of the Special Committee expressed the opinion that these events, as well as the consistently intransigent attitude of the Government of the Republic of South Africa towards the United Nations Organs and decisions, call for serious consideration by the Security Council in the light of Article 6 of the United Nations Charter.

29. The Special Committee will continue with its review of the racial policies of the Government of the Republic of South Africa, and of means to ensure the fulfilment of the purposes of the United Nations in that country, with a view to submitting further reports to the General Assembly or the Security Council or both, as appropriate. The Special Committee invites the Security Council to request the Secretary-General, the Specialized Agencies and other United Nations bodies to continue to co-operate fully with the Special Committee in the implementation of General Assembly resolution 1761 (XVII).

#### Conclusion

30. In conclusion, the Special Committee wishes to state in brief its recommendations for the consideration of the Security Council:

(a) The Security Council should affirm its support to General Assembly resolution 1761 (XVII).

(b) It should note that the Republic of South Africa has disregarded the Security Council resolution of 1 April 1960, and has persistently violated the Principles of the Charter, and acted contrary to the decisions of the General Assembly, thus creating a serious danger to international peace and security, and putting itself in a position which is manifestly incompatible with membership in the United Nations.

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(c) It should urge upon the Republic of South Africa to abandon its policies of racial discrimination.

(d) It should condemn the repressive measures against opponents of apartheid and demand that all political prisoners should be released and that all those under internment or other restraints for opposition to apartheid should be freed.

(e) It should emphasize the importance of the General Assembly recommendation, in resolution 1761 (XVII), that all Member States should cease supply of arms and ammunition to South Africa. It should note that this recommendation covers the supply of all material which can be used for military purposes or for the suppression of resistance to apartheid, as well as assistance for the manufacture of such material in South Africa. It should call upon States which continue to provide such assistance to South Africa to cease such assistance immediately and report to the Security Council. It should emphasize the special responsibility of the permanent members in this respect.

(f) It should call upon Member States to take political, economic and other measures recommended by the General Assembly in resolution 1761 (XVII), beginning with an effective embargo on supply of arms and ammunition and petroleum. It should consider the means to ensure the effectiveness of the embargo, including a blockade if necessary, under the aegis of the United Nations.

(g) It should invite the Secretary-General, the Specialized Agencies and other United Nations bodies to continue to co-operate fully with the Special Committee in the implementation of General Assembly resolution 1761 (XVII).

APPENDIX I

Note on developments concerning the policies of  
apartheid of the Government of the Republic of  
South Africa since the first interim report 1/  
of 6 May 1963

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1/ See annex III above.

1. In the first interim report, the Special Committee drew the attention of the General Assembly and the Security Council to the drastic repressive measures undertaken at the time by the Government of the Republic of South Africa, such as the imprisonment of over 1,500 persons on the allegation that they were suspected of belonging to an underground organization called the "Poqo"; the promulgation of the General Law Amendment Act of 1963;<sup>2/</sup> and the detention without trial of Mr. Robert Mangaliso Sobukwe, President of the Pan-Africanist Congress, after he had completed a three-year sentence of imprisonment in connexion with the agitation against pass laws in March 1960.

2. These drastic repressive measures were but a reflection of a serious crisis caused by the apartheid policies of the Government, a crisis which had been noted by observers inside and outside South Africa.

3. Jan Styttler, leader of the Progressive Party, said in a press statement on 24 April that the General Law Amendment Bill exceeded in severity any measure passed in South Africa even in wartime, and that South Africa was becoming "an armed state where everybody walks in fear."<sup>3/</sup> The Rand Daily Mail of Johannesburg wrote on the same day that it "puts South Africa virtually in a state of war - and against whom? The terrible answer is our own people."<sup>4/</sup>

4. The Johannesburg Bar Council, on 29 April, criticized the Bill as "the virtual end of the rule of law in South Africa," and as designed "to make provision ... for a police state". It added that the creation of offences retroactively was "repugnant to all sense of justice."<sup>5/</sup>

5. Sir de Villiers Graaff, leader of the opposition United Party, which voted for the Bill, warned that underground organizations like "Poqo" and "Spear of the Nation" were only symptoms, and that:

"If the Government continues with present policies and the present organizations are destroyed, others will arise because of the unnatural conditions under which so many people live." <sup>6/</sup>

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<sup>2/</sup> Republic of South Africa, Government Gazette Extraordinary, 2 May 1963.

<sup>3/</sup> Reuters, 24 April 1963.

<sup>4/</sup> Reuters, 24 April 1963.

<sup>5/</sup> Reuters, 29 April 1963.

<sup>6/</sup> The Star, weekly, Johannesburg, 18 May 1963.

Mr. A. Fagan, former Chief Justice of South Africa and now United Party Member of the Senate, said:

"These are circumstances which I had never hoped to see in my fatherland during my lifetime." 7/

Mr. James Hamilton Russell, a Member of Parliament for twenty years, resigned in protest against the United Party's support of the Bill and declared on 5 May: "We have reached a point of no return for the whole country unless someone turns back now." 8/

6. Dr. Denis Hurley, Roman Catholic Archbishop of Durban, said that the Bill was:

"recognition of a state of siege. The information available to the Government appears to indicate that the attack of African nationalism is reaching a climax. With the break-up of the Rhodesian Federation the northern buffer is dissolving and the stage is being set for a second Algeria. In this tragic situation it is rather pointless to criticise the Bill. The real issue is whether South Africa and its neighbours are going to make it a fight to the finish for white supremacy or if they will be prepared to negotiate for nobler things." 9/

7. The International Commission of Jurists, in a statement on 15 May, stated that "South Africa is now more than ever a police state" and that "the measures now introduced by the South African Government call for strong condemnation by all the civilized world, as did those that preceded them." 10/

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7/ The Star, weekly, Johannesburg, 4 May 1963.

8/ Reuters, 6 May 1963.

9/ Southern Africa, London, 10 May 1963.

10/ The Commission stated:

"The measures in the present Act that will cause grave concern to all who love liberty, fair play and justice are (1) its retroactive provisions, (2) the power to declare any organization, however lawful, to be the same as an existing unlawful organization by mere proclamation if it bears a name similar to the unlawful organization, (3) the drastic powers of arrest without warrant given to the police, (4) the shifting of the onus of proof to the accused person, (5) the drastic severity of the sentences, even to the infliction of the death penalty for 'sabotage', (6) the right to keep a person in prison indefinitely without trial, and (7) removal of the right of habeas corpus and the ousting of the jurisdiction of the Courts. A police state could hardly go further."

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8. Yet, despite all the warning signals, the Government of the Republic of South Africa has continued with further measures of apartheid and repression. It has shown neither the intent nor the ability to stop and trace back the downhill course of more discrimination and more repression.
9. The South African Foreign Minister, Mr. Eric Louw, told the Senate in June that the Government was determined to maintain white political control in South Africa and "will not be deterred by attacks at the United Nations, threats at Addis Ababa, unsympathetic Western nations or difficulty in obtaining equipment."<sup>11/</sup>
10. The Minister of Transport, Mr. B.J. Schoeman, stated in an address to white school children:
- "Let them try to hand over South Africa to the blacks. We are ready to defend ourselves ... In the coming generation you must be prepared to sacrifice everything ... You must be prepared to die."<sup>12/</sup>
11. The Prime Minister, Dr. H.F. Verwoerd, declared that his Government would not yield to any pressure to change its race policies.<sup>13/</sup>

#### Continued Pursuit of Apartheid

12. The Transkei Constitution Act (No. 48 of 1963) was approved by Parliament on 17 May and signed by the State President on 24 May 1963.<sup>14/</sup> Advertised as proof of the Government's sincerity in promoting "separate development", this measure for the creation of the first "Bantustan" only reflects, as indicated in the first interim report, an effort to reinforce inequality. The Transkei reserve is given symbols such as a "national" flag and a "national" anthem, but the powers of its Assembly - composed of sixty-four chiefs fully dependent on the Government, and forty-five elected members - are severely restricted. The franchise is extended to all Xhosas and other person of Transkeian origin who

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<sup>11/</sup> South African Digest, Pretoria, 27 June 1963.

<sup>12/</sup> Newsweek, 10 June 1963.

<sup>13/</sup> New York Times, 26 June 1963; South African Digest, Pretoria, 4 July 1963.

<sup>14/</sup> The text was published in the Government Gazette Extraordinary, 30 May 1963. Elections for the Transkei Legislative Assembly are scheduled to be held in November.

live outside the reserves: they are, in turn, deprived of any expectation of political rights or even security of residence in their places of residence.<sup>15/</sup>

13. The character of self-government in the Transkei is revealed by the fact that a state of emergency prevails now over much of the territory. Paramount Chief Dalindyebo complained recently:

"I am in a quandry because some time ago I received a letter from the magistrate's office stating I would have to obtain permission to hold a meeting ... How can I tell the people what they have to know and do (about the elections to the Assembly) if I have to abide by the contents of this letter?" <sup>16/</sup>

14. Meanwhile, the Government is pushing ahead with its policy of abolishing even the limited rights of six million Africans in the so-called "White" areas - which cover six-sevenths of the territory and, in fact, have an African majority.

15. The Bantu Laws Amendment Act,<sup>17/</sup> recently enacted by Parliament, is designed to check the flow of Africans to the towns, to further control the kinds of work done by Africans<sup>18/</sup> and to restrict the flow of labourers from the neighbouring

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<sup>15/</sup> Self-government in the African reserves, covering less than a seventh of the area of the country, coupled with denial of political rights in the rest of the country, is opposed by African nationalist organizations as a retrograde and discriminatory measure.

The reserves cannot support even their present population of some four million, or two-fifths of the African population of the Republic. The recent famine in the Vondaland area of Northern Transvaal was but one example of the results of confining the Africans to overcrowded reserves.

<sup>16/</sup> Agence France Presse, 15 May 1963

<sup>17/</sup> The Bill was originally published in the Government Gazette on 9 February and evoked wide-spread opposition not only by the Africans but also by municipalities and employers' organizations. A shortened version was then introduced in Parliament in May as a first instalment.

<sup>18/</sup> The Bill only adds to the "colour bar" in jobs under previous laws which continue to be enforced. From 13 May 1963, for instance, the Government prohibited apprenticeship for Indians and Coloureds in Natal in carpentry, joinery, wood-machining, plastering, plumbing, electrical wiring and shop fitting. The Star, weekly, Johannesburg, 25 May 1963.

territories. It deprives Africans, even though born or settled for many years in urban areas, of the right to live there.

16. Defending the Bill, the Deputy Minister of Bantu Administration and Development, Mr. M.C. Botha, said that the Government's policy was clear and simple: Bantu workers should not be brought into the White areas in an increasing number on the basis of whole families.<sup>19/</sup>

17. The Leader of the Opposition, Sir de Villiers Graaff, said the United Party had found the Bill so objectionable that it had no alternative but to oppose even the first reading. Under the Bill, he said, there could be no development of a Bantu middle class in the urban areas, or any to permanent residence in urban locations.<sup>20/</sup> It was "further evidence that the Government regarded the Bantu only as labour units with no right to permanency in the country" <sup>21/</sup>

18. The Christian Council of South Africa, which represents twenty-eight member churches with three million members, issued a statement that the Bill laid itself open to grave censure and criticism in its disregard of human values and as unworthy of a country which claims a Christian heritage.

"We would strongly underline our objections to this Bill as an arbitrary interference with human rights, as an enforcement of a migrant labour policy which totally undermines the sanctity of family life and as having dangerous implications in disregarding human values and the selfhood of the African man, woman and child." <sup>22/</sup>

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<sup>19/</sup> South African Digest, 16 May 1963.

<sup>20/</sup> House of Assembly Debates, 6 May 1963, cols. 5365-8.

<sup>21/</sup> South African Digest, Pretoria, 4 July 1963.

<sup>22/</sup> The Star, weekly, Johannesburg, 18 May 1963.



19. It may be recalled that Mr. Justice Snyman's report in March, which led to the General Law Amendment Act, recognized that a major cause of violence in cities like Cape Town and Paarl was the forcing of African men into single quarters, the driving away of wives and children from these cities and the plans to eliminate the Africans from the Western Cape Province. However, instead of eliminating the causes of resentment of the Africans, the Government proceeded with this new Bill to make their situation in the cities even more intolerable.

20. The Group Areas Act, designed to enforce segregation in urban areas, continues to be implemented with utter disregard for the interests of the non-Whites.

21. On 24 May, "Pageview" a non-White location in Johannesburg, inhabited by almost 5,000 persons of Indian and Pakistani origin, as well as some "Malays", "Coloureds" and Chinese, was proclaimed a White group area. The non-Whites are obliged to vacate their residential premises within three months, and business premises within twelve months, and move to a location twenty miles away.<sup>23/</sup>

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<sup>23/</sup> "Pageview" had been set aside for non-Whites as early as 1902 and they were allowed freehold rights in 1941. In addition to their homes, and their businesses (which are valued at four million Rand or \$5,600,000), they had built two mosques and a number of other community institutions. (The Star weekly, Johannesburg, 25 May 1963.) The Rand Daily Mail described the proclamation as "the most damaging blow yet dealt" to any Indian community in South Africa.

At the same time, the Government proclaimed one of the streets in Bethal, a town in eastern Transvaal, a White area. The people of Indian and Pakistani origin in Bethal, numbering 365, are almost entirely dependent on the shops and stands on that street and their livelihood would be gravely affected by the proclamation. (Ibid.)

Repressive Measures and the Question of "Racial Conflict"

22. As the Special Committee recognized clearly, this policy of discrimination can only be implemented by increasing measures of repression against the non-Whites, as well as White opponents of apartheid. The General Law Amendment Act supplemented the formidable powers of the Minister of Justice and the persecution of opponents of apartheid has continued unabated.

23. On 10 May, "Poqo", "Umkonto We Sizwe" (Spear of the Nation) and two other organizations were banned by being declared the same as the Pan-Africanist Congress or the African National Congress. Nearly 150 persons were detained without trial under this Act by 26 June.<sup>24/</sup>

24. The numbers of persons imprisoned under the Act is perhaps not as significant as the atmosphere of intimidation, as this Act merely supplements a series of repressive measures.

25. Under the General Law Amendment Act of June 1962, 2,294 persons had been indicted by 24 April 1963.<sup>25/</sup> Justice Minister Vorster told the House of Assembly on 13 June that a total of 3,246 alleged "Poqo" members had been arrested by 5 June.<sup>26/</sup> The New York Times of 21 June 1963 quoted the Commissioner of Prisons as stating that the number of prisoners in South Africa was at an all-time high, and gave the following additional figures:

Arrested for alleged security crimes in the past year	5,293
Arrested on charges of attempting to further the aims of the African National Congress or the Pan- Africanist Congress	2,047
Convictions for alleged sabotage	126
Awaiting trial for alleged sabotage	511
Banned from public activities	142
Under house arrest	24

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<sup>24/</sup> Reuters, 26 June 1963.

<sup>25/</sup> House of Assembly Debates, 24 April 1963, col. 4647.

<sup>26/</sup> Reuters, 13 June 1963.

The South African Press constantly reports trials for security offences: the sentences invariably are extremely heavy, even on minors. A great majority of prisoners are not put up for trial for weeks and months after their arrest.<sup>27/</sup>

27. A reason for particular concern is the evidence in the South African courts that prisoners are frequently tortured by the police to obtain confessions or to extract information implicating others. The provision of the General Law Amendment Act concerning detention without trial is also used for extracting information from persons against whom the Government has no charges except that they may possess information.

28. Government spokesmen claim that the "Poqo" has been "knocked out" by the recent arrests and that now the main danger is the "Spear of the Nation" and the African National Congress.<sup>28/</sup> A number of supporters of the African National Congress have recently been imprisoned.

29. In May, Dr. G.M. Naicker, President of the South African Indian Congress, was served with orders confining him to the Durban area and forbidding him to speak or communicate with any named Communist or person served with a banning order, or to attend any political or social gathering.<sup>29/</sup> With this order, the leader of every major non-white political organization in South Africa opposed to apartheid is now in gaol or under restraint.

30. The present situation in South Africa makes it abundantly clear that the policies of apartheid cannot be implemented without undermining the freedom and human rights of all persons, White and non-White alike.<sup>30/</sup> The Government's claim

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<sup>27/</sup> According to the Johannesburg Star, weekly, of 29 June 1963, more than 2,500 persons had been arrested in recent months on allegations of sabotage, conspiracy towards an uprising or furthering the aims of banned organizations. About 600 of them had appeared for summary trial. It may be months before all the cases are disposed of.

<sup>28/</sup> Statement by the Minister of Justice in The Star, weekly, Johannesburg, 15 June 1963; report by Mr. Justice J. Snyman, quoted in South African Digest, Pretoria, 4 July 1963; and The Star, weekly, Johannesburg, 29 June 1963.

<sup>29/</sup> Southern Africa, London, 24 May 1963.

<sup>30/</sup> An example of the effect of racial policies on freedom is the recent Publications and Entertainments Act, reinforcing censorship, which has been protested by a large number of writers, artists and sculptors in South Africa. Over 100 South African writers, sculptors and artists presented a protest against the drastic provisions of the Act. (Southern Africa, 3 May 1963). On 4 June, the South African branch of P.E.N. (Poets, Essayists and Novelists) urged the Government to amend the Act, claiming that it aims at "strait-jacketing" literature. (Reuters, 4 June 1963).

of combatting Communism is largely a cover to suppress resistance to discrimination. Mr. Ernst Malherbe, Principal of the University of Natal, on 10 May said that he had made a point of asking police detectives of the Special Branch exactly what they understood by Communism. Their definitions were, by and large, either "equality between black and white" or "one man, one vote".<sup>31/</sup>

31. Suffice it to note that one of the persons charged under the so-called Suppression of Communism Act is Reverend Dr. Arthur Blaxall, an elderly priest who has devoted his life to the service of the deaf and blind in South Africa and whom no one has accused of Communism. Mr. Jordan Ngubane, Vice-President of the Liberal Party, was banned under that Act at the end of June. Mr. Alan Paton said: "Everyone knows that Ngubane is opposed to Communism".

32. The result of this definition of belief in racial equality as subversion and the mass arrests of opponents of apartheid has been an increased state of tension in the country. The stability or order that the Government claims to have achieved is the virtual state of emergency buttressed by a massive security apparatus.

33. The present atmosphere in South Africa is eloquently described in a Reuters report from Johannesburg on 10 June. It said that pocket-sized tear gas "bombs" operated like a fly spray went on sale in Johannesburg. The canisters cost about \$12 and contain about eighty shots each - "enough to deal with a whole mob if necessary" - according to advertisements. They are sold only to the whites and the "demand has been quite brisk".

34. In contrast to the optimistic statements of Government spokesmen concerning race relations in the country, many observers have expressed serious concern for the future. Some of their observations are quoted below.

35. The Most Rev. Joost de Blank, the Archbishop of Cape Town, wrote in a recent article that South Africa:

"hits the headlines fairly constantly because its racial tensions in one form or another can no longer be hidden. The crack that has been plastered over widens into an open rift and the result is violence, oppressive police action and a further step taken in the country's disintegration.

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<sup>31/</sup> Reuters, 10 May 1963.

"For this is what we are facing - the disintegration of a whole society, 15 million in all of Whites and Blacks and Coloureds who have not learned to live together and who, for the most part, no longer want to - not if it means continuing as hewers of wood and drawers of water for the sake of the privileged white minority, while politicians mouth sentiments of 'separate development' that nobody believes means a true racial equality or honest mutual good will". 32/

36. Mr. Justice Hiemstra of the Rand Criminal Sessions, declared on 21 June, after imposing severe sentences on eight persons charged with planning an attack on white people:

"Whether they (the sentences) will deter others from the road of violence as a means of settling their grievances I do not know. I can only earnestly hope that it will be so. There is on the one hand the total failure of a planned insurrection. On the other hand there is the fact that so much hate has been allowed to grow up among a section of our people that plans like these could be made.

"These sentences will no doubt leave bitterness in the hearts of many Bantu people for a long time to come ... May God grant that in some way the revelation of these facts will lead to better understanding among all our peoples." 33/

37. Mr. Justice J. Snyman, in his report on the Paarl riots of last November, tabled in the House of Assembly on 25 June, called for "a special drive to educate and reform the attitudes of both the White and non-White sections of the community in respect of inter-racial affairs" and warned that this task "brooks of no delay" 34/  
He told the Press on 6 July:

"We must not only change our attitude (to the Bantu) but we must also find a policy that is acceptable to the Black man or find a way to make our policies acceptable to him." 35/

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32/ Southern Africa, London, 21 June 1963.

33/ The Star, weekly, Johannesburg, 22 June 1963.

34/ South African Digest, Pretoria, 4 July 1963; Reuters, 25 June 1963.

35/ The Star, weekly, Johannesburg, 6 July 1963.

### International Repercussions

38. The situation in South Africa has stirred the world conscience as never before and has had wide international repercussions.

39. Reference may first be made to several recent actions by United Nations bodies.

40. On 23 February 1963, the Economic Commission for Africa decided again to recommend that the Republic of South Africa be deprived of membership in the Commission "until it shall set a term to its policy of racial discrimination" <sup>36/</sup>

41. On 2 April 1963, the Commission on Human Rights adopted the text of a Draft Declaration on the Elimination of all Forms of Racial Discrimination. Article 5 of the text reads:

"An end should be put, without delay, to government policies of racial segregation and especially policies of apartheid as well as all forms of racial discrimination and separation resulting from such policies."

The draft is due to be considered by the Economic and Social Council in July and by the General Assembly at the eighteenth session.

42. On 23 May 1963, the sixteenth World Health Assembly adopted a resolution recalling General Assembly resolution 1761 (XVII) of 6 November 1962, and inviting the Government of South Africa to renounce the policy of apartheid in the interests of the physical, mental and social well-being of the population. <sup>37/</sup>

43. At the International Labour Conference in Geneva in June, the African delegations, supported by a number of others, demanded the exclusion of the Republic of South Africa because its racial policies were in violation of the Organization's principles. The strength of feeling of the delegations was reflected in the resignation of the Chairman of the Conference, the walk-out of thirty-six delegations from the session, and the rejection of the credentials

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<sup>36/</sup> E/CN.14/RES/68 (v). The Economic Commission for Africa had adopted a resolution in 1962 recommending that the Republic of South Africa be deprived of membership. The Economic and Social Council, at its resumed thirty-fourth session in December 1962, rejected the recommendation by 8 votes to 7, with 2 abstentions, and one member absent. On 23 February 1963, the Economic Commission for Africa recommended that the Council reconsider its decision and transmit the views and recommendations of the Commission to the General Assembly.

<sup>37/</sup> A/AC.115/L.13.

of the workers' delegation from the Republic of South Africa. Subsequently, on 29 June 1963, the Governing Body of the International Labour Office adopted three important resolutions on this question.<sup>38/</sup>

44. A number of Governments have condemned the policies of apartheid and taken measures to dissuade the Government of the Republic of South Africa from its present policies. In addition to the replies received to the letter dated 11 April 1963 by the Chairman of the Special Committee,<sup>39/</sup> numerous official statements on this subject have appeared in the past few weeks. Particular mention may be made of the resolutions of the recent Conference of the Independent African States at Addis Ababa.<sup>40/</sup> The Scandinavian Foreign Ministers, meeting in Oslo in May, condemned the racial policies of the South African Government and called on it to co-operate with the United Nations and revise its policies.<sup>41/</sup>

45. A large number of non-governmental organizations and individuals likewise condemned the policies of apartheid.

46. The International Confederation of Free Trade Unions, in memoranda to the Special Committee, supported effective measures to put an end to the policies of apartheid.<sup>42/</sup> The Secretariat of the World Federation of Trade Unions issued a statement on 13 June 1963 condemning repression in South Africa and calling for immediate compliance with the decisions of the General Assembly and the recent Conference of Independent African States.<sup>43/</sup> The International Commission of Jurists, in a statement in May, called for "strong condemnation by all the civilized world" of the General Law Amendment Act and the earlier repressive legislation. The International Olympic Committee has indicated that South Africa would be excluded from the Olympic games unless the South African Olympic Committee could prove to the next Congress that effective steps had been taken to reduce racial discrimination.<sup>44/</sup>

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<sup>38/</sup> A/AC.115/L.12.

<sup>39/</sup> A/AC.115/L.9 and addenda.

<sup>40/</sup> A/AC.115/L.11.

<sup>41/</sup> Southern Africa, London, 24 May 1963.

<sup>42/</sup> A/AC.115/L.8; A/AC.115/SR.16.

<sup>43/</sup> Tass, 13 June 1963.

<sup>44/</sup> The Star, weekly, Johannesburg, 8 June 1963.

47. Ten church leaders in the United Kingdom, in a statement on 11 July, urged the South African Government "to take heed before it is too late" and warned it that unless the trend of recent legislation is reversed, "we can see nothing in the end but violent disaster". They appealed for assistance to the victims of repression and called for a day of prayer on 21 July for all South Africa. <sup>45/</sup>

48. In the Scandinavian countries, public organizations - youth organizations, trade unions and co-operatives - have promoted a boycott of the Republic of South Africa. An appeal sponsored by the joint council of Danish Youth organizations calling for a boycott of all South African goods was signed by ninety-four members of the Danish Parliament, representing all the major parties. <sup>46/</sup> Copenhagen dock workers refused to load or unload ships carrying South African goods. <sup>47/</sup> Ko-operativa Foerbundet, the largest Swedish consumers' organization, and F.D.B., the Danish co-operative hardware and grocery chain, announced a boycott of all South African products. <sup>48/</sup>

49. Anti-Apartheid Committees have been formed in a number of countries, particularly in Western Europe.

50. The world reaction to apartheid leaves little doubt about the "moral isolation" of the present Government of the Republic of South Africa.

51. The South African Government recognizes and admits its isolation from world opinion though it attempts to criticize the attitudes of other governments, to argue that it is not isolated economically and otherwise, and to claim high motives for its own racial policies.

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<sup>45/</sup> The statement was signed by the Archbishops of Canterbury and York; the Moderator of the General Assembly of the Church of Scotland, the Archbishop of Birmingham, on behalf of the Roman Catholic Hierarchy; the President of the Methodist Conference, the Chairman of the Congregational Union of England and Wales, the President of the Baptist Union, the Moderator of the General Assembly of the Presbyterian Church of England, the Moderator of the Free Church Federal Council and the General Secretary of the British Council of Churches. (The Times, London, 11 July 1963).

<sup>46/</sup> Southern Africa, London, 17 May 1963.

<sup>47/</sup> Reuters, 5 July 1963.

<sup>48/</sup> Southern Africa, 10 May 1963; The Star, weekly, Johannesburg, 25 May 1963.



52. To quote from a statement by Prime Minister Dr. Verwoerd in the last week of April 1963:

"It is not our fault that we must be alone in the world today, in what we believe to be the proper development of our future, and that others cannot realize the morality of our outlook.

"We must convince the world that we stand for the preservation of Christendom and civilization, and that we may yet be responsible for saving them." 49/

53. A few days later, addressing the Cape Town Afrikaans Chamber of Commerce, Dr. Verwoerd said:

"I cannot understand why it is so often stated that South Africa has become isolated from the rest of the world ...

"It is perhaps true that so far as our colour policies are concerned there are great international differences. But this is by no means the only aspect of our relationship with other nations.

"In the economic sphere, and in many other aspects of our life, we still have many friends in the world." 50/

54. He said in May 1963 in Cape Town at the twenty-fifth anniversary of the South African Press Association:

"Our fatherland, in which we all wish to continue to exist, stands today in a world which through no fault of our own does not understand us. This is because the rest of the world does not know us nor our motives and the facts about the position here." 51/

55. Dr. Albert Hertzog, Minister of Posts, complained recently:

"International finance is willing to throw South Africa to the black man for the sake of mineral wealth and strategic position in the world." 52/

56. To counter the increasing isolation from world public opinion, the Government of the Republic of South Africa has spent much effort on propaganda

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49/ South African Digest, Pretoria, 2 May 1963.

50/ Ibid.

51/ South African Digest, 30 May 1963.

52/ Southern Africa, 7 June 1963.

at home and abroad.<sup>53/</sup> It has also shown concern over sanctions and has taken steps to buttress relations with neighbouring territories, particularly the Portuguese territories and Southern Rhodesia.<sup>54/</sup> It has, however, shown little evidence of a genuine desire to abandon its policies of apartheid, with the

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<sup>53/</sup> Two lines of propaganda deserve special notice. The first is the claim that the conflict within South Africa is due to foreign interference. Defence Minister Fouché told a National Party meeting in Queenstown early in May 1963:

"My conviction is that the Black man in South Africa is not our basic problem. The basic problem is the unfair interference of the outside world". (South African Digest, 9 May 1963).

This interference, he said, was driving a wedge between white and black. (South African Digest, 9 May 1963).

The second is the argument that the problem is one of "survival" of the white population in Africa. In a television interview in May, the South African Ambassador to the United States claimed:

"If you were to introduce the proposals of the United Nations (on racial policy in South Africa) you would, in effect be committing another sin - committing genocide. You would be asking this Western Christian nation to be allowed to destroy itself". (The Star, daily, Johannesburg, 6 May 1963).

The Special Committee, has made it clear that it does not view the choice as between white domination and black domination, but as between racial discrimination and the acceptance of the principles of the United Nations Charter.

<sup>54/</sup> The Minister of Foreign Affairs of South Africa, Mr. Eric Louw, visited Lisbon in May and signed an air agreement with Portugal for flights by South African Airways from Johannesburg to Lisbon with landing rights at Luanda. (Southern Africa, 17 May 1963).

South Africa has agreed to contribute funds for the construction of an airfield on Ilha do Sal, one of the Cape Verde Islands. (New York Times, 16 June 1963; Southern Africa, 21 June 1963).

Mr. Roy Welensky, Prime Minister of the Federation of Rhodesia and Nyasaland visited Cape Town and on 20 May a joint communique announced agreement on increased economic co-operation.

result that world opinion has become increasingly concerned over the likelihood of a further deterioration of the situation into a violent clash. 55/

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55/ A few recent comments are illustrative. Dr. Ramsey, the Archbishop of Canterbury, declared that if the present trend in South Africa continued, based as it was on the fear of one part of the population towards another, it was hard to see how the outcome could be other than violent disaster. (Southern Africa, London, 14 June 1963).

Mr. Harold Wilson, leader of the Labour Party in the United Kingdom, declared recently:

"The situation in South Africa is in sight of being a threat to the peace. And if Dr. Verwoerd challenges that then let him stop the massive arms build-up in South Africa ...

"The situation in South Africa is getting worse week by week ...

"The choice before Africa - and all of us are involved in this choice - is a choice between the racial bloodbath towards which the policy of the South African Government is driving, or racial peace by negotiation." (Contact, 17 May 1963).

Ambassador Adlai Stevenson declared on 20 June that the United States Government recognized "the extreme seriousness of the situation in the Republic of South Africa" and that "its anxiety and concern about the situation is increasing day by day". (A/AC.115/SR.15).

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APPENDIX II

Note on the expansion of military and police forces  
in the Republic of South Africa and the supply of  
arms and ammunition to the Republic of South Africa

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1. In the first interim report of 6 May 1963,<sup>56/</sup> the Special Committee expressed deep anxiety over "the rapid expansion of South African military and police forces which not only reflects the gravity of the present situation in the country but is likely to have serious international repercussions". The Committee noted that, between fiscal years 1960-1961 and 1963-64, the defence expenditure of the Republic of South Africa rose from 44 million Rand to 157 million Rand or nearly four times.<sup>57/</sup> Police expenditure rose during the same period from 36 million Rand to 47 million Rand. This enormous build-up of military and police forces was one of the main reasons for the submission of the first interim report by the Special Committee.
2. The present note contains some salient facts on the recent expansion of military and police forces in the Republic of South Africa and the supply of arms and ammunition to that country.

#### Size of military expenditures

3. The estimated expenditure for fiscal year 1963-64 is well above the highest annual expenditure during the period of the Second World War when South African forces saw action in many theatres.<sup>58/</sup>
4. The breakdown of the defence expenditures, for the years 1960-61 to 1962-63, shows that the largest increases are not in such items as salaries and related expenditures, but for the acquisition of arms and ammunition. For instance, the estimates for "Army Stores, Services and Equipment" increased from 2,620,000 Rand to 11,945,000 Rand or by four and half times; for transport equipment and petrol by over three times; and for aircraft and aviation fuel by over 2 1/2 times. The estimates for "Special equipment and Reserve stocks" increased from four and a half million Rand to over 31 million Rand or by more

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<sup>56/</sup> See annex III above.

<sup>57/</sup> The figure for 1963-64 is the budget estimate. A Rand is equivalent to half a pound sterling or \$1.40.

<sup>58/</sup> The expenditure in 1944-45 was 51,250,000 pounds or 102,500,000 Rand. (Official Year Book of the Union of South Africa, 1948, p.631.) The estimate for 1963-64 is 157 million Rand.

than seven times. The estimates for the manufacture of munitions increased from 368,000 Rand to over 14 million Rand, or by nearly forty times.

5. The budget estimates, however, do not fully reflect the scale of military expansion. Much of the increase in available military personnel is not in the standing army but in the Commandos, and this does not require a proportionate increase in public expenditure.

#### Strength of the Security Forces

6. The South African Defence Force consists of:

- (1) The Permanent Force, or the standing army (the Army, Air Force and Navy);
- (2) The Citizen Force, comprising volunteers and citizens drawn by ballot and enrolled in the Force; and
- (3) The Commandos, comprising volunteers and citizens not drawn by ballot for enrolment in the Citizen Force.

7. The strength of the Permanent Force is kept relatively low. It had 12,700 officers and men in 1962-63,<sup>59/</sup> excluding Auxiliary services. It has expanded, however, from 8,832 in 1960 to 12,700 in 1962-63, and the Government has announced plans for further expansion.

8. The Citizen Force consists of about 10,000 men called to service annually to serve for four years, or a total of 40,000 men available at any time. Before 1961, members of this Force underwent a three-month continuous training in the first year, and a three-week training in the second, third and fourth years. Under the Defence Amendment Act of 1961, the period of training was increased to nine months in the first year and three months in the following years.

9. The greatest expansion has been in the Commando in which every able-bodied South African citizen is required by law to serve for four consecutive years in case he has not been previously a member of the Permanent Force or the Citizen Force or the Reserve unit of either. Members of the Commando are trained in the use of weapons and in combat operations, and are subject to call for service at any time.

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<sup>59/</sup> Estimates of Expenditure, 1962-63.

10. There are now more than 200 units of Commandos. As members of the Commando are not paid salaries, and purchase and maintain their own weapons, an increase in the strength of the Commandos does not add greatly to budget expenditures.

11. The Government has recently announced the establishment of units of Air Commandos, made up of private pilots and airplanes commissioned for service in times of emergency or war <sup>60/</sup>

12. The Minister of Defence announced in June 1963 that by next year South Africa could have 140,000 men in uniform (including the Permanent Force, Citizens Force and Commandos).<sup>61/</sup> Concurrently, the strength of the school cadet force is being doubled from 65,000 to 120,000 for the purpose of providing more young men of school age with basic military training.<sup>62/</sup> The Government's aim is to mobilize as many as 250,000 men at short notice.

13. The Government has emphasized the mobility and the fire-power of the armed forces. Much of the increased Government expenditure, as indicated earlier, is devoted to the acquisition of planes and trucks, purchase of modern arms and training in their use, and manufacture of weapons.

14. Special units have been trained in the regular services to be combat ready within one hour. By the end of this year, the armed forces are expected to have about 10,000 such fully trained special troops: their number is planned to be increased to about 20,000 by the end of 1965.<sup>63/</sup>

15. The armed forces are entirely White, except for some labourers. One of the first acts of the National Party Government, after it rose to power in 1948, was to limit the army to Whites.

16. The police force has a strength of 27,350 men - 13,600 Whites, 12,250 Bantus, 1,100 Coloured (i.e., people of mixed descent) and 400 Indians.<sup>64/</sup> Recently, the Government has begun to enrol armed Whites in auxiliary police units which are

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<sup>60/</sup> House of Assembly Debates, 1 May 1963, Col. 5145.

<sup>61/</sup> The Star, daily, Johannesburg, 3 June 1963.

<sup>62/</sup> Statement by Army Chief of Staff, Gen. S.A. Engelbrecht, reported in News/Check on South Africa and Africa, Johannesburg, 12 October 1962.

<sup>63/</sup> Statement by the Minister of Defence, reported in Southern Africa, London, 12 October 1962.

<sup>64/</sup> South African Digest, Pretoria, 4 April 1963.

planned to have a strength of several thousand. The Government has indicated that non-White units of auxiliary police would be established, but no concrete measures for this purpose are reported. The White police in general are well-armed: the non-Whites are not.

17. It should be noted that the Government has sought to establish the closest co-operation between the police and the armed forces for the maintenance of internal security. As the Defence Minister, Mr. J.J. Fouche, stated in the House of Assembly on 1 May 1963:

" ... I wish to say that from the nature of the matter the South African Police are not able to prevent or to suppress local riots everywhere. Here one thinks of an isolated outpost in a distant area manned by only two or three policemen. In the light thereof it is therefore imperative that the necessary means should immediately be available to the authorities to suppress any riots before they assume appreciable proportions. It is therefore the idea that members of the Defence Force who find themselves in the vicinity where riots occur should immediately be enlisted to assist the police." 65/

18. In recent years, the armed forces and aircraft have been frequently used to deal with disturbances in the country, particularly in the Transkei.

19. In addition to expanding the armed forces and police, the Government has encouraged and assisted military training for all the Whites. Rifle clubs and home guards have sprung up all over the country. Women and children of school age are being trained in the use of weapons.

20. Even in 1961, it was reported that probably no city in the world had as many privately owned small arms as Johannesburg - some 100,000 licensed weapons for a White population of less than 500,000. 66/ The number of these arms is now much higher.

21. In short, the White community in South Africa is becoming an armed camp, ready for what the Government chooses to describe as the struggle for survival and what in reality is a desperate effort to perpetuate the policy of racial oppression.

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65/ House of Assembly Debates, 1 May 1963, Col. 5147.

66/ The Times, London, 18 August 1961.



22. The Government's plan was recently described by the Minister of Defence, Mr. J.J. Fouche, in the House of Assembly when he said: "Our aim is to train every young man (for military service) whether he is flat-footed or not ... It cannot be done at present but we are working in that direction".<sup>67/</sup>

#### Manufacture of Arms

23. In recent years, the Government of the Republic of South Africa has spent much effort and investment to expand greatly the manufacture of modern weapons in the country. As indicated earlier, the estimate of Government expenditure between 1960-61 and 1962-63 for manufacture of munitions increased by nearly forty times.

24. Production of automatic weapons is planned for 1964. Production of ammunition is being greatly increased in order to make the country self-sufficient in this field.<sup>68/</sup>

25. The Government has received assistance from foreign companies and investors in its plans to expand arms production.<sup>69/</sup>

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<sup>67/</sup> South African Digest, Pretoria, 13 June 1963.

<sup>68/</sup> Southern Africa, London, 28 January 1961, quoted a report in Commando, official publication of the South African Defence Force, that South Africa would be manufacturing her own automatic weapons by 1964. It said that the manufacturing rights for the new Belgian FN7.62 automatic rifle, the weapon which was to replace the Defence Force's present .303, had been obtained and plans were being carried out gradually to change over from assembling the weapons to manufacturing them in Pretoria entirely from South African-made parts.

"Plans for the extension of the Government armaments factory near Pretoria are at an advanced stage, and building will begin soon. With the completion of the extensions programme and the tendering to private enterprise of the manufacture of certain parts, South African-made weapons to fulfil all the requirements of the Defence Force will be produced by 1964."

<sup>69/</sup> The African Explosives and Chemical Industries, which concluded an agreement in January 1962 to build and operate three ammunition factories at a cost of £10 million, is partly owned by the Imperial Chemical Industries of the United Kingdom. (Southern Africa, London, 26 January 1962, p. 74)

A British-owned company, Miles Aircraft Ltd., is reported to be planning manufacture of jet trainers in South Africa (South African Information Service, 6 May 1963).

Foreign sources of arms and ammunition

26. In the meantime, the Republic of South Africa has spent enormous sums of money for the purchase of arms and other military supplies.
27. Much of the defence expenditure has been devoted to the purchase of radar and telecommunications equipment, armoured cars, aircraft and naval vessels. The Defence Minister, Mr. J. Fouché, announced in August 1962 that the striking power of the South African Navy was to be multiplied by ten times during the next few years.<sup>70/</sup> Similar rapid expansion is planned for the striking power of the Air Force.<sup>71/</sup> The Defence Minister stated recently that the Republic of South Africa was an integral part of the West and must prepare itself to be of value to the West. "Practically all the strategic weapons that we have purchased during the past two years are for that specific purpose."<sup>72/</sup>
28. The principal and traditional source of arms is the United Kingdom.
29. Under agreements signed on 30 June 1955 in connexion with the transfer of the Simonstown naval base,<sup>73/</sup> the United Kingdom and South Africa agreed on co-operation to ensure the safety of the sea routes round South Africa, and the latter undertook to purchase a number of naval vessels in the United Kingdom through the British Admiralty.

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<sup>70/</sup> Reuters, 17 August 1962; The Times, London, 18 August 1962.

<sup>71/</sup> Southern Africa, London, reported on 12 October 1962:

"The South African Department of Defence confirmed in Pretoria that the Navy is to be further strengthened with strike aircraft... This is part of the South African Government's scheme for welding and expanding striking forces on the African continent...

"The Navy is being equipped with small, powerful craft of the most modern design which will act as watchdogs around the country's hundreds of miles of vulnerable coastline. These will work in close co-operation with aircraft of the S.A.A.F.'s Maritime Command.

"The bulk of expenditure during the next three or four years will be on modern equipment for the Air Force. This arm of the service operates mostly with obsolete Second World War aircraft, totally unsuited to modern warfare.

"Other expansion includes the production of bomb-carrying rockets, the construction of military vehicles, including armoured cars, and modern equipment for a bigger army establishment."

<sup>72/</sup> South African Digest, Pretoria, 4 July 1963.

<sup>73/</sup> Agreement on the Defence of the Sea Routes round Southern Africa, and Agreement relating to the Transfer of the Simonstown Naval Base. Texts in Cmd. 9520. These agreements were maintained in force after South Africa left the Commonwealth.

30. Under these agreements, the South African Navy ordered three anti-submarine frigates, as well as minesweepers and other craft, at a total cost of 23,000,000 pounds sterling.<sup>74/</sup> The first frigate, President Kruger, arrived in South Africa in March 1963.<sup>75/</sup>

31. In October 1962, South Africa was reported to have ordered a squadron of Buccaneer low-level strike and reconnaissance aircraft at a cost of about £20 million.<sup>76/</sup> In January 1963, it was reported that the South African Air Force had ordered an undisclosed number of English Electric Canberras and Westland Wasp helicopters.<sup>77/</sup> The South African Defence Minister, Mr. J.J. Fouche, announced on 24 June 1963 that naval helicopters and other defence equipment had been ordered from the United Kingdom.<sup>78/</sup>

32. The South African arms contracts are apparently of considerable importance to the foreign trade and economy of the United Kingdom. On 6 May 1963, Mr. Neil Marten, Parliamentary Secretary to the Ministry of Aviation, told the House of Commons that at least fifty companies were engaged in the manufacture of aircraft and aircraft equipment for South Africa, and that the work involved in these contracts was equivalent to a year's employment for about 25,000 persons.

33. Though the United Kingdom remains the principal source, South Africa has been increasingly diversifying its purchases.

34. France has become an increasingly important source of supply. In April 1963, the South African Defence Minister told the Parliament that the French Panhard armoured car was now being manufactured in the Republic.<sup>79/</sup> On 24 June, the South African Embassy in Paris announced that France had begun

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<sup>74/</sup> Hansard 678, 22 May 1963, col. 39. (Statement by the Civil Lord of Admiralty in the House of Commons).

<sup>75/</sup> South African Digest, Pretoria, 4 April 1963.

<sup>76/</sup> Southern Africa, London, 19 October 1962.

<sup>77/</sup> The Star, Johannesburg, 16 January 1963.

<sup>78/</sup> Reuters, 24 June 1963. It may be noted that some of the arms purchased in the United Kingdom - such as helicopters - were beyond those covered by the Agreements of 1955.

<sup>79/</sup> Southern Africa, London, 12 April 1963.

delivery of sixteen jet fighters ordered last year.<sup>80/</sup> French Alouette jet helicopters are already in service in South Africa.<sup>81/</sup>

35. Another source of supply in recent years was the United States of America. In January 1963, South Africa received five C-130-B transport planes.<sup>82/</sup> A number of Cesana 185 Skywagons - described as "ideal for field spotting and reconnaissance as well as the swift movement of small groups of men for police actions" - had already been delivered to the Defence Department.<sup>83/</sup>

36. More recently, the United States was reported to have denied licenses for the export of bombers and fighter aircraft to South Africa.<sup>84/</sup>

37. There is little definite information on supplies of arms from other countries to the Republic of South Africa. It is reported, however, that a number of other countries were interested in entering the market, especially in case of cessation of sales by the present suppliers. Indeed, the South African Defence Minister, Mr. J.J. Fouche, claimed on 14 June 1963, that South Africa was being embarrassed with offers from other countries.<sup>85/</sup>

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<sup>80/</sup> Reuters, 24 June 1963.

<sup>81/</sup> The Star, daily, Johannesburg, 16 January 1963.

<sup>82/</sup> The Star, daily, Johannesburg, 16 January 1963. Altogether, seven of these planes were reported to have been delivered. New York Herald Tribune, 14 June 1963.

<sup>83/</sup> The Star, daily, Johannesburg, 16 January 1963.

<sup>84/</sup> New York Times and New York Herald Tribune, 14 June 1963.

<sup>85/</sup> The Star, weekly, Johannesburg, 15 June 1963.

38. Unconfirmed press despatches and statements by petitioners before the Special Committee refer to sales or offers by other countries.<sup>86/</sup>

39. In connexion with these reports concerning supplies of arms and ammunition, the statements of a number of Governments may be noted.

86/ The representative of the Pan-Africanist Congress, Mr. Duncan, told the Committee that the United Kingdom, France, United States, Spain, Italy, Czechoslovakia, the German Democratic Republic and Belgium, had supplied arms and ammunition to the Republic of South Africa. (A/AC.115/SR.16)

The delegation of African National Congress referred to sales or offers by the United Kingdom, France, United States, West Germany, Belgium and Italy. (Information supplied to the Special Committee on 11 July 1963.)

The London Observer (9 and 30 June 1963) stated that Czechoslovak rifles were being imported into South Africa and that an East German trade delegation had offered supply of small arms and ammunition.

The New York Herald Tribune (23 June 1963) stated that the South African Government had made substantial purchases of arms in Europe through the Portuguese Government.

Earlier, on 1 May 1963, the Daily Telegraph and Morning Post of London reported that several countries had made offers of arms after the demand by the Labour Party that the United Kingdom should stop arms exports to the Republic of South Africa:

"Five Western countries are hoping to capture Britain's role in providing South Africa with arms worth about £700 million over the next 10 years.

"South Africa will be spending this sum to re-equip her forces for three purposes: the defence of the Simonstown naval base and the sea lanes off her coasts, as defined in the 1955 Agreement; defence of the Union against external aggression; and internal security...

"...French and Italian training aircraft have been offered in replacement of 200 jet Provosts...

"French and United States firms are ready to provide replacements for the de Havilland 125 transport aircraft which South Africa hoped to order.

"The South African Army is ordering a complete new range of vehicles. These were to have been Bedfords and long-based Land Rovers but the contracts are being sought now by Germany and Japan..."

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40. The United States and Sweden informed the General Assembly that they were selling no arms to South Africa which could be used to enforce the racial policies of apartheid.<sup>87/</sup> The United States reiterated this position in a statement conveyed through the Acting Chairman to the Special Committee.<sup>88/</sup>

41. The United Kingdom, in statements before the House of Commons on several occasions, indicated that the Republic of South Africa was allowed to buy arms in the United Kingdom as the two countries had normal relations and, moreover, a common interest in the defence of the sea routes round southern Africa; that, in authorizing purchases, the United Kingdom takes into account the possibility that a particular type of arms may be used for measures of internal suppression; and that the arms now being supplied to the Republic of South Africa were required for external defence and were unsuitable for use in suppressing civilian disturbances or for local intimidation.<sup>89/</sup>

42. The Embassy of Czechoslovakia in London, in a statement to the Press on 20 June 1963, stated:

"Recent reports in the Press that Czechoslovakia has allegedly delivered weapons to the Republic of South Africa are entirely false. The Czechoslovak Government resolutely condemns the policy of apartheid, has never granted any assistance to the South African Government, nor has it sold it military weapons or equipment.

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<sup>87/</sup> A/SPC/SR.329, A/SPC/SR.334, and A/SPC/SR.336.

<sup>88/</sup> A/AC.115/SR.15. The United States Government was reported to have informed the Labour Party in the United Kingdom that its policy on arms supplies is covered by the following formula:

"If the normal use of the weapon or other item of military equipment is associated with police force or infantry type operations its export will not be approved. It is essentially defined for purposes of national offence, and in particular, Free World military requirements, exportation may be considered."

The Observer, London, 9 June 1963.

<sup>89/</sup> See, for instance, House of Commons Debates, 31 October 1962, 19 December 1962, 22 March 1963, and 31 May 1963.

Mr. J.J. Fouche said in June that when the Simonstown Agreement had been entered into, the United Kingdom had requested South Africa not to ask to buy small arms and ammunition. South Africa, he said, had replied: "We do not buy that type of stuff. We sell it ourselves."

Southern Africa, London, 28 June 1963.

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"Prior to the adoption of the General Assembly resolution of 6 December 1962 on sanctions against the Republic of South Africa individual citizens of that country bought a negligible amount of hunting arms and air-rifles. After the adoption of the resolution even deliveries of those sport arms were immediately halted and will not be restored." 90/

43. The Government of the Federal Republic of Germany was reported to have informed the Labour Party in the United Kingdom that its refusal to deliver arms to "any zone of tension" now applied to South Africa, and that "the Federal Government therefore controls the export of arms and all kinds of strategic material to the Republic of South Africa. Permission for export of offensive weapons is being refused." 91/

44. Denmark and Italy are also reported to have prohibited export of small arms to the Republic of South Africa. 92/

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90/ Press release of the Permanent Mission of Czechoslovakia to the United Nations, 2 July 1963.

91/ The Observer, London, 9 June 1963.

92/ The Observer, London, 9 June 1963.

### APPENDIX III

#### Repressive Legislation in the Republic of South Africa

(Note: In its first interim report,<sup>93/</sup> the Special Committee expressed its most serious concern over the repressive measures of the Government of the Republic of South Africa, which were designed to impose its discriminatory racial policies. The Special Committee noted that these measures had progressively closed the legal and peaceful means of protest and redress available to the victims and opponents of discrimination and segregation, and had greatly enhanced the dangers of a racial conflict.

The present document provides a summary of the principal repressive laws in force in the Republic of South Africa.)

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<sup>93/</sup> See annex III.



The Native Administration Act of 1927 as Amended<sup>94/</sup>

1. This Act provides that the Governor-General (now State President)<sup>95/</sup> shall be Supreme Chief of all Natives in the Union (now Republic)<sup>95/</sup> and shall in respect of all Natives in any part of the Republic be vested with all such rights and immunities, powers and authorities as are or may be from time to time vested in him in respect of natives in the Provinces of Natal. The relevant Natal Code inter alia empowers the State President to order the arrest of any Bantu whom he considers dangerous to the public peace and to detain him for three months without right of appeal. The courts are forbidden to rule on the validity of any act done or order given by the State President, or to grant injunctions against any officer acting as his representative unless the courts are satisfied prima facie that such officer is acting without lawful authority. The State President is empowered to make regulations inter alia for the "prohibition, control or regulation of gatherings or assemblies of Natives".<sup>96/</sup> Under this authorization, regulations have been made prohibiting any person from holding, presiding over or addressing, without permission, any meeting of Bantu at which more than ten persons are present at one time.<sup>97/</sup>

Suppression of Communism Act of 1950 as Amended

2. The import and ambit of this legislation as amended by Act 50 of 1951 has been dealt with in the First and Second Reports of the United Nations Commission on the Racial Situation in the Union of South Africa.<sup>98/</sup> Important further

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<sup>94/</sup> Act No. 38 of 1927, as amended by the Native Administration Amendment Act of 1956 (No. 42).

<sup>95/</sup> In this note "State President" has been substituted for "Governor-General", and "Republic" for "Union" in the appropriate places.

<sup>96/</sup> For example, Regulation for Control of Meetings, Gatherings or Assemblies in Native Areas - Proclamation 97 of 1954.

<sup>97/</sup> In the urban areas there exists legislation with similar effect, restricting the participation of Bantu in meetings: Urban Areas Act of 1945 as amended by Act 36 of 1957.

<sup>98/</sup> Official Records of the General Assembly, Eighth Session, Supplement No. 16, paras. 716-717; Official Records of the General Assembly, Ninth Session, Supplement No. 16, paras. 192-199.

amendments have been made to the main provisions of the principal act by the General Law Amendment Act of 1962.

3. The General Law Amendment Act of 1962 enlarges the category of bodies which can be declared unlawful by the State President by providing that he can do this when he is satisfied that any organization carries on or has been established for the purpose of continuing directly or indirectly the activities of any unlawful organization.<sup>99/</sup> This would tend to exclude the possibility of new organizations being formed to oppose the policies of the Government.

4. The Minister of the Interior is also empowered to prevent "statutory communists" and other persons furthering the objectives of communism from attending gatherings at any place or in any area during a specified period. The definition of gathering is broad enough to include a gathering of any number of persons.<sup>100/</sup>

5. Two sections are intended to curtail the dissemination of news in particular with respect to prohibited activities and listed and prohibited persons. In the first place, publishers are required to deposit a sum of 20,000 Rand upon registration of a new newspaper, and this sum will be forfeited once the publication is banned under the provisions of the principal Act.<sup>101/</sup>

6. And in the second place, the Act makes it an offence to print, publish or disseminate any statement by a listed or prohibited person made anywhere at any time except for the purposes of court proceedings or with the consent of the Minister.<sup>102/</sup>

7. A new section provides that the Minister may by notice prohibit a listed person or any other person who advocates, encourages or engages in the furtherance of communism as defined "from being within or absenting himself from any place or area ... or communicating with any person or receiving any visitor or performing

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<sup>99/</sup> General Law Amendment Act of 1962 (No. 76), section 2.

<sup>100/</sup> Ibid., sections 3 and 7.

<sup>101/</sup> Ibid., section 5.

<sup>102/</sup> Ibid., section 10 (1) (e).

any act so specified [in the notice]". The only restriction on the power of the Minister in this respect is that no prohibition contained in the notice can debar the restricted person from communicating with or receiving as a visitor his lawyer provided that the latter himself is not a listed or prohibited person.<sup>103/</sup>

103/ Two notices served on Mrs. Helen Joseph on 11 October 1962 are still illustrative. Notice in terms of paragraph (a) of sub-section (1) of section 10 of the Suppression of Communism Act of 1950 (No. 44) served on Helen Joseph:

"WHEREAS I, BALTHAZAR JOHANNES VORSTER, Minister of Justice of the Republic of South Africa, am satisfied that you are engaged in activities which are furthering or may further the achievement of the objects of communism, I hereby, in terms of paragraph (a) of sub-section (1) of section ten of the Suppression of Communism Act, 1950 (Act No. 44 of 1950) prohibit you for a period commencing on the date on which this notice is delivered or tendered to you, and expiring on the 31st day of October, 1967, from -

- (a) absenting yourself from the residential premises situate at 35 Fanny Avenue, Norwood, Johannesburg -
  - (1) at any time on public holidays;
  - (2) from two-thirty in the afternoon on Saturdays up to six-thirty in the forenoon on Mondays;
  - (3) during the hours of six-thirty in the afternoon and six-thirty in the forenoon on days other than those referred to in (1) and (2) above;
- (b) absenting yourself from the magisterial district of Johannesburg;
- (c) bring within -
  - (1) any location, native hostel or native village as defined in the Natives (Urban areas) Consolidation Act, 1945 (Act No. 25 of 1945);
  - (2) the area of jurisdiction of the Alexandra Local Area Committee as defined in Administrator's Proclamation No. 27 of the 3rd February 1958;
  - (3) any native compound;
  - (4) the premises of any factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941);
- (d) communicating in any manner whatsoever with any person whose name appears on any list in the custody of the officer referred to in section eight of the said Suppression of Communism Act, 1950 or in respect of whom any prohibition under the Suppression of Communism Act, 1950 is in force;

(foot-note continued on following page)

/...

The Public Safety Act of 1953 (No. 3)

8. This Act is intended "to make provision for the safety of the public and the maintenance of public order in cases of emergency". It provides that the State President may proclaim a state of emergency in the Republic or any part

(continued from preceding page)

- (e) receiving at the said residential premises any visitor other than a medical practitioner for medical attendance on you, if the name of such medical practitioner does not appear on any list in the custody of the officer referred to in section eight of the said Suppression of Communism Act, 1950, is in force in respect of such medical practitioner.

Given under my hand at Pretoria on this 11th day of October 1962."

Notice in terms of sub-section (1) of section 9 of the Suppression of Communism Act of 1950 (No. 44) served on Helen Joseph:

"WHEREAS I, BALTHAZAR JOHANNES VORSTER, Minister of Justice of the Republic of South Africa, am satisfied that you are engaged in activities which are furthering or are calculated to further the achievement of any of the objects of Communism, I hereby, in terms of sub-section (1) of section nine of the Suppression of Communism Act, 1950 (Act No. 44 of 1950) prohibit you for a period commencing on the date on which this notice is delivered or tendered to you and expiring on the 31st day of October 1967, from attending within the Republic of South Africa -

- (1) any gathering contemplated in paragraph (a) of the said sub-section; or
- (2) any gathering contemplated in paragraph (b) of the said sub-section not being such a gathering as is contemplated in the said paragraph (a), of the nature, class or kind set out below:
  - (i) any social gathering, that is to say, any gathering, at which the persons present also have social intercourse with one another;
  - (ii) any political gathering, that is to say, any gathering at which any form of state or any principle or policy of the Government of a State is propagated, defended, criticized or discussed.

Given under my hand at Pretoria on this 11th day of October, 1962.

(Signed)  
MINISTER OF JUSTICE"

/...

thereof if any action or circumstance threatens public safety or order or if the ordinary laws in force are inadequate to ensure public safety and order.<sup>104/</sup> While such a proclamation is in effect (or owing to special circumstances), the State President may make, with certain limitations,<sup>105/</sup> any necessary or expedient regulations to provide for the public safety or to preserve public order and to terminate the emergency. The proclamations issued under this Act during the aftermath of the Sharpeville incident curtailed civil liberties and led to wide-spread arrests.

9. The General Law Amendment Act of 1962 introduced a new section which makes it possible to apply such proclamations even in areas where a state of emergency has not been proclaimed by the State President.

The Criminal Law Amendment Act of 1953 (No. 8)

10. This Act was intended to stultify resistance to apartheid by civil disobedience and non-violent campaign by persons in the Republic without racial distinction. Anyone convicted of an offence "committed by way of protest or in support of any campaign against any law or in support of any campaign for the repeal or modification of any law or variation or limitation of the application or administration of any law" is subject to a sentence of 300 pounds (600 Rand), three years' imprisonment, ten strokes or a combination of any two of them.<sup>106/</sup> Similarly any person who causes any other person by written or spoken words or by other means to break the law by way of a protest against a law or in support of a defiance campaign is subject to a fine of 500 pounds, five years' imprisonment, ten strokes or any two of these.<sup>107/</sup> At the same time, any person who solicits or receives financial or other assistance for any such campaign from any person, whether in or out of the Republic, or who has assisted another to commit a crime by way of protest is guilty of an offence and penalized as for incitement.<sup>108/</sup>

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<sup>104/</sup> Public Safety Act of 1953 (No. 3), section 2 (1).

<sup>105/</sup> Where persons are detained on summary arrest, this is to be reported to Parliament.

<sup>106/</sup> Criminal Law Amendment Act of 1953, section 1.

<sup>107/</sup> Ibid., section 2.

<sup>108/</sup> Ibid., section 3.

Criminal Law Procedure Act of 1955 (No. 56)

11. A provision of this Act extends the general powers of search by providing that if it appears to a judge or magistrate that there are reasonable grounds for believing

"that the internal security of the Republic or the maintenance of law and order is likely to be endangered by or in consequence of any meeting which is being or is about to be held in or upon any premises ... /or/ that an offence has been or is being or is likely to be committed or that preparations or arrangements for the commission of any offence are being or are likely to be made ... /in certain premises, he may issue a warrant to enter and search and to take such reasonable steps as /such policeman/ ... may consider necessary for the preservation of the internal security of the Republic or the maintenance of law and order, or for the prevention of the commission of any offence ...." 109/

And if a police officer believes that the delay involved in obtaining a warrant would defeat its objects, he may enter without a warrant and

"... carry out such investigations and ... take such reasonable steps as ... /he/ may consider necessary for that preservation of the internal security of the Republic or the maintenance of law and order ...." 110/

or search the premises for evidence of an offence.

Riotous Assemblies Act of 1956

12. This Act empowers a Magistrate if authorized by the Minister of Justice to prohibit gatherings of twelve or more persons whenever he has reason to apprehend that the public peace would be seriously endangered by the gathering and also empowers the Minister to prohibit gatherings or particular persons from attending such gatherings whenever he has reason to apprehend that feelings of hostility would be engendered between the European inhabitants and any other section.

13. Moreover, any person who convenes, addresses or prints notices of a prohibited meeting with knowledge of that prohibition is guilty of an offence. The State President can prohibit the publication or dissemination of any document containing information calculated to engender hostility between Europeans and any other section

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109/ Criminal Law Procedure Act of 1955, section 44.

110/ Ibid., section 44 (1).

of the population. The Minister of Justice may, if satisfied that any person is fomenting hostility between Europeans and others, by written notice to the person prohibit him from being within any specified area for a stated period.

Promotion of Bantu Self-Government Act of 1959

14. Under this Act the State President may make regulations "generally in regard to any matter which he may consider necessary for the attainment of the objects of this Act". By virtue of this provision Proclamation R.400 as amended by R.413<sup>111/</sup> was issued in 1960.

Proclamation R.400 as Amended by Proclamation R.413

15. The substantive provisions are important once the Proclamation has become applicable to any area. All meetings, with exception of those for religious, educational and social purposes or sports, are unlawful unless they are authorized by the Native Commissioner. Surrender of all arms and ammunition is mandatory for all persons within forty-eight hours of the application of the Proclamation to any area, and thereafter possession of arms will be at the discretion of the Commissioner. It is made an offence for any person to make statements or do any act which is intended or likely to subvert or interfere with the authority of the State or to engage in any threat, boycott, or violence directed at any person or his property; it is also unlawful to organize or take part in any organized boycott of any meeting convened by an officer of the State or Chief or of any boycott directed against any person; it is provided that no interdict or legal process shall issue for any order issued, decision or direction given under these regulations; nor shall any order, decision or direction be suspended by reason of an appeal against a conviction under these regulations.

16. Under one regulation whenever an officer <sup>112/</sup> is satisfied that any person has committed an offence or has reason to suspect that any person has or had the intention to commit an offence under the regulations or any other law, he may without warrant arrest or cause to be arrested any person whom he suspects upon reasonable grounds of having taken part in the offence or intended offence. An arrested person may be questioned and may be detained at any suitable place chosen by the officer until the latter is satisfied that the person has answered fully and truthfully all questions put to him which may have any bearing on the offence or intended offence.

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<sup>111/</sup> Regulations Gazette No. 71 of 12 December 1960.

<sup>112/</sup> Defined as "Native Commissioner" or commissioned officer or non-commissioned officer of the Police.

17. Under another regulation when in detention such an arrested person shall not be allowed to consult with any legal adviser in connexion with his arrest and detention without the consent of the Minister of Bantu Affairs and Development or a person acting under his authority. Similarly a Native Commissioner, a commissioned officer or a non-commissioned officer of the South Africa Defence Force or a peace officer may with or without warrant effect the arrest of any person who has committed any offence or who is suspected upon reasonable grounds of having committed an offence under the regulations.

18. In this connexion attention may be drawn to the reply by the Minister of Bantu Administration and Development to a question in Parliament on the application of the Proclamation. He stated that the Proclamation is

"to protect all law-abiding persons. The Executive Committee of the Transkeian Territorial Authority have requested that the Proclamation be not repealed and recent events have also indicated that there are subversive activities afoot in the Transkei endangering peace and the lives of certain people and for these and other reasons I am not prepared to consider the repeal of the Proclamation concerned." 113/

It also was stated that as of 1 February 1963, eighty-six persons were being detained in Pondoland for varying detention periods but none exceeding three months. 114/

The Unlawful Organizations Act of 1960 (No. 34)

19. This Act was specifically passed to empower the State President to ban by proclamation the Pan-Africanist Congress and the African National Congress if he was satisfied that the safety and the maintenance of public order was seriously threatened by their activities. The Act further empowers the State President to ban other organizations which in his opinion have been established for the purpose of carrying on directly or indirectly the activities of these two bodies. The Pan-Africanist Congress and the African National Congress were banned in 1960 and have since remained banned.

20. Such proclamations may remain in force for periods of not more than twelve months but may be extended for further periods not exceeding twelve months at a time.

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113/ Republic of South Africa, House of Assembly Debates (Hansard), 1 February 1963, column 629.

114/ Ibid., column 630.



Sections of the General Law Amendment Act of 1962 Covering Sabotage

21. In addition to the various amendments to existing legislation referred to above, this Act creates a new offence of sabotage. The relevant section provides:

"any person who commits any wrongful and wilful act whereby he injures, damages, destroys, renders useless or unserviceable, puts out of action, obstructs, tampers with, pollutes, contaminates or endangers -

- (a) the health or safety of the public;
- (b) the maintenance of law and order;
- (c) any water supply;
- (d) the supply or of distribution at any place of light, power, fuel, foodstuffs or water, or of sanitary, medical or fire extinguishing services;
- (e) any postal, telephone or telegraph services or installations, or radio transmitting, broadcasting or receiving services or installations;
- (f) the free movement of any traffic on land, at sea or in the air;
- (g) any property, whether movable or immovable, of any other person or of the State,

or who attempts to commit, or conspires with any other person to aid or procure the commission of or to commit, or incites, instigates, commands, aids, advises, encourages or procures any other person to commit, any such act, or who in contravention of any law possesses any explosives, fire-arm or weapon or enters or is upon any land or building or part of a building, shall be guilty of the offence of sabotage and liable on conviction to the penalties provided for by law for the offence of treason".

The onus is on the accused to prove his innocence by showing that the commission of the alleged act "objectively regarded" was not calculated or intended to produce a long list of stated effects, including the furtherance of any political aim including the bringing about of any social or economic change in the Republic. The Act imposes a maximum penalty of death and a minimum of five years' imprisonment.

22. Furthermore, changes are made in the criminal procedure law with respect to trials on the charge of sabotage. Such trials are to be without jury and may be without preparatory examination, and in such cases such examination would be joined to the trial itself. Juveniles, that is, those under the age of nineteen, who are

convicted of this offence are subject to the same penalty as adults, thus excluding the degrees of punishment which are normally applied to such persons. And finally it is provided that acquittal on a charge of having committed sabotage would not preclude the subsequent trial of the acquitted person on any other charge arising out of the acts alleged in respect of the charge of sabotage.

General Law Amendment Act, 1963

23. The Act carries the process of enlarging the power of the Government in dealing with organized resistance and alleged sabotage by the Bantu population further.
24. In the first place the Act increases the administrative powers of certain public officials: the Minister of Justice, if he is satisfied that any person serving a sentence of imprisonment imposed under a number of Acts<sup>115/</sup> is likely to advocate, defend or encourage the achievements of any of the objectives of communism<sup>116/</sup> can by notice prohibit such a person from absenting himself, after serving such sentence, from a prison or any other place as directed for a stated period. While these provisions will lapse on 30 June 1964, their operation may be extended by resolution of Parliament.
25. In the second place any commissioned officer as defined in the Police Act is empowered to arrest without warrant or cause to be arrested any person whom he suspects upon reasonable grounds of having committed or having intended to commit any offence under the Suppression of Communism Act, the Unlawful Organizations Act of 1960, or the offence of sabotage or any person who is in possession of any information relating to any such intention or offence. Upon arrest the officer may detain or cause to be detained such person for interrogation until such time as he may have satisfactorily replied to all questions, provided that no such persons shall be detained for more than ninety days on any particular occasion when he is arrested. Detained persons may only be visited by a Magistrate once a week and no court has jurisdiction to order the release of any person so detained, although the Minister may at his discretion release such persons from custody.<sup>117/</sup>

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<sup>115/</sup> These Acts include the present Act, the Public Safety Act of 1953, the Criminal Law Amendment Act of 1953, the Riotous Assemblies Act of 1956, and the General Law Amendment Act of 1962.

<sup>116/</sup> As defined in the principal Act, the Suppression of Communism Act of 1950 (No. 44), as amended.

<sup>117/</sup> It may be noticed that the scope of the power given to the police here is exactly the same as was given the police in the Transkei by virtue of Proclamation R.400 as amended and discussed above.

26. In the third place the Minister of Justice is empowered whenever he considers it to be in the public interest to prevent unauthorized persons from being within any place or area to declare any place or area to be a protected place. Upon such publication in the Gazette any person who without the consent of the person in charge of any such place, who enters or is found within such a place is guilty of an offence and liable upon conviction to imprisonment for a period not exceeding fifteen years.

27. In the fourth place any officer in charge of a post office or telegraph office may now detain any postal article or telegram which is reasonably suspected of containing anything which would afford evidence of the commission of any offence or to further the commission of any offence or its detection.

28. The State President is empowered to declare by proclamation that an organization in existence or which was in existence after 7 April 1960 is in fact an unlawful organization under the terms of a proclamation under the Suppression of Communism Act and was in fact at all times subsequent to 8 April 1960 an unlawful organization, with all the consequences under the Suppression of Communism Act (discussed above). It is provided that in any criminal proceedings any act or omission proved with reference to any organization corresponding to the description or known by a name corresponding to the name of a declared unlawful organization shall be deemed to have been proved with reference to the unlawful organization referred to in a proclamation by the State President. Furthermore any person who is at any time during the period between the date specified and the date of publication of a proclamation an office bearer or member of such an organization shall for the purposes of any criminal proceedings be deemed an office bearer of an unlawful organization with all the consequences following from that fact. Courts have no jurisdiction to pass on the validity of any proclamation issued under this section by the State President.

29. Finally the Act creates two new offences: Any person who is or was resident in the Republic and who has

- (1) "at any place outside the Republic and at any time after the commencement of this Act, advocated, advised, defended or encouraged the achievement by violent or forcible means of any object directed at bringing about any political, industrial, social or economic change within the Republic by the intervention of or in accordance with the directions or under the guidance of or in co-operation with

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or with the assistance of any foreign Government or any foreign or international body or institution, or the achievement of any of the objects of the definition of communism" 118/

- (2) "at any time after the commencement of this Act, undergone any training outside the Republic or obtained any information from a source outside the Republic which could be of use in furthering the achievement of any of the objects of communism or of any body or organization which has been declared to be an unlawful organization under the Unlawful Organizations Act, 1960, and who fails to prove beyond a reasonable doubt that he did not undergo any such training or obtain any such information for the purpose of using it or causing it to be used in furthering the achievement of any such object"

shall be guilty of an offence. Upon conviction such a person would be subject to the death penalty or at least five years' imprisonment, and young persons shall be treated on an equal footing with adults for this purpose.

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118/ As defined in the Suppression of Communism Act of 1950 as amended.

ANNEX V

LETTER DATED 11 APRIL 1963 FROM THE CHAIRMAN OF THE SPECIAL  
COMMITTEE TO THE MINISTERS FOR FOREIGN AFFAIRS OF MEMBER  
STATES, AND REPLIES THERETO

- I. Letter dated 11 April 1963 addressed by the Chairman of  
the Special Committee to the Ministers of Foreign  
Affairs of Member States a/

I have the honour to inform you that the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa held its first meeting on 2 April 1963.

You will no doubt recall that in resolution 1761 (XVII) of 6 November 1962 the General Assembly, after establishing the Special Committee, requested all Member States to do everything in their power to help the Committee to accomplish its task.

The Special Committee has asked me to emphasize to you the vital importance that it attaches to the implementation of the recommendation made to Member States in the above-mentioned resolution and to express the Committee's gratitude for any information you may be good enough to transmit to it in accordance with operative paragraph 6 (a) of the resolution, in writing or orally, both on racial policies in South Africa and on the manner in which your Government proposed to apply resolution 1761 (XVII).

I have the honour to enclose a copy of the text of General Assembly resolution 1761 (XVII) for your ready reference.

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a/ On 24 July 1963, the Chairman of the Special Committee addressed a reminder to Permanent Representatives of Member States which had not yet replied.

II. REPLIES FROM MEMBER STATES

AFGHANISTAN

Letter dated 25 July 1963 from the Minister for Foreign Affairs

/Original: English/

I have the honour to refer to your communication of 11 April 1963, No. PO 230 SOAF (2-1) concerning the policy of apartheid of the Government of the Republic of South Africa.

The Government of Afghanistan has always deprecated the continued policy of apartheid followed by the Government of South Africa, and deplores the failure of that Government to comply with repeated requests and demands of the General Assembly and of the Security Council, and above all its disregard of world public opinion on a fundamental issue of human rights.

Since the question of apartheid resulting from the policies of the South African Republic has been raised in the United Nations, the Delegation of Afghanistan has taken a strong position in joining other African and Asian countries in requesting the inclusion of this item on the agenda of successive Assemblies, and also in sponsoring various resolutions on this subject. The Delegation of Afghanistan supported resolution 1761 (XVII) and the measures sought under its paragraph 4, which Afghanistan is now observing.

The Government of Afghanistan is following with interest the July, 1963 meetings of the Security Council, which has been convened at the request of the African States, and hopes that positive steps will be taken in order to bring a speedy abandonment of the policies of apartheid by the Government of the Republic of South Africa.

Please accept, Sir, the assurances of my highest consideration.

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ALBANIA

Letter dated 11 May 1963 from the Ministry of Foreign Affairs

/Original: French/

The Ministry of Foreign Affairs of the People's Republic of Albania presents its compliments to the United Nations Secretariat and, in reply to letter No. PO 230 SOAF (2-1), dated 11 April 1963, has the honour to inform it that the Albanian Government, faithful to its consistent attitude of opposition to the policy of apartheid pursued by the Government of South Africa, has not only frequently condemned that policy but also maintains no diplomatic or economic relations with the Government of South Africa and has no intention of doing so until that Government abandons its policy of apartheid against the non-White peoples of South Africa.

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ALGERIA

Letter dated 30 April 1963 from the Permanent Representative

/Original: French/

Upon the instructions of the Government of the Democratic and Popular Republic of Algeria, I have the honour to inform you, in reply to your letter of 11 April 1963 (Ref. PO 230 SOAF (2-1)) addressed to the Minister for Foreign Affairs of the Democratic and Popular Republic of Algeria, that the Algerian Government has decided to take all the necessary steps to apply the provisions of resolution 1761 (XVII), and particularly the provisions of paragraph 4 of that document, in their entirety and without delay.

To this end, the Government of the Republic of Algeria has instructed me to transmit to you the text of the declaration below:

"The Government of the Democratic and Popular Republic of Algeria, being convinced that the South African Government bears a heavy responsibility for the intolerable plight in which the people of South Africa find themselves, solemnly declares that it has consistently deplored these policies and it has taken action, and will continue to take action, as a member of the Special Committee on the policies of apartheid, to see that racialism and segregation are condemned. It believes that in the world of today there is no justification for the domination of an entire people, who aspire to dignity and social justice, by a privileged foreign minority.

"In view of the consistently provocative attitude of the Government of the Republic of South Africa and its determination to persevere in its policies to the end, and in view of its refusal, amounting to an act of defiance, to heed the recommendations of the General Assembly of the United Nations, the Government of the Democratic and Popular Republic of Algeria declares that it is resolved to apply all the provisions of resolution 1761 (XVII), adopted by the General Assembly of the United Nations on 6 November 1962.

"The Algerian Government reiterates its promise to do all in its power to ensure that the aspirations of the South African people are fulfilled and reaffirms its determination to give them every assistance in regaining their fundamental rights."

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BOLIVIA

Letter dated 15 July 1963 from the Permanent Representative

/Original: Spanish/

I have the honour to announce to Your Excellency that the Government of the National Revolution of Bolivia has decided to suspend diplomatic relations with the Government of South Africa, to demonstrate publicly its indignant protest against the odious policy of racial discrimination against its colour population. In this way my Government reaffirms its unshakable belief in the dignity of all men and more specifically in the inspiring expression this dignity now finds in the independent democratic nations of Africa.

/...

BRAZIL

Letter dated 25 May 1963 from the Deputy Permanent Representative

/Original: English/

Upon instructions from my Government I have the honour to acknowledge receipt of your note PO 230 SOAF (2-1), of 11 April 1963, addressed to the Minister of State for External Relations of Brazil.

2. The Brazilian Delegation to the XVIIth session of the General Assembly abstained in the vote of resolution 1761 (XVII) of 6 November 1962. The abstention of the Brazilian Government did not mean any hesitation in strongly condemning the policy of apartheid of the Government of the Republic of South Africa.

3. The policy of apartheid is the crudest negation of the fundamental principles upon which the Brazilian nation was built and for many years the Brazilian Government has been taking a very clear and firm stand in condemning the policy of apartheid.

4. The Brazilian Delegation to the XVII General Assembly could not, however, vote in favour of resolution 1761 (XVII) because, in our view, sanctions are hardly an appropriate method of dealing with the situation in South Africa, and, furthermore, their application by all Member States being extremely difficult, the authority of the United Nations would thereby be weakened, thus hindering our fight against racial discrimination. This remains the position of the Brazilian Government.

/...

BULGARIA

Letter dated 10 June 1963 from the Minister for Foreign Affairs

/Original: French/

In reply to your letter of 11 April 1963 relating to the implementation of General Assembly resolution 1761 (XVII) concerning the policy of apartheid pursued by the Government of the Republic of South Africa, I am directed to inform you of the following:

The Bulgarian public welcomed the adoption of General Assembly resolution 1761 (XVII), which faithfully reflects the indignation felt by the entire civilized world over the shameful system of racial discrimination and segregation applied by the South African racists.

The Bulgarian Government has always condemned the policy of apartheid as one of the most cruelly inhuman manifestations of colonialism, and has supported every step aimed at bringing about the abolition of this practice.

The People's Republic of Bulgaria does not entertain diplomatic or cultural relations with the South African Republic and does not buy its goods. The Bulgarian Government, faithful to the principle of the self-determination of peoples and to the idea that all races and all nations have equal rights, intends to carry out a policy in full harmony with General Assembly resolution 1761 (XVII).

In view of the persistent refusal of the South African Government to fulfil its obligations under the United Nations Charter or the recommendations of the Security Council, it is essential that resolution 1761 should be implemented in its entirety, and in particular that adequate sanctions should be applied. Such measures would receive the full approval and support of the Bulgarian Government and the whole Bulgarian people.

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BURMA

Letter dated 25 June 1963 from the Ministry of Foreign Affairs

/Original: English/

I have the honour to acknowledge the receipt of your letter No. PO 230 SOAF (2-1) dated 11 April 1963, in which you requested the Government of the Union of Burma to transmit to your Committee in accordance with operative paragraph 6 (a) of the General Assembly resolution 1761 (XVII) information both on racial policies in South Africa and on the manner in which they propose to apply the said resolution.

As you are probably aware, the successive Governments of the Union of Burma, deeply abhorring the policies and practices of racial discrimination of the Government of South Africa, had refrained from entering into diplomatic or any other official relations with that Government. However, because both its volume and its value were negligible, private trade between Burma and South Africa was permitted. But even this has now been stopped. In November 1962, the Government of the Union of Burma, wishing to make Burma's abhorrence of the South African Government's racial policies completely manifest, prohibited by executive order all commercial transactions between the two countries. Consequently, there no longer exist any relations whatsoever between the Union of Burma and the Republic of South Africa.

I might mention here that South African aircraft and vessels have never been allowed any facilities at Burmese air and sea ports, and I should like to take this opportunity to assure you that we shall continue to enforce this ban.

As regards your request for information on the racial policies in South Africa, I much regret that we are unable to comply with it as we have no means of obtaining such information at first hand.

/...

BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

Letter dated 5 August 1963 from the Permanent Mission

/Original: Russian/

In connexion with your letter PO 230 SOAF (2-1) of 11 April 1963, I have the honour to confirm the position of the Byelorussian SSR on the policies of apartheid of the Government of the Republic of South Africa, as described in a letter to U Thant, Secretary-General of the United Nations, dated 6 June 1963.

The letter in question states:

"The Government of the Byelorussian SSR considers that the adoption of sanctions against the Republic of South Africa, including the breaking-off of diplomatic relations, the suspension of trade and other measures specified in General Assembly resolution 1761 (XVII), could be an effective means of influencing the South African Government with a view to compelling it to abandon the execution of its barbarous policy of apartheid. The Government of the Byelorussian SSR has always strongly condemned and condemns the racist policies of the South African Government, which violate the most elementary principles of humanity and justice.

"It will be recalled that at the seventeenth session of the General Assembly the delegation of the Byelorussian SSR, guided by the principles of the equal rights and self-determination of peoples, fully supported the resolution condemning apartheid.

"General Assembly resolution 1761 (XVII) will naturally be effective, only if it is complied with by those States Members of the United Nations, particularly the Western Powers, which at present maintain especially close political, economic and other relations with the Republic of South Africa.

"The Byelorussian SSR has no political or economic relations with the Republic of South Africa.

"For its part, the Government of the Byelorussian SSR is prepared to support any measures designed to put an end to the policy of racial discrimination and apartheid of the Government of the Republic of South Africa."

/...

CAMBODIA

Letter dated 30 April 1963 from the Ministry of Foreign Affairs

/Original: French/

With reference to your letter No. PO 230 SOAF (2-1) of 11 April 1963, I have the honour to inform you that the Royal Government has already taken appropriate steps to ensure that the provisions of resolution 1761 (XVII) of 6 November 1962 regarding the policies of apartheid of the Government of the Republic of South Africa are applied throughout the territory of the Kingdom.

I enclose a copy of letter No. 588-DC/3722 on the subject.

ENCLOSURE

Letter No. 588-DC/3722 dated 18 February 1963 addressed  
by the Acting Minister for Foreign Affairs to all  
members of the Royal Government

Subject: Resolution adopted by the United Nations General Assembly on the policies of apartheid of the Union of South Africa

I have the honour to inform you that the Secretary-General of the United Nations has drawn the attention of all Members of the United Nations, including Cambodia, to the requests and the invitation contained in paragraphs 4, 6 and 7 of resolution 1761 (XVII) adopted by the General Assembly on the policies of apartheid of the Government of the Union of South Africa and reproduced below:

"... 4. Requests Member States to take the following measures, separately or collectively, in conformity with the Charter, to bring about the abandonment of those policies:

- (a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;
- (b) Closing their ports to all vessels flying the South African flag;
- (c) Enacting legislation prohibiting their ships from entering South African ports;
- (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- (e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa;

/...

... 6. Requests all Member States:

(a) To do everything in their power to help the Special Committee to accomplish its task;

(b) To refrain from any act likely to delay or hinder the implementation of the present resolution;

7. Invites Member States to inform the General Assembly at its eighteenth session regarding actions taken, separately or collectively, in dissuading the Government of South Africa from pursuing its policies of apartheid;"

I should therefore be grateful if you would kindly take appropriate steps to implement this resolution, which was co-sponsored by Cambodia.

/...

CAMEROON

Letter dated 12 July 1963 from the Permanent Representative

/Original: French/

I have the honour to enclose herewith the reply of the Minister for Foreign Affairs of Cameroon regarding measures undertaken in conformity with resolution 1761 (XVII) of 7 November 1962 to induce South Africa to abandon its policies of apartheid.

This letter is in reply to your communication No. PO-230 SOAF (2-1) of 11 April 1963 addressed directly to the Department of Foreign Affairs.

ENCLOSURE

FEDERAL REPUBLIC OF CAMEROON

MINISTRY OF FOREIGN AFFAIRS

GENERAL SECRETARIAT

Youandé, 21 June 1963

No. 316/DIPL/SG

Subject: Application by Cameroon of General Assembly resolution 1761 (XVII)  
of 7 November 1962

Sir,

I have the honour to acknowledge receipt of letter No. PO-230 SOAF (2-1), of 11 April 1963, which you sent to me with a view to obtaining the information which the Government of the Federal Republic of Cameroon is invited to communicate to you for transmission to the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, in application of General Assembly resolution 1761 (XVII) of 7 November 1962.

This resolution requests Member States to take the necessary measures, separately or collectively, in conformity with the Charter, to bring about the abandonment by the Government of the Republic of South Africa of its policies of apartheid. These measures are as follows:

- (a) Breaking off diplomatic relations with the Government of South Africa or refraining from establishing such relations;

/...



- (b) Closing their ports to all vessels flying the South African flag;
- (c) Enacting legislation prohibiting their ships from entering South African ports;
- (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- (e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa.

I am in a position to inform you that since this country's accession to independence on 1 January 1960, the Government of Cameroon has consistently refrained from engaging in relations of any kind with the Government of the Republic of South Africa. It has thus conducted itself since that date in strict conformity with the provisions of the above-mentioned resolution even before its adoption by the General Assembly of the United Nations.

This position has just been publicly and solemnly confirmed by the Government of the Federal Republic of Cameroon, which took an active part in the historic Addis Ababa Conference of last May, in the course of which the African Heads of State and Government unanimously pledged their total support for the above-mentioned United Nations resolution against the policies of apartheid of the Republic of South Africa. At the same conference, it was further decided to grant scholarships and other educational facilities and also possibilities of employment in African government service to refugees from South Africa.

I should further inform you that the Government of the Federal Republic of Cameroon has just decided to withdraw from the African Postal and Telecommunications Union, of which the Republic of South Africa is a member, and that it has moreover notified that Government of its intention not to participate in the Conference of the African Postal and Telecommunications Union scheduled to take place at Johannesburg next September.

Accept, Sir, the assurances of my highest consideration.

J.F. BETAYENE  
(Signed) Minister for Foreign Affairs

Secretary-General of the  
United Nations  
New York

/...

CANADA

Letter dated 5 August 1963 from the Permanent Representative

/Original: English/

I have the honour to refer to your letters (PO 230 SOAF (2-1)) of 11 April and 24 July addressed by you in your capacity as Chairman of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa.

I am requested by the Secretary of State for External Affairs to inform you that the matters referred to in your letter of 11 April are still under study by the Canadian Government. You may be assured that the views of the Canadian Government will be transmitted to you as soon as they are available.

/...

CHILE

Letter dated 5 August 1963 from the Permanent Representative

[Original: Spanish]

I have the honour to acknowledge receipt of your letter PO 230 SCAF (2-1), dated 11 April 1963, and in reply I should like to inform Your Excellency that the Government of Chile once again reiterates its censure of the South African Government's policy of racial discrimination, which violates the most elementary human rights and leads to oppression and violence.

At the same time as reaffirming our adherence to resolution 1761 (XVII), we are considering the most practical manner of giving effect to its provisions and of intensifying our co-operation in the struggle being waged by the United Nations to rid the world of a policy so ignominious as that of apartheid.

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CHINA

Letter dated 30 August 1963 from the Permanent Representative

/Original: English/

I have the honour to acknowledge receipt of your Note No. PO 230 SOAF (2-1) dated 24 July 1963, in which you referred to your Note dated 11 April 1963 addressed to the Minister for Foreign Affairs of China concerning the apartheid policy of the Republic of South Africa.

I have now received instructions to communicate to you the following.

It is the consistent position of the Chinese Government that the racial policy of the Government of South Africa is incompatible with the principles contained in the Charter of the United Nations. This position has been repeatedly made clear by the Chinese delegation in the General Assembly and in the Security Council during discussions of the apartheid policy.

In his statement at the meeting of the Security Council on 5 August 1963, the Permanent Representative of China again stressed that "the apartheid policy so relentlessly pursued by the Government of South Africa is not merely morally indefensible; it is politically self-destructive". He voiced the hope that the United Nations would bring all its influence to bear.

In addition to the General Assembly resolution 1761 (XVII), the Chinese delegation supported Security Council resolutions S/4300 of 1 April 1960 and S/5386 of 7 August 1963. The Chinese Government will continue to co-operate with the United Nations, in accordance with these resolutions, in its efforts to effect changes in the racial situation in South Africa.

/...

CONGO (LEOPOLDVILLE)

Letter dated 31 July 1963 from the Permanent Representative

[Original: French]

On instructions from my Government and in reply to your letter PO 230 SO AF (2) concerning apartheid in South Africa, I have the honour to inform you of the following:

My Government does not maintain and never has maintained diplomatic or consular relations with the Republic of South Africa. Ships and aircraft have never had access to the ports and airfields of the Republic.

My Government has always regarded apartheid as immoral and has always condemned the arbitrary measures taken by the Government of the Republic of South Africa against the African majority, just as it disapproves of all measures designed to establish the supremacy of a white minority in disregard of every democratic principle.

In June 1960 the Senate adopted the following motion:

"Considering political freedom to be an essential and fundamental right of the people,

"The Senate of the Congo welcomes the participation of numerous countries in the festivities organized to celebrate the independence of the country and its entry into the family of free nations. Nevertheless, the Senate unanimously and emphatically protests against the presence of delegations from countries in which colonialism is still rampant and in which racial discrimination lies at the basis of the structure of the State. It objects particularly to the presence at the national festivities of a delegation from the Union of South Africa, whose policy of apartheid it condemns as being incompatible with the respect due to human dignity. The Senate pays a solemn tribute to the memory of all those who have given their lives in the noble struggle of the people for human freedom and national independence. The Senate requests the General Executive College to take whatever action is necessary to give effect to this Resolution."

The Government of the Republic of the Congo (Leopoldville) will examine with the greatest interest any proposal designed to oblige the Republic of South Africa to alter its racial policy.

/...

COSTA RICA

Letter dated 14 May 1963 from the Minister for Foreign Affairs

[Original: Spanish]

I have the honour to refer to communication PO 230 (SOAF 2-1) of 11 April 1963 concerning resolution 1761 (XVII) adopted by the General Assembly at its 1165th plenary meeting, on 6 November 1962, entitled "The policies of apartheid of the Government of the Republic of South Africa".

In this connexion, I have pleasure in sending you a copy of the letter which we sent to the Secretary-General of the United Nations; as you will see, Costa Rica is fully prepared to help the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to accomplish its task, not only because of the matter at issue but also because Costa Rica is a member of this Committee and Mr. Fernando Volio Jiménez, its representative to the United Nations, is Vice-Chairman of the Committee.

ENCLOSURE

Letter dated 13 September 1963 from the Permanent Representative  
of Costa Rica to the United Nations

I have the honour to inform you that the Government of Costa Rica has decided to close its consulate at Johannesburg, Republic of South Africa, in protest against that country's policy of apartheid and in conformity with the recommendation made by the Special Committee of which you are Chairman.

/...

CYPRUS

Letter dated 17 April 1963 from the Minister of Foreign Affairs

[Original: English]

The Ministry of Foreign Affairs of the Republic of Cyprus presents its compliments to the Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, and with reference to his letter No. PO 230 SOAF (2-1) of 11 April 1963, concerning General Assembly resolution 1761 (XVII), has the honour to inform him that the question has already been referred to the Ministry by the Cyprus Permanent Mission to the United Nations and it will furnish him in due course with the information required by the Committee.

/...

DAHOMÉY

Letter dated 8 May 1963 from the Minister for Foreign Affairs

[Original: French]

I have the honour to refer to your letter PO 230 SOAF (2-1) of 11 April 1963, in which you inquire, on behalf of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, what steps are being taken by Dahomey to implement the recommendations in resolution 1761 (XVII) of 6 November 1962.

Dahomey has always given clear and positive evidence of its hostility to the racist regime of South Africa. We have repeatedly expressed our opinion in the United Nations and we have taken all sorts of practical steps to discourage all contact with a Government which so arrogantly flouts the most elementary human rights.

Recently the Government of Dahomey, in its concern to show its disapproval of the racist policy of South Africa and to put into effect the resolutions of the General Assembly, adopted and put into force the legal text of which a copy is appended and which corresponds, I think, to the spirit of resolution 1761 (XVII) of 6 November 1962.

ENCLOSURE

DECREE OF THE PRESIDENT OF THE REPUBLIC

DECREE No. 63-205/PR/MAE

THE PRESIDENT OF THE REPUBLIC,

HAVING REGARD TO Act No. 60-36 of 26 November 1960 establishing the Constitution of the Republic of Dahomey;

HAVING REGARD to Decree No. 111/PR/CAB of 15 April 1961 defining the duties of Members of the Government, as amended by Decree No. 143/PR of 20 March 1962;

/...



HAVING REGARD TO resolution 1761 (XVII) adopted by the General Assembly of the United Nations on 6 November 1962, defining the steps to be taken against South Africa;

ON THE PROPOSAL of the Minister for Foreign Affairs,

HAVING HEARD the Council of Ministers;

DECREES:

ARTICLE 1. All trade with the Republic of South Africa, whether direct or through an intermediary, shall be forbidden throughout the territory of the Republic of Dahomey.

ARTICLE 2. Ships and aircraft flying the South African flag or registered in South Africa shall be prohibited from calling at any ports or airports in Dahomey.

ARTICLE 3. No transit or entry visas for the territory of the Republic of Dahomey will be granted to nationals of the Republic of South Africa except in special circumstances, which shall be left to the Minister for Internal Affairs and Defence to determine.

ARTICLE 4. The Minister for Foreign Affairs, the Minister for Trade, Economic Affairs and Tourism, the Minister for Public Works, Transport, Posts and Telecommunications, and the Minister for Internal Affairs, Security and Defence shall be responsible, in their respective fields, for the execution of this Decree, which will be published in the Journal Officiel of the Republic of Dahomey.

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ETHIOPIA

Letter dated 16 May 1963 from the Deputy Permanent Representative

[Original: English]

Upon instructions from my Government, I have the honour to refer to your letter, Ref. No. PO 230 SOAF (2-1), addressed to his Excellency the Minister for Foreign Affairs of Ethiopia on 11 April 1963, requesting information both on the racial policies of the Republic of South Africa and on the manner in which my Government proposed to apply resolution 1761 (XVII).

In connexion with the information requested of my Government, I should like to draw your attention to operative paragraph 3 of the resolution on the "Policy of Apartheid and Racial Discrimination in Africa", adopted by the Second Conference of Independent African States, which convened in Addis Ababa, 14-26 June 1960.

The text of the relevant paragraph reads as follows:

"3. Calls upon Member States to sever diplomatic relations or refrain from establishing diplomatic relations as the case may be, to close African ports to all vessels flying the South African flag, to enact legislation prohibiting their ships from entering South African ports, to boycott all South African goods, to refuse landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of the Union of South Africa and to prohibit all South African aircraft from flying over the air space of the Independent African States."

My Government, by having already fully implemented the provisions of the resolution under reference, has obviously complied with the terms of resolution 1761 (XVII), subsequently adopted by the General Assembly of the United Nations.

Bearing in mind that my Government has, for well over a decade, inexorably opposed the racial policies of the Government of the Republic of South Africa, both within and outside the United Nations, I need hardly underline that any United Nations action, designed to compel the Government of South Africa to abandon its illegal and morally repugnant racial policies, will have the full support of my Government.

/...

GHANA

Letter dated 12 June 1963 from the Permanent Representative

/Original: English/

I have the honour to refer to your letter No. PO 230 SOAF (2-1) of 11 April 1963 addressed to the Ghana Minister for Foreign Affairs concerning the policies of apartheid of the Government of the Republic of South Africa.

I am instructed by the Ghana Minister for Foreign Affairs to draw your attention to this Mission's Note verbale No. POL-7/1 of 24 May 1963 addressed to the Secretary-General of the United Nations and reaffirming Ghana's strong opposition to the policies of apartheid of the Government of the Republic of South Africa.

ENCLOSURE

Note verbale dated 24 May 1963 from the Chargé d'affaires of Ghana to the United Nations addressed to the Secretary-General

The Chargé d'affaires of Ghana presents his compliments to the Secretary-General of the United Nations and, with reference to the Secretary-General's Note No. PO 230 USAF (2) of 21 January 1963 concerning General Assembly resolution 1761 (XVII) of 6 November 1962, entitled "The policies of apartheid of the Government of the Republic of South Africa", has the honour to make the following statement on the instructions of the Ghana Government.

Ghana most emphatically reaffirms her strong opposition to the policies of apartheid of the Government of the Republic of South Africa. At the United Nations and at other international organizations Ghana has played a leading role in opposing the policies of apartheid of the South African Government.

Ghana was applying the measures provided in General Assembly resolution 1761 (XVII) against the Republic of South Africa before the resolution was passed. This resolution strengthened the hands of Ghana in the course she had already been pursuing.

/...

Ghana has never established diplomatic relations with the Republic of South Africa. She has closed her ports to vessels flying the South African flag, and her own ships do not enter South African ports. Ghana has boycotted in toto South African goods and is not exporting any goods to South Africa. The effectiveness of Ghana's boycott of trade with the Republic of South Africa is borne out by Ghana trade statistics. Ghana has refused landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa. Above all, the Ghana Government requires citizens of the Republic of South Africa who wish to enter or travel through Ghana to sign a declaration denouncing the policies of apartheid of the Government of their country.

Ghana is determined to continue applying these measures against the Government of the Republic of South Africa until that Government abandons its policies of apartheid.

It would be appreciated if this note could be circulated as an official document of the General Assembly.

/...

GUINEA

Letter dated 15 June 1963 from the Minister for Foreign Affairs

[Original: French]

I have the honour to inform you that, before replying to your letter No. PO 230 SOAF (2-1) dated 11 April 1963, the Government of the Republic of Guinea wished to arrive at a basis for concerted action with the other independent African States by formulating a common position on the policy of apartheid and racial discrimination which the South African Government is pursuing in the face of worldwide condemnation.

A basis for concerted action has been established at the Addis Ababa summit conference, and all African delegations at the United Nations have been duly instructed not only to implement all the provisions of General Assembly resolution 1761 (XVII) of 6 November 1962 but also to study any other types of sanctions by means of which the shameful policy of apartheid and racial discrimination can be finally checked everywhere on the African continent, and, in particular, in South Africa.

Long before the adoption of resolution 1761 (XVII), the Government of the Republic of Guinea had decided to apply against the South African Government all the political, diplomatic and economic sanctions recommended in paragraph 4 of that resolution.

Indeed, we decided, in agreement with all the African Governments, to request a meeting of the Security Council in June to consider the explosive situation in South Africa with a view to arriving at what is the only possible solution to the problem: abandonment of the policy of apartheid.

A delegation consisting of four Ministers for Foreign Affairs will represent the whole of independent Africa at the meeting of the Security Council and will set forth the demands of our peoples and our States in this matter.

The Government of Guinea hopes that this final effort to reach a peaceful solution will prove successful and will put an end, once and for all, to this greatest of all challenges to the United Nations and the conscience of mankind.

/...

Otherwise, the African peoples and States will have no choice but to employ every means at their disposal, including their armed forces, in defence of their interests, which have been treated with such scorn; in doing so, they will be exercising their right of self-defence in strict conformity with the relevant provisions of the United Nations Charter.

The Government of the Republic of Guinea wishes to emphasize, here and now, the crushing responsibility that rests with the great Powers in general and with those few States which continue to maintain diplomatic, economic and trade relations with the South African Government, thus directly or indirectly encouraging it to pursue its criminal policy of apartheid against the peoples of South Africa and South West Africa.

One of the first corrective measures that must be taken in the immediate cessation of all arms deliveries, on whatever basis, and of all other types of aid that can be used by the South African Government against the peoples which it is oppressing.

The Government of Guinea earnestly requests the Committee to place emphasis on this important question and on the responsibilities which it imposes on certain Western Powers.

There can no longer be any equivocation on a matter of such paramount importance.

The peoples of Africa have to know who are their friends and who are not. The Permanent Mission of Guinea at the United Nations has been duly instructed to reaffirm this position in the Committee and to do everything possible to translate it into action.

/...

HAITI

Telegram dated 9 July 1963 from the Minister for  
Foreign Affairs

/Original: English/

I have the honour to inform you of the full agreement of the Haitian Government to the application of the measures recommended in resolution 1761 (XVII) adopted by the United Nations General Assembly in November 1962 setting forth the measures to be taken against South Africa. Haiti, which is proud of having submitted a draft resolution against racial discrimination to the 1945 San Francisco Conference at which the United Nations Charter was adopted, has always been indignant at the measures insulting to human dignity adopted by certain States against black racial groups, with the intention, inter alia, of making people believe that the Negro is congenitally inferior and incapable of self-government. Haiti has never failed to raise its voice regularly at the rostrum of the United Nations to denounce the degrading system of apartheid to which our brothers in South Africa are subjected. Haiti trusts that, in its forthcoming debate on the infamous policy of apartheid, the United Nations Security Council will let the voice of reason be heard on behalf of outraged humanity and will speak the word of justice in order to safeguard and perpetuate the ideals and principles that the great Assembly of the world's peoples has always advocated.

/...

HUNGARY

Letter dated 3 July 1963 from the Minister for  
Foreign Affairs

/Original: English/

With reference to your letter of 11 April 1963, concerning the apartheid policy of the Republic of South Africa, I have the honour to inform you of the position taken by the Government of the Hungarian People's Republic.

At the seventeenth session of the United Nations General Assembly the Hungarian delegation, in pursuance of its attitude of principle regarding the apartheid policies of the Republic of South Africa, was among those voting for resolution 1761 (XVII).

With regard to the recommendations in paragraph 4 of the operative part of the resolution, I wish to state that Hungary has not maintained diplomatic relations with the Republic of South Africa and will refrain from establishing such connexions as long as the policy of apartheid is maintained in that country.

Hungarian vessels do not visit South African ports.

Hungary has not maintained official inter-State trade relations with the Republic of South Africa. On the basis of resolution 1761 (XVII) the Hungarian Government reviewed all commercial contacts and decided to sever even the negligible amount of commercial traffic that has been going on earlier through non-official channels.

The Hungarian authorities are instructed by the Government of Hungary to refuse landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa.

May I take this opportunity to reaffirm my Government's unconditional support for the provisions of resolution 1761 (XVII) and state that the Hungarian authorities will strictly adhere to the letter and spirit of the aforesaid resolution.

Guided by this position of principle and the relevant decisions of our Government, as contained in this letter, the representatives of the Hungarian People's Republic in the Special Committee on the Policies of apartheid of the Republic of South Africa will continue to spare no effort in bringing the work of the Committee to a successful end.

/...



INDIA

Letter dated 15 July 1963 from the Foreign Secretary for  
Prime Minister and Foreign Minister

/Original: English/

Thank you for your letter No. PO 230 SOAF (2-1), dated 11 April 1963.

The Government of India believes that the struggle against the racial policies of South Africa is not one between one State and another but between humanity as a whole and a regime which has adopted policies militating against all canons of human behaviour. No country which believes in the United Nations Charter and in the dignity of human race can ever submit to or compromise with these policies.

We have attempted patiently and persistently to persuade the Government of South Africa to abandon its racial policies. We inscribed relevant items on the agenda of the General Assembly of the United Nations and sponsored or co-sponsored numerous resolutions from the very first session of the Assembly in 1946. The Government of South Africa has, however, ignored our appeals and refused to honour the United Nations resolutions.

You are aware, Mr. Chairman, that India was the first country to take economic and diplomatic sanctions against the Government of South Africa. So far as the implementation of resolution 1761 (XVII) is concerned, the Permanent Mission of India to the United Nations has, in a letter dated 2 April 1963, already informed you that the delegation of India will be happy to render all possible help to the Committee to accomplish its task under your able guidance. The Government of India has since reviewed the position and announced in detail the various steps taken in full and complete implementation of that resolution. I enclose for ready reference a copy of a press note issued by the Government of India which gives details of the measures taken.

We trust that other Governments, whom you have addressed, will also take prompt and appropriate action so as to obtain the abandonment of these deplorable racial policies.

/...

ENCLOSURE

MINISTRY OF EXTERNAL AFFAIRS

External Publicity Division

Press Relations Section

New Delhi, 13 July 1963

PRESS NOTE

POLICIES OF APARTHEID OF THE GOVERNMENT OF THE REPUBLIC OF  
SOUTH AFRICA

The struggle of the people of India against the racial policies of South Africa covers a period of over half a century. Well before India became independent, Mahatma Gandhi reacted strongly against policies of racial discrimination practised in South Africa and, in the early years of this century, waged one of the most significant struggles in history - the passive resistance movement - for asserting human equality and dignity. Long before the representatives of the United Nations framed their Charter, Mahatma Gandhi led the peoples' non-violent movement "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person (and) in the equal rights of men and women", "without distinction as to race, sex, language or religion".

The Government of India raised the question of racial discrimination in South Africa from the very inception of the United Nations and from that time onwards, the Government of South Africa began its history of disregard of the Resolution of the United Nations. Subsequently, at the 7th session of the General Assembly in 1952, India, along with 12 other Member States of the United Nations, raised the general question of "race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa". Between 1946 and 1962, the United Nations General Assembly passed 26 resolutions against the racial policies of South Africa. The Security Council also passed a resolution on the subject in April 1960. There have been a number of other resolutions on the policies of apartheid in the territory of South-West Africa.

/...

The Government of South Africa not only refused to comply with the provisions of these resolutions but also persistently violated the principles and provisions of the Charter of the United Nations and the Declaration of Human Rights.

As the Government of South Africa continued to ignore repeated requests, recommendations, admonitions and condemnations of the world organization, 34 Member States of the United Nations, including India, moved a resolution in the 17th Session of the General Assembly in 1962, deploring the failure of the South African Government to comply with its earlier resolutions and deprecating the Government's racial policies and measures. The resolution which was adopted by an over-whelming majority requested Member States to take certain diplomatic and economic steps against the Government of South Africa to bring about the abandonment of the racial policies of that Government /1761 (XVII). Operative paragraph 4 of the resolution requested Member States to take the following measures:

- (a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;
- (b) Closing their ports to all vessels flying the South African flag;
- (c) Enacting legislation prohibiting their ships from entering South African ports;
- (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- (e) Refusing landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa.

India was the first country to take diplomatic and economic sanctions against the South African Government. Even before its independence, it had withdrawn its High Commissioner from the Union of South Africa and prohibited trade with that country. That was in 1946. Since the passing of resolution 1761 (XVII) by the General Assembly of the United Nations, the Government of India has reviewed the position and taken necessary action in full compliance with the resolution:

/...

- (a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations.

The High Commissioner for India in the Union of South Africa was recalled in 1946. The Mission itself was withdrawn in 1954. Thus, there have been no formal diplomatic contacts between India and South Africa since 1954. However, some contact was maintained between the two Governments through their Missions in London mainly in order to implement the various resolutions of the United Nations General Assembly urging negotiations between them on the question of treatment of persons of Indian origin in South Africa. The Government of South Africa, however, persistently refused to negotiate in terms of these resolutions. This contact has accordingly now been broken off.

- (b) Closing of ports to all vessels flying the South African flag.

In implementation of resolution 1761 (XVII), the Government of India has instructed the authorities concerned not to allow vessels flying the South African flag to touch Indian seaports.

- (c) Enacting legislation prohibiting their (Indian) ships from entering South Africa.

Indian ships do not call at South African ports. However, instructions have been issued to the authorities concerned to prohibit Indian ships from going to South African ports. The Government of India has adequate powers for this purpose under the existing laws and it is not necessary to enact fresh legislation.

- (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition to South Africa.

There has been a general ban on trade between India and South Africa since 1946. Since 1953, the mandated territory of South-West Africa, which is being administered by South Africa, has also been covered under this ban. The movement of some items mainly of cultural and religious interest was, however, being allowed through postal and other channels on humanitarian grounds. The Government of India has examined this matter again and issued instructions that, apart from bonafide personal effects of travellers, post cards, letters aerograms and telegrams, only the following items will be allowed for movement between India and South Africa through postal and other channels:

/...

- (1) books and periodical publications (magazines) and newspapers;
  - (ii) blind literature;
  - (iii) free unsolicited gifts from relations and friends, including family and personal photographs if paid for at letter postage rates or printed matter rates, if admissible. These cannot be sent through parcel post. The value of such a gift should not exceed Rs.200/-;
  - (iv) packets containing sweetmeats and blessings for the Muslim devotees by the Durgah Committee, Ajmer, provided that no packet exceeds 1 lb. in weight and that the packets are accompanied by certificates from the Nazim of the Durgah showing that they are bonafide offerings by devotees; and
  - (v) pictorial representations with religious and social background.
- (e) Refusing landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of South Africa.

There is no traffic between India and South Africa by Indian or South African Airlines. However, under the relevant international conventions, aircraft registered in South Africa can be permitted to overfly India while operating scheduled international air services, to land at Indian airports for non-traffic purposes and to make non-scheduled flights to, through and over India. In view of the resolution of the General Assembly of the United Nations specifically forbidding these facilities, the Government of India has informed the International Civil Aviation Organization that they will not allow aircraft registered in South Africa to land at Indian airports or to overfly India.

The Government of India has fully implemented the terms of the United Nations General Assembly resolution 1761 (XVII). It hopes that all other Member States of the United Nations and, indeed, all countries of the world will do everything in their power to bring about the abandonment of the cruel and inhuman racial policies of the Government of South Africa.

INDONESIA

Letter dated 12 July 1963 from the Deputy Permanent Representative

/Original: English/

I have the honour to communicate to you the interim reply of my Government to your letter No. PO 230 SOAF (2-1) of 11 April 1963 addressed to the Minister of Foreign Affairs of Indonesia.

The Government of Indonesia will implement all provisions enshrined in General Assembly resolution No. 1761 (XVII) without delay, and will announce the decisions and the relevant steps to be taken by the Government in due course.

As soon as further communication has been received from my Government, I shall forward it to you.

/...

IRAQ

Letter dated 8 August 1963 from the Permanent Representative

/Original: English/

On instructions from my Government I have the honour to refer to your letter PO 230 SOAF (2-1) of 11 April 1963, and to inform you of the position taken by the Republic of Iraq regarding the policy of apartheid in South Africa.

My Government's record in the United Nations clearly shows its uncompromising opposition to the policies of apartheid pursued by the Government of South Africa. Iraq supported all the resolutions adopted by the General Assembly over the last seventeen years on the question. The Government of Iraq does not have at present and does not intend in the future to establish diplomatic relations with the Government of the Republic of South Africa. There are no direct air or sea communications between Iraq and South Africa and the Government of Iraq does not intend to establish such communications. Trade between Iraq and South Africa is of negligible volume and the Government of Iraq has taken steps to reduce further such trade.

/...

ISRAEL

Letter dated 20 August 1963 from the Acting Permanent Representative

/Original: English/

I have the honour to refer to your letter PO 230 SOAF (2-1) of 24 July 1963, concerning resolution 1761 (XVII).

From the beginning of United Nations consideration of the problem of apartheid, Israel representatives at the United Nations have underlined the moral gravity of this question. The people of Israel have a deep abhorrence of all forms of discrimination on grounds of race, colour or religion deriving from its age-old spiritual values as well as from its lengthy and tragic historical experience as a victim of man's inhumanity to man. This attitude of my Government has consistently found expression in its support of United Nations resolutions on apartheid, including resolution 1761 (XVII).

My Government has noted with deep concern the further deterioration in the situation as indicated in the two interim reports issued by the Special Committee.

My Government has taken all necessary steps to ensure that no arms, ammunition or strategic materials may be exported from Israel to South Africa in any form, directly or indirectly. In addition, steps have been taken to ensure that no material of such nature exported to other countries can reach South Africa.

My Government is at present actively considering the taking of further measures as part of the general effort of Member States of the United Nations aimed at bringing about the abandonment of the policies of apartheid by the Government of South Africa.

/...



IVORY COAST

Letter dated 15 July 1963 from the Permanent Representative

/Original: French/

In reply to your letter PO 230 SOAF (2-1) of 11 April 1963 and on the instructions of my Government, I am happy to inform you that the Ivory Coast does not maintain diplomatic relations with Portugal or South Africa and that, in pursuance of United Nations and Addis Ababa resolutions, the Government of the Republic of the Ivory Coast has recently prohibited all commercial traffic with those two countries and closed the airfields and ports of the Ivory Coast to all Portuguese and South African aircraft and ships.

/...

LAOS

Letter dated 4 May 1963 from the Minister for Foreign Affairs

/Original: French/

With reference to your letter PO 230 SOAF (2-1) of 11 April 1963, I have the honour to inform you that the Royal Government of Laos whole-heartedly endorses resolution 1761 (XVII) of the General Assembly of the United Nations on the policies of apartheid of the Government of the Republic of South Africa.

As, however, there are as yet no relations between the Republic of South Africa and the Kingdom of Laos, the Royal Government is physically unable, to its great regret, to take any more practical action in this field, despite its willingness and desire to implement resolution 1761 (XVII) to the letter. It can only, therefore, once again condemn this policy of racial discrimination which is contrary to the principles of human rights, and the continuation of which is likely to endanger international peace and security.

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LIBERIA

Letter dated 5 September 1963 from the Permanent Representative

/Original: English/

On the instructions of the Government of the Republic of Liberia, I have the honour to inform you, in reply to your Note PO 230 SOAF (2-1) of 11 April, addressed to the Secretary of State of Liberia, that the Government of Liberia will take the necessary steps to implement, on its part, the provisions of resolution 1761 (XVII), especially paragraph 4 of the resolution in question.

Liberia is unalterably opposed to the policies of apartheid of the Government of the Republic of South Africa. This fact has been clearly underlined by the role played by Liberia in the United Nations and in other international bodies in forcefully opposing this nefarious policy of apartheid and making clear its inconsistency with the obligations of South Africa as a Member of the United Nations.

Liberia is committed to the eradication of this inhuman policy of the South African Government and is therefore determined to apply all measures necessary against that Government until apartheid, which is practised by it, is abandoned.

/...

MADAGASCAR

Letter dated 6 August 1963 from the Permanent Representative

/Original: French/

In reply to your letter No. PO 230 SOAF (2-1) dated 11 April 1963, I have the honour to inform you of the position of my Government concerning South Africa's policies of apartheid.

The Government of the Malagasy Republic has always supported all the measures taken by the United Nations against South Africa's policies of apartheid.

Faithful to this line of conduct, it will continue to uphold any action and to support strongly any new measures which the United Nations may take against these policies, which flout the most elementary human rights, and it will do so in conformity with resolution 1761 (XVII).

The determination with which my Government recently fulfilled in the Security Council the task entrusted to it by the Heads of African States meeting at Addis Ababa expresses my Government's unequivocal policy as regards apartheid.

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FEDERATION OF MALAYA

Letter dated 18 July 1963 from the Acting Prime Minister

/Original: English/

I have the honour to refer to your letter dated 11 April 1963 reference PO 230 SOAF (2-1) concerning implementation of the recommendations made to Member States in resolution 1761 (XVII) of 6 November 1962 by the Government of the Federation of Malaya.

In this connexion I wish to emphasize that my Government's stand on apartheid has always been firm and clear, and this was made evident by the important role that the Federation's Prime Minister played in the Commonwealth Prime Ministers' Conference held in London in 1961, which led to the withdrawal of South Africa from the Commonwealth of nations. We have always, as you know, condemned and abhorred the South African policy of apartheid in the United Nations.

In the implementation of the recommendations of resolution 1761 (XVII) the Federation Government has taken the following measures:

- (1) Following the Commonwealth Prime Ministers' Conference of 1961 in London, the Federation Government banned all imports of all South African goods into the Federation of Malaya;
- (2) We do not exchange diplomatic missions with South Africa;
- (3) Since 1959 we have not had occasion to grant facilities to vessels flying South African flag and to South African aircraft. As there is no likelihood of South African vessels or aircraft passing through our territory the question of closing our ports to them does not therefore arise;
- (4) We have granted permission to five Malay families who were victims of apartheid from South Africa to come and reside in the Federation of Malaya.

I assure you that the Government of the Federation of Malaya and its people will continually condemn the policy of apartheid in South Africa and will join other Member countries in the expression of this condemnation.

/...

MALI

Letter dated 25 July 1963 from the Permanent Representative

/Original: French/

On instructions from my Government and in reply to your letter PO 230 SOAF (2-1) of 11 April 1963, I have the honour to inform you of the measures taken by the Government of Mali to apply the provisions of United Nations General Assembly resolution 1761 (XVII) of 7 November 1962.

This resolution requested Member States inter alia to take the following measures, separately or collectively, in conformity with the Charter, to bring about the abandonment by the Government of South Africa of the policy of apartheid:

- (a) Breaking off diplomatic relations with the Government of the Republic of South Africa or refraining from establishing such relations;
- (b) Closing their ports to all vessels flying the South African flag;
- (c) Enacting legislation prohibiting their ships from entering South African ports;
- (d) Boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa;
- (e) Refusing landing and passage facilities to all aircraft belonging to the Government of South Africa and companies registered under the laws of South Africa.

I am authorized to inform you that since its accession to independence the Republic of Mali has refrained from maintaining relations of any kind whatsoever with the Government of South Africa.

Furthermore, the Government of Mali does not contemplate entering into relations of any kind with the Government of South Africa so long as that Government does not abandon its shameful policy of apartheid.

The National Assembly of the Republic of Mali, in ratifying the Charter of African Unity adopted by the Heads of African States and Governments at the conclusion of the conference held at Addis Ababa from 22 to 25 May 1963, gave the Government a mandate to apply whatever measures might be contemplated to combat the South African Government's policy of apartheid.

In other words, the Government of Mali has consistently observed the recommendations in resolution 1761, even prior to the adoption of that resolution by the United Nations General Assembly at its seventeenth session.

MONGOLIA

Letter dated 31 July 1963 from the Acting Permanent Representative

/Original: English/

With reference to your letter of 11 April and that of 24 July 1963 concerning the apartheid policy of the Republic of South Africa, upon the instructions of the Government of the Mongolian People's Republic, I have the honour to state the position of the Mongolian Government on this matter.

The Government of the Mongolian People's Republic adherent to the principles of equality among all peoples, strongly condemns the inhuman policy of apartheid carried out by the Government of the South African Republic. The Mongolian delegation at the seventeenth session of the General Assembly voted for the resolution 1761 (XVII), which provides effective international measures against South Africa.

So far as the relations between the Mongolian People's Republic and the Republic of South Africa are concerned, the Mongolian People's Republic has maintained neither official, nor private relations with the Republic of South Africa, and will further refrain from entering into any relations with this country, while the Republic of South Africa persists in maintaining this infamous policy.

I avail myself of this opportunity to assure you that the Government of the Mongolian People's Republic will further give its full support to any actions towards ending the policy of apartheid followed by the Government of the Republic of South Africa.

/...

NEPAL

Letter dated 18 July 1963 from the Permanent Representative

/Original: English/

With reference to your letter PO 230 SOAF (2-1) of 11 April 1963 addressed to the Minister for Foreign Affairs, His Majesty's Government of Nepal. I have the honour to inform you the following under instructions from my Government.

His Majesty's Government of Nepal has been always keenly interested in the question of apartheid in South Africa and has always voted for General Assembly resolutions on the subject. His Majesty's Government of Nepal will continue to support United Nations measures to persuade the Government of the Republic of South Africa to abandon its policy of apartheid or racial segregation in the country. As has been so often expressed in the various committees of the United Nations General Assembly by the representatives of Nepal, His Majesty's Government of Nepal looks upon the racial policies of the Government of the Republic of South Africa as an affront to human dignity everywhere and as a source of serious threat to international peace and security. It is with this deep conviction in the immorality of this policy which is contrary to the principles of equal human rights enshrined in the United Nations Charter that His Majesty's Government of Nepal has welcomed the opportunity to serve on your committee as a member as well as the Rapporteur of the committee. His Majesty's Government of Nepal will continue to co-operate with your committee in securing the objectives of the United Nations in South Africa.

In reply to your specific query, His Majesty's Government of Nepal is pleased to inform you that it does not maintain any diplomatic, cultural or trade relations with South Africa and there is no question of maintaining any such relations until the Government of South Africa abandons its racial policies.

/...



NEW ZEALAND

Letter dated 11 September 1963 from the Permanent Representative

/Original: English/

I have the honour to acknowledge the receipt of your letter PO 230 SOAF (2-1) of 24 July 1963, referring to the letter addressed by you, as Chairman of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, to the Ministers for Foreign Affairs of the Member States.

I have been requested by the Minister of External Affairs to thank you for your letter of 11 April 1963, and to assure you that the matters you have raised are at present under consideration by the New Zealand Government.

/...

NIGERIA

Letter dated 1 May 1963 from the Counsellor, Permanent Mission

/Original: English/

The permanent mission of Nigeria transmitted to the Committee the letter dated 30 April 1963 from the Permanent Representative of Nigeria to the Secretary-General which reads as follows:

"With reference to your letter No. PO 230 (2) of 21 January 1963, concerning resolution 1761 (XVII) which was adopted by the General Assembly in connexion with the item 'The policies of apartheid of the Government of the Republic of South Africa' on 6 November 1962, the Permanent Mission of Nigeria to the United Nations wishes to make the following statement.

"Nigeria has consistently refused to allow South African aircraft and ships to use her ports and airfields. One of the resolutions passed at the Lagos Conference of Heads of African and Malagasy States, held from 25 to 30 January 1962, is a call on Member States to apply immediately political and economic sanctions against the Government of the Republic of South Africa.

"Nigeria will not allow representatives of the White ruling minority in the Republic of South Africa to enter Nigeria for the purpose of attending international meetings, seminars or conferences. Nigeria will not play host to any such meeting in which participation by South Africa is made a necessary condition for holding it in Nigeria.

"Nigeria was responsible for the resolution adopted at the 45th session of the International Labour Conference requesting the Governing Body to advise the Government of South Africa to withdraw from the International Labour Organisation. You will recall the important part played by the Rt. Honourable Prime Minister of Nigeria at the 1961 Commonwealth Prime Ministers Conference which led to the expulsion of the Republic of South Africa from the Commonwealth."

/...

PHILIPPINES

/Original: English/

Letter dated 23 July 1963 from the Deputy Permanent Representative

I have been instructed by my Government to inform you that the Philippines is initiating economic sanctions against the Republic of South Africa, including the prohibition of all imports from, and exports of strategic materials to, South Africa, together with all banking transactions related thereto, and the sale of South African securities.

/...

POLAND

/Original: English/

Letter dated 11 July 1963 from the Permanent Representative

With reference to your letter PO 230 SOAF (2-1) of 11 April 1963, addressed to the Minister of Foreign Affairs of the People's Republic of Poland, upon instruction of my Government, I have the honour to transmit to you a copy of the statement which is simultaneously submitted to the Secretary-General of the United Nations in connexion with resolution 1761 (XVII) on the policies of apartheid of the Government of the Republic of South Africa.

My Government is deeply dedicated to the purposes of General Assembly resolution 1761 (XVII) and desires its full and genuine implementation. Therefore Poland will maintain its position against establishing diplomatic and consular relations with the present Government of South Africa, as well as against the conclusion with that Government of trade agreement or any other agreement unless all the people of South Africa achieve full equality and freedom.

ENCLOSURE

Letter dated 11 July 1963 from the Permanent Representative of Poland to the United Nations addressed to the Secretary-General

I have the honour to refer to your communication of 21 January 1963, No. PO 230 USAF (2), concerning General Assembly resolution 1761 (XVII) adopted on 6 November 1962, in connexion with the item "The policies of apartheid of the Government of the Republic of South Africa" and upon instruction of my Government, I wish to state the following:

The Polish People's Republic has always considered the South African Government's policies of racial discrimination and apartheid as brutal violation of human rights and the most striking manifestation of colonial oppression.

Such a policy, based on the creed of master race, by its very nature leads to international friction and, like Nazism, causes a threat to peace and security of nations.

/...

The Polish people have always denounced racial discrimination in all its forms. Accordingly, the Polish representatives in various United Nations organs have openly condemned the policies of apartheid applied in South Africa and have consistently supported all measures aimed at the eradication of this policy and at securing the compliance of the South African Government with the recommendations adopted by the United Nations.

Poland expressed also its solidarity with the resolution adopted by the recent conference of Heads of African States and Governments at Addis Ababa on apartheid and racial discrimination, which stressed the urgent necessity "to co-ordinate concerned measures of sanction against the Government of South Africa".

The Polish Government has no diplomatic nor consular relations with the present Government of South Africa. The Polish Government is not a party to any treaty nor agreement of commercial or any other nature with that Government.

I should be grateful if you would arrange, Sir, for the circulation of this statement as an official document of the General Assembly.

ROMANIA

/Original: French/

Letter dated 16 July 1963 from the Chargé d'Affaires of the  
Permanent Mission

In reply to your letter PO 230 SOAF (2-1) of 11 April 1963, I have the honour, on behalf of my Government, to inform you that the Government of the Romanian People's Republic has always resolutely opposed and continues to oppose the policy of racial discrimination practised in South Africa.

The Romanian Government believes that the implementation of the measures envisaged in resolution 1761 (XVII) constitutes a means of bringing international pressure to bear on the Government of the Republic of South Africa for the purpose of inducing it to renounce its policies of apartheid.

For its own part, the Government of the Romanian People's Republic will comply with the provisions of that resolution, whose adoption and application it has supported from the outset.

/...

SIERRA LEONE

/Original: English/

Letter dated 2 May 1963 from the Acting Permanent Secretary of  
the Ministry of External Affairs

With respect to your letter No. PO 230 SOAF (2-1) dated 11 April 1963,  
I am directed to inform you that the Government of Sierra Leone has imposed  
sanctions on South Africa, and is prepared to support any action taken by the  
United Nations in pursuance of resolution 1761 (XVII).

/...

SOMALIA

/Original: English/

Letter dated 27 May 1963 from the Under-Secretary,  
Ministry of Foreign Affairs

I have the honour to refer to your letter No. PO 230 SOAF (2-1) of 11 April 1963 requesting information regarding the implementation of resolution 1761 (XVII) of 6 November 1962 of the General Assembly relating to racial policies in South Africa.

As you are well aware, our Government strongly deprecates the policies of apartheid and racial discrimination followed by the Republic of South Africa as being contrary to the Charter of the United Nations and the Universal Declaration of Human Rights. Our Government also feels that the continuance of those policies seriously endangers international peace and security.

In the Lagos Conference of Heads of African and Malagasy States and Governments which met in Lagos from 25 to 30 January 1962, a resolution was adopted (which was supported by our Government also) calling on all African and Malagasy States "to apply immediately political and economic sanctions against the Government of the Republic of South Africa, not only to demonstrate the resentment of the ruthless degradation of the Non-Whites there, but also ultimately to compel the Government of the Republic of South Africa to abandon the iniquitous practice of apartheid".

Following resolution 1662 (XVI) of 28 November 1961 of the General Assembly and the Lagos resolution mentioned above, our Government issued decree law No. 3 of 13 March 1962 imposing sanctions against the Republic of South Africa. The decree law with certain amendments was converted into law No. 12 of 26 May 1962 by the National Assembly.

The above law prohibits ships flying the South African flag from calling at the ports in the Somali Republic. (Art. 3)

The law also prohibits South African aircrafts from landing in the airports in the Somali Republic, except in the cases of emergency, and from flying over the territory of the Somali Republic. (Art. 3)

The importation of any South African goods in the Somali Republic and the exportation of any goods from the Somali Republic to the Republic of South Africa are forbidden. (Art. 1)

/...



Citizens of the Republic of South Africa are not allowed to enter the Somali Republic. However, they are permitted to travel in transit through the territory of the Somali Republic on board ships or aircrafts, but not disembark, provided said ships or aircrafts fly a flag other than that of the Republic of South Africa. (Art. 2)

Somali citizens are also prohibited from travelling in South African ships or aircrafts except in cases of proven necessity or emergency. (Art. 4)

It should be noted that the Government of the Somali Republic does not have diplomatic relations with the Government of the Republic of South Africa.

... I have the honour to enclose copies of decree law No. 3 of 13 March 1962 and law No. 12 of 26 May 1962.

#### ENCLOSURE

Decree-law No. 3 of 13 March 1962

Sanctions against the Republic of South Africa

THE PRESIDENT OF THE REPUBLIC

HAVING SEEN

article 63 of the Constitution;

CONSIDERING

that, in accordance both with the resolution adopted by the General Assembly of the United Nations on 28 November 1961 and with the measures already taken by a number of African States, there is an urgent necessity, to provide for appropriate sanctions against the Republic of South Africa as a just reaction against the policy of racial discrimination (Apartheid) followed by the present Government of said Republic;

HAVING HEARD

the Council of Ministers;

ON THE PROPOSAL

of the Prime Minister;

DECREES

#### Article 1

The importation of any South African goods in the Somali Republic shall be forbidden.

The exportation of any goods from the Somali Republic to the Republic of South Africa shall equally be forbidden.

/...

Article 2

Citizens of the Republic of South Africa shall not be permitted to enter the Somali Republic, even for the purpose of travelling in transit.

Article 3

Ships or aircrafts flying the South African flag shall not be permitted to call at the ports or to land, except in cases of emergency, in the airports of the Somali Republic. South African aircrafts shall also be forbidden to fly over the territory of the Somali Republic.

Article 4

Citizens of the Somali Republic shall not be permitted to travel in South African ships or aircrafts.

Article 5

Whoever violates the provisions contained in the preceding articles shall be punished with imprisonment for a contravention up to one year or with fine for a contravention up to Sh. 2,000 (two thousand) or with both.

In cases of illegal landings or overflights of South African ships or aircrafts, the punishment shall be imposed on the commanding officer in charge of the ship or of the aircraft. The ship or the aircraft shall be seized and, where the commanding officer is convicted, such ship or aircraft may be confiscated.

In cases of illegal importation or attempted illegal exportation of goods, the goods shall be seized and, where the person involved is convicted, such goods shall be confiscated.

Article 6

This Decree-law comes into effect immediately and shall be presented to the National Assembly for conversion into law.

Law No. 12 of 26 May 1962

Sanctions against the Republic of South Africa - Amendments and conversion into law of Decree-law n. 3 of 13 March 1962.

THE PRESIDENT OF THE REPUBLIC

TAKING NOTE

of the approval of the National Assembly

PROMULGATES

the following law:

/...

Single Article

The Decree-law n. 3 of 13 March 1962, concerning sanctions against the Republic of South Africa, is hereby converted into law with the following amendments:

""Article 2.

Citizens of the Republic of South Africa shall not be permitted to enter the Somali Republic.

Said citizens, though not allowed to disembark, are however permitted to travel in transit through the territory of the Somali Republic on board ships or aircrafts, provided said ships or aircrafts fly a flag other than that of the Republic of South Africa.""

""Article 4.

Citizens of the Somali Republic shall not be permitted to travel in South African ships or aircrafts except in cases of proven necessity or emergency.""

""Article 5.

Whoever violates the provisions contained in the preceding articles shall be punished with imprisonment for a contravention up to one year or with fine for a contravention up to Sh. So. 2,000 (two thousand), or with both.

In cases of illegal landings or overflights of South African ships or aircrafts, the punishment shall be imposed on the commanding officer in charge of the ship or of the aircraft. The ship or the aircraft shall be seized and, where the commanding officer is convicted, such ship or aircraft shall be confiscated.

In cases of illegal importation or attempted illegal exportation of goods, the goods shall be seized and, where the person involved is convicted, such goods shall be confiscated.""

This law shall be included in the Official Compilation of Laws and published in the Official Bulletin.

All persons shall be required to observe it and cause others to observe it as a law of the Republic.

/...

SUDAN

Letter dated 12 July 1963 from the Permanent Representative

/Original: English/

I have the honour to refer to your letter No. PO 230 SCAF (2-1) dated 11 April 1963, with reference to the implementation of General Assembly resolution 1761 (XVII) of 6 November 1962, and to inform you that the Government of the Republic of the Sudan have taken the following steps in protest against the racial policies of the Government of the Republic of South Africa:

1. All seaports and airports have been closed to South African ships and aeroplanes;
2. There is a complete economic and commercial boycott against South Africa;
3. Any person with a South African passport is banned from transit through or entry into the Sudan;
4. The delegation of the Sudan to the recent Conference of the International Labour Organisation fully supported the efforts of the other African delegations to have South Africa expelled from that Organisation.

/...

UKRAINIAN SOVIET SOCIALIST REPUBLIC

Letter dated 12 August 1963 from the Permanent Mission

/Original: Russian/

With reference to your letter of 11 April 1963 concerning the policies of apartheid of the Government of the Republic of South Africa, I have the honour, on the instructions of the Government of the Ukrainian Soviet Socialist Republic, to state the following.

The Government of the Ukrainian SSR consistently and steadfastly upholds the principles of the equal rights and self-determination of all peoples; it has always been opposed and is now opposed to all forms of racial oppression. In conformity with this policy of principle, the Government of the Ukrainian SSR has on a number of occasions, through its representatives in the United Nations and in other international assemblies, strongly condemned the policy of apartheid and has always voted for resolutions condemning apartheid as one of the most brutal manifestations of colonialism.

The Government of the Ukrainian SSR considers that the implementation of all the provisions included in resolution 1761 (XVII) would be of great importance in putting an end to the policy of racial discrimination and apartheid of the Government of the Republic of South Africa.

For its part, the Government of the Ukrainian SSR declares its firm resolve to support any measures designed to implement the aforesaid resolution, for which it cast its vote at the seventeenth session of the General Assembly.

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UNION OF SOVIET SOCIALIST REPUBLICS

Letter dated 21 May 1963 from the Permanent Representative

/Original: Russian/

With reference to your letter of 11 April 1963 to the Minister for Foreign Affairs of the Union of Soviet Socialist Republics, I have the honour to confirm the position of the USSR on the policies of apartheid of the Government of the Republic of South Africa, as described in a letter to U Thant, Secretary-General of the United Nations, dated 19 March 1963.

The letter in question states the following:

"With reference to your letter of 21 January 1963 to the Permanent Representative of the Soviet Union to the United Nations, concerning resolution 1761 (XVII), which was adopted by the General Assembly in connexion with the item 'The policies of apartheid of the Government of the Republic of South Africa', on 6 November 1962, the Permanent Mission of the USSR to the United Nations wishes to make the following statement.

"The Soviet Government, which consistently upholds the principles of the equality of peoples and self-determination of peoples, is firmly opposed to all forms of racial oppression and in favour of equal rights for all races and nationalities. Accordingly, the Soviet Government has always strongly condemned the barbarous policy of apartheid followed by the South African racialists. This policy cannot but be regarded as one of the very worst manifestations of colonialism and as one of the most dangerous for the peoples of the world. At the seventeenth session of the General Assembly of the United Nations in 1962, the delegation of the Soviet Union gave full support to the resolution condemning apartheid in the Republic of South Africa, which provides for the adoption of sanctions against that country, including the breaking-off of diplomatic relations, the suspension of trade, and so on.

"The Government of the USSR considers that the adoption of such sanctions against the Republic of South Africa could be an effective means of influencing the South African Government in this matter, provided, of course, that this important General Assembly resolution is complied with by those States Members of the United Nations, particularly the Western Powers, who at present maintain especially close political, economic and other relations with the Republic of South Africa.

/...

"As far as the Soviet Union is concerned, it has no diplomatic or consular relations with the Republic of South Africa nor does it maintain trade relations with that country.

"The Soviet Government is prepared to support any steps designed to ensure that an end is put to the policy of racial discrimination and apartheid followed by the Government of the Republic of South Africa.

"I should be grateful if you would arrange for this text to be circulated as an official General Assembly document."

/...

UNITED STATES OF AMERICA

Letter dated 9 August 1963 from the Permanent Representative

/Original: English/

I have the honour to refer to the statement which I made to the Acting Chairman of the Special Committee on 20 June 1963, as an oral reply to your letter of 11 April 1963 to me. In that statement I explained the attitude of the United States Government regarding the racial policies of the Republic of South Africa. I understand that my statement was conveyed by the Vice-Chairman to the Special Committee 28 June 1963. A copy of the Vice-Chairman's remarks has been made available to me.<sup>b/</sup>

b/ At the 15th meeting on 28 June, the Vice-Chairman stated:

The Permanent Representative of the United States of America to the United Nations, H.E. Mr. Adlai Stevenson, visited me on 20 June, in my capacity as the Acting Chairman of the Special Committee, in connexion with the letter dated 11 April 1963 from the Chairman of the Special Committee to the Ministers of Foreign Affairs of Member States (A/AC.115/L.5).

He stated in response to the Chairman's letter that the United States Government was happy to co-operate with the Special Committee in the performance of its work.

The attitude of the United States towards the policies of apartheid of the Government of the Republic of South Africa had been explained by Ambassador Francis T.P. Plimpton in his statement before the Special Political Committee of the General Assembly on 19 October 1962, when he said that the United States was unalterably and irrevocably opposed to apartheid in all its aspects, and that the United States believed that each Member State can and should take measures which, given its particular circumstances, would be most effective to bring about the result that we all desire.

The United States Government recognized the extreme seriousness of the situation in the Republic of South Africa. Its anxiety and concern about the situation was increasing day by day.

The United States had made almost continuous representations to the Government of South Africa to persuade it to abandon the policies of apartheid and to fulfil its obligations under the United Nations Charter. The United States would continue to use its best efforts towards that end through all available official and unofficial means.

The United States Government was continuing to enforce the policy of forbidding the sale to the South African Government of any arms, whether from governmental or commercial sources, which could be used by that Government to enforce apartheid either in South Africa or in South West Africa.

The United States would be happy to make available to the Special Committee any information in its possession relevant to the mandate of the Special Committee, as appropriate.

I informed Ambassador Stevenson that I would convey the substance of his statement to the Special Committee.



While that statement accurately represented the policy of the United States at that time, since then the United States Government has further defined its policy towards the Republic of South Africa. I refer in particular to the decision of the United States to cease the sale of military equipment to the Government of South Africa, which decision I announced in a speech before the Security Council on 2 August 1963. I enclose for the convenience of the Special Committee pertinent excerpts from that speech, the full text of which appears in the verbatim records of the Security Council for 2 August 1963 (S/PV.1052).

This letter and the enclosed excerpts from my speech should be considered as integral parts of the reply of the United States Government to your letter of 11 April 1963.

ENCLOSURE

Excerpts from speech made by Ambassador Adlai E. Stevenson  
to the Security Council on 2 August 1963

We are all agreed, and we have proclaimed again and again, in this body and in the General Assembly, and in many other forums of the United Nations, certain basic views about the issue before us. However, we must restate them again and again so that we can sum up where we stand, and deliberate with clarity and with candor on how to move forward.

First, we have affirmed and reaffirmed that apartheid is abhorrent. Our belief in the self-evident truths about human equality is enshrined in the Charter. Apartheid and racism, despite all of the tortured rationalizations that we have heard from the apologists, are incompatible with the moral, social, and constitutional foundations of our societies.

A second basic principle on which we are agreed is that all Members of the Organization have pledged themselves to take action, in co-operation with the Organization, to promote observance of human rights, without distinction as to race.

Thirdly, we continue to believe that this matter is of proper and legitimate concern to the United Nations. We have often stated, in the General Assembly, our

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belief that the Assembly can properly consider questions of racial discrimination and other violations of human rights where they are a Member's official policy and are inconsistent with the obligations of that Member, under Articles 55 and 56 of the Charter, to promote observance of human rights, without distinction as to race.

Moreover, the apartheid policy of South Africa has clearly led to a situation the continuance of which is likely to endanger international peace and security. We also believe that all Members, in the words of the resolution passed almost unanimously by the sixteenth General Assembly, should take such separate and collective action to bring about an abandonment of apartheid as is open to them in conformity with the Charter.

The United States supported that resolution and has complied with it.

I should like to take this occasion to bring up to date the record of the measures the United States has taken to carry out this purpose. First, we have continued and indeed have accelerated our official representations to the Government of South Africa on all aspects of apartheid in that country. We have done this through public words and private diplomacy, expressing our earnest hope that the South African Government would take steps to reconsider and to revise its racial policies and to extend the full range of civic rights and opportunities to non-whites in the life of their country. And we have observed to the South African Government that in the absence of an indication of change, the United States would not co-operate in matters that would lend support to South Africa's present racial policies.

We have utilized our diplomatic and our consular establishments in South Africa to demonstrate by words and by deeds our official disapproval of apartheid and, as the United States representative informed the Special Political Committee of the General Assembly on 19 October last, the United States has adopted and is enforcing the policy of forbidding the sale to the South African Government of arms and military equipment whether from Government or commercial sources, which could be used by that Government to enforce apartheid either in South Africa or in the Administration of South West Africa. We have carefully screened both government and commercial shipments of military equipment to make sure that this policy is rigorously enforced.

But I am now authorized to inform the Security Council of still another important step which my Government is prepared to take. We expect to bring to an

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end the sale of all military equipment to the Government of South Africa by the end of this calendar year, in order further to contribute to a peaceful solution and to avoid any steps which might at this point directly contribute to international friction in the area. There are existing contracts which provide for limited quantities of strategic equipment for defence against external threats, such as air-to-air missiles and torpedoes for submarines. We must honour these contracts. The Council should be aware that in announcing this policy the United States, as a nation with many responsibilities in many parts of the world, naturally reserves the right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security.

If the interests of the world community require the provision of equipment for use in the common defence effort, we would naturally feel able to do so without violating the spirit and the intent of this resolution. We are taking this further step to indicate the deep concern which the Government of the United States feels at the failure of the Republic of South Africa to abandon its policy of apartheid. In pursuing this policy the Republic of South Africa, as we have so often said, is failing to discharge its obligations under Articles 55 and 56 of the Charter whereby Members pledge themselves "to take joint and separate action in co-operation" with our Organization for the achievement, among other things, of "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

Stopping the sale of arms to South Africa emphasizes our hope that the Republic will now reassess its attitude towards apartheid in the light of the constantly growing international concern at its failure to heed the numerous appeals made to it by various organs of the United Nations, as well as appeals of Member States such as my Government.

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YUGOSLAVIA

Letter dated 25 July 1963 from the Permanent Representative

/Original: English/

I have the honour to enclose a letter I addressed to the Secretary-General of the United Nations today concerning the resolution 1761 (XVII) adopted by the General Assembly on 6 November 1962 on the question of "The policies of apartheid of the Government of the Republic of South Africa".

ENCLOSURE

With reference to your letter PO 230 USAF (2) of January 1963 pertaining to resolution 1761 (XVII) adopted by the General Assembly on 6 November 1962 on the question of "The policies of apartheid of the Government of the Republic of South Africa" I have the honour, on the instruction of my Government, to inform you of the following:

Denouncing the policy of apartheid as contrary to the basic principles of the United Nations Charter, the Socialist Federal Republic of Yugoslavia has consistently supported every action aimed at the liquidation of the policies of racial segregation in the Republic of South Africa.

In accordance with such a stand the Yugoslav delegation has voted in favour of resolution 1761 (XVII) and the Government of the Socialist Federal Republic of Yugoslavia is implementing the provisions of this resolution of the General Assembly.

By informing you that Yugoslavia has no diplomatic relations with the Republic of South Africa, that there is neither air nor sea transport between Yugoslavia and the Republic of South Africa and that trade between Yugoslavia and the Republic of South Africa, which was insignificant in its volume, has recently been completely discontinued, I have the honour to inform you that the Government of the Socialist Federal Republic of Yugoslavia has decided also to close the consulate in Johannesburg and that this decision is being carried out.

The Government of the Socialist Federal Republic of Yugoslavia is ready to support in the future any action which would contribute to the speedy liquidation of the policy of apartheid in the Republic of South Africa.

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ANNEX VI

MEMORANDUM DATED 4 SEPTEMBER 1963 FROM THE  
INTERNATIONAL LABOUR OFFICE

Information relating to the situation of the Republic of South  
Africa with regard to the standards laid down by the ILO concerning  
discrimination in respect of employment and occupation

I. Standards laid down by the ILO concerning discrimination in respect of  
employment and occupation and position of the Republic of South Africa  
regarding their adoption.

1. The principle of the equality of opportunity and treatment was formulated as follows in the Declaration of Philadelphia, adopted by the International Labour Conference in 1944, and since incorporated in the ILO Constitution:

"(a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;"

This principle, which, from the very beginning, has constituted one of the bases for all the standard-setting activities of the International Labour Conference, has been enunciated in greater detail in the Convention and Recommendation concerning discrimination in respect of employment and occupation, adopted by the Conference in 1958.

2. Convention (No. 111) concerning discrimination in respect of employment and occupation, 1958 deals inter alia with the elimination of "any distinction exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or

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occupation" (article 1, 1). It specifies that the words "employment and occupation" include "access to vocational training, access to employment and to particular occupations, and terms and conditions of employment" (article 1, 3). The basic obligations laid down in the Convention are defined as follows in articles 2 and 3:

"Article 2

"Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof.

"Article 3

"Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice -

- (a) to seek the co-operation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
- (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
- (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
- (d) to pursue the policy in respect of employment under the direct control of a national authority;
- (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
- (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action."

Recommendation (No. 111) concerning discrimination in respect of employment and occupation, 1958, which embodies the same definitions and has the same field of application, contains a number of more detailed directives which may be followed in the implementation of the policy of non-discrimination.

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3. During the preparatory work on the Convention and Recommendation, in accordance with normal practice, an initial questionnaire was sent by the ILO to all Governments in order to pave the way for discussions at the Conference. The Government of South Africa stated that it had no comments to offer.<sup>a/</sup> Subsequently, no South African representative (of the Government, the employers or the workers, according to the tripartite structure of ILO delegations) took part in the debates on these instruments at the Conference in 1957 and 1958 (according to the "double discussion" procedure). Lastly, no South African representative participated in the votes on the adoption of either instrument in 1958.<sup>b/</sup>

4. The Convention, whose importance was stressed in a number of resolutions of the Economic and Social Council, the General Conference and the regional conferences of the ILO, was ratified, as of 1 September 1963, by forty-two States members of the ILO.<sup>c/</sup> The Convention was not ratified by the Republic of South Africa, for the reasons set forth below.

II. Information available under ILO procedures in regard to measures taken to give effect to the standards adopted by the Conference.

5. The Republic of South Africa, like all other members of the ILO, was requested to provide information and reports on the measures it has taken to give effect to the Convention and Recommendation concerning discrimination (employment and occupation), 1958, in conformity with the obligations laid down by the ILO Constitution in respect to all conventions and recommendations, which are subject to review by the supervisory bodies established for that purpose. In brief, the procedures provided for are the following:

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a/ International Labour Conference, 40th Session, 1957, Report VII (2), p.3.

b/ International Labour Conference, 42nd Session, 1958, Record of Proceedings, pp. 479-484.

c/ Bulgaria, Byelorussian Soviet Socialist Republic, China, Costa Rica, Dahomey, Denmark, Ecuador, Federal Republic of Germany, Gabon, Ghana, Guatemala, Guinea, Honduras, Hungary, Iceland, India, Iraq, Israel, Italy, Ivory Coast, Jordan, Liberia, Libya, Madagascar, Mexico, Morocco, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Somalia, Sweden, Switzerland, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yugoslavia.

(a) Any convention or recommendation adopted by the Conference shall, within one year or, in exceptional circumstances, eighteen months following its adoption, be brought by each Government before the competent national authorities for consideration of the appropriate action; information on this submission shall be communicated to the ILO (article 19, paras. 5, 6 and 7 of the ILO Constitution);<sup>d/</sup>

(b) In the event the Conventions are ratified, each of the members must make annual reports to the ILO on the measures which it has taken to give effect to them (article 22);<sup>e/</sup>

(c) In respect of conventions which it has not ratified and recommendations, each member shall, when the Governing Body so decides, nevertheless report to the ILO the position of its law and practice, showing the extent to which effect has been given or is proposed to be given to the instrument and stating the difficulties which prevent or delay its ratification or application (article 19, paras. 5 (e), 6 (d) and 7 (b) (iv) and (v)).<sup>f/</sup>

All the information and reports supplied by Governments in accordance with the above-mentioned obligations are annually submitted to successive review by the two committees established by the ILO for that purpose: first, to the Committee of Experts on the Application of Conventions and Recommendations, consisting of independent experts, whose report<sup>g/</sup> contains, in particular, comments on the application of ratified conventions and on the submission of conventions to the competent authorities, and comprehensive studies on the subjects for which reports on non-ratified conventions and recommendations have been requested; secondly, to the Committee on Standing Orders and the Application of Conventions and Recommendations, a special committee of the International Labour Conference, composed, like its parent body, of representatives of Governments, employers and

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<sup>d/</sup> A summary of this information is published every year as Report III (Part III) and submitted to the International Labour Conference.

<sup>e/</sup> A summary of these reports is published every year as Report III (Part I) and submitted to the International Labour Conference.

<sup>f/</sup> A summary of these reports is published each year as Report III (Part II) and submitted to the International Labour Conference.

<sup>g/</sup> This report each year constitutes Report III (Part IV) submitted to the International Labour Conference.



workers, whose report to the Conference<sup>h/</sup> embodies the comments of that Committee, the exchanges of views which have taken place on the comments of the Committee of Experts, and supplementary information provided by the Governments concerned.

6. Included below are the information and reports communicated under the ILO Constitution by the South African Government in regard to the Convention and Recommendation concerning discrimination in respect of employment and occupation, 1958, and where appropriate the observations made by the reviewing bodies.

7. Submission to the competent national authorities. The South African Government has informed the International Labour Office that the Convention and recommendation concerning discrimination in respect of employment and occupation, 1958, were submitted within the time limit stipulated by the ILO Constitution to the Executive Council and to both Houses of Parliament. It was pointed out in that connexion that the Government did not consider it possible to ratify the Convention or to accept the recommendation.<sup>1/</sup>

8. Not having ratified the Convention, the South African Government was not required to provide reports in compliance with article 22 of the ILO Constitution on the measures which it has taken to give effect to the Convention. It is, however, required to report on the non-ratified Convention and on the Recommendation under article 19, as explained below.

9. Report on the non-ratified Convention and the Recommendation. In accordance with a decision of the Governing Body of the International Labour Office, reports under article 19 of the ILO Constitution in respect of non-ratified conventions and recommendations have been requested for 1962 in regard to the Convention and Recommendation concerning discrimination (employment and occupation), 1958. The Government of the Republic of South Africa has transmitted the following report:<sup>j/</sup>

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<sup>h/</sup> This report appears in the Record of Proceedings of the corresponding session of the Conference.

<sup>i/</sup> See: International Labour Conference, 44th Session, 1960, Report III (Part III): Summary of information relating to the submission to the competent authorities, p. 8.

<sup>j/</sup> The substantive paragraphs of this report are reproduced in: International Labour Conference, 47th Session, 1963, Report III (Part II): Summary of reports on unratified conventions and on recommendations.

"In answer to your letter ACD 7 (1962) of 13 March 1962, I have the honour to inform you that the Government of the Republic of South Africa has carefully considered the matters which are the subject of the questionnaires on the above-mentioned Convention and Recommendation.

"The population of the Republic of South Africa comprises four very distinct population groups of whom eleven million are Bantu, three million of European origin, 500,000 of Asian origin, and one-and-a-half million of mixed origin. The problem of ensuring the economic advancement and peaceful co-existence of this heterogeneous society in different stages of social and industrial evolution, in a manner which will ensure justice and the furtherance of the welfare of all, has necessitated the pursuance in this country of a policy of separate development with a view to securing for all groups the realization of their highest ideals within their own communities. Socio-economic conditions in the sphere of employment and occupation have necessitated the enactment of legislative measures peculiar to the needs of the different population groups so that they may progress in the direction of self-determination. The introduction of an integrated labour system would inevitably lead to economic and social injustices, bearing in mind that there are distinct communities, which differ culturally, ethnically and socially. These differences can be minimized only by affording such legislative protection as circumstances warrant in order to ensure that no group is deprived of the benefits to which its energies, labours and initiatives entitle it.

"In certain fields where the considerations outlined above do not apply, there is a prohibition against discrimination on the grounds of race or colour. Section 24 (2) of the Industrial Conciliation Act, 1956, and section 8 (4) of the Wage Act, 1957, for instance, provide specifically that wage-regulating measures under those enactments shall not differentiate or discriminate on the grounds of race or colour. These two measures cover practically the whole field of statutory wage regulation in industry and commerce. Similarly the Apprenticeship Act, 1944, which regulates the admission of persons to apprenticeship training does not permit of any discrimination of the nature referred to in the Convention. Generally speaking, however, the law and practice in South Africa, based as it is on the endeavours of the Government to ensure that each population group develops to the maximum of its economic potential with minimum impingement on the rights and aspirations of others, inevitably necessitates limitations on the rights of all.

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"In these circumstances, it is not considered that it would serve any useful purpose to reply in detail to the questionnaires, as it is obvious that circumstances do not permit the provisions of the Convention to be put into effect by legislation, administrative action, collective

agreement or otherwise (cf. article 19, paragraphs 5 and 6 of the ILO Constitution), and that the difficulties which prevent ratification of the Convention or acceptance of the Recommendation are due to the fact that the provisions of these instruments, however suitable they may be for application to certain other States, are impracticable in the Republic of South Africa".

10. Observations of examining bodies. In the preliminary survey of the reports on the Convention and Recommendation concerning discrimination in respect of employment and occupation which it submitted in 1963,<sup>1/</sup> the Committee of Experts on the Application of Conventions and Recommendations referred to the position of the Republic of South Africa regarding the existence of racially discriminatory statutory provisions or administrative practices. The Committee of Experts noted that although "it appears from the information supplied by Governments of countries where such distinctions have existed, that measures have been taken, or are being taken, to eliminate the statutory provisions or administrative practices inconsistent with equality of opportunity and treatment ... It appears, however, from the information supplied by another country [the Republic of South Africa] that amendment of the existing legislation, which the report states is based on a general policy of 'separate development' of the different racial or ethnic groups which make up the country's population, is not contemplated; in these circumstances, the legislation and practice of the country establish extensive discrimination in employment and occupation on grounds of race".<sup>m/</sup> The

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<sup>1/</sup> International Labour Conference, 47th Session, 1963, Report III (Part IV): Report of the Committee of Experts on the Application of Conventions and Recommendations, Part Three: Discrimination in respect of employment and occupation (available as offprints).

<sup>m/</sup> Idem, paragraph 88 (p. 215).

Committee of Experts mentioned, in this connexion, some examples from the legislation of the Republic of South Africa<sup>n/</sup> (to which further reference will be made below). Furthermore, the survey by the Committee of Experts gives no indication that any positive measures, such as those provided for in the Convention and Recommendation, have been taken in the Republic of South Africa to promote equality of opportunity and of treatment of all races.

11. Subsequently to the discussions which took place on this question at the 47th session of the International Labour Conference in June 1963, it was stated in the Report of the Committee of Experts on the Application of Conventions and Recommendations, which was adopted by the Conference, that: "The workers' representatives declared that racial discrimination constituted a particularly serious threat to the dignity of the human race as a whole. They drew attention to the fact that, although other countries had taken positive measures against racial discrimination, one country (the Republic of South Africa) was continuing openly to base its policies on racial segregation, in contravention of the Convention and of the fundamental principles of the ILO".<sup>o/</sup>

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<sup>n/</sup> A foot-note to the above-mentioned paragraph of the Report of the Committee of Experts reads:

"e.g.: as regards job reservation on the basis of race, see the Industrial Conciliation Act of 1956, as amended in 1959 (section 77); the Mines and Works Act, 1956 (section 12(2)); the Motor Transportation Amendment Act, 1959. As regards restrictions on areas in which people can work, on the basis of race, see Native Building Workers' Act, 1951 (section 14); Native (Urban Areas) Consolidation Act, 1945; Native (Abolition of Passes and Co-ordination of Documents) Act, 1952; Group Areas (Consolidation) Act, 1957. As regards conditions of employment and obligations to work of certain groups of the population see: Native Labour Regulations, 1959 (sections 5-13, 16). As regards freedom of association and collective bargaining, see Industrial Conciliation Act, 1956, as amended in 1959 (sections 1, 7, 8); Native Labour (Settlement of Disputes) Act, 1953. (See also ILO: African Labour Survey (Geneva), 1958, Studies and Documents, No. 48, pp. 136, 196, 229, 239, 251, 270, 301, 321, etc.)."

<sup>o/</sup> Provisional translation. See International Labour Conference, Provisional Record, No. 22, para. 46 (P. VIII).

III. Information on the legislation and administrative practice of the Republic of South Africa in the fields covered by the ILO standards applying to discrimination in respect of employment and occupation

12. For the purposes of this memorandum, these standards must be considered in so far as they relate to distinctions based on race or colour, ignoring the other distinctions to which they apply. As has been said, the Discrimination (Employment and Occupation) Convention, 1958, has as one of its main objectives the elimination of "any distinction, exclusion or preference made on the basis of race, colour ... which has the effect of nullifying or impairing the quality of opportunity or treatment in employment or occupation" (article 1, para. 1 (a)). Under the Convention, each party must, inter alia "repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent" with the above-mentioned objective (article 3 (c)). It should be stressed that this is only one type of measure called for under the Convention. The latter lays upon the parties the positive obligation of pursuing "a national policy designed to promote ... equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof", and it prescribes a series of specific measures to this end. In order to apply the Convention, therefore, each Government is bound not only to refrain itself from practising or establishing discrimination, but also to combat discrimination in private practice and to create the necessary conditions for the effective achievement of **quality of opportunity** and treatment. The types of action which can be used for this purpose have been analysed and illustrated by the Committee of Experts on the Application of Conventions and Recommendations in its 1963 preliminary survey mentioned above.

13. The remarks which follow will be confined, at the present stage, to mentioning the principal information available to the International Labour Office concerning the legislation and administrative practice of the Republic of South Africa involving distinctions based on race or colour in the fields covered by the Convention in question, namely "access to vocational training, access to employment and to particular occupations, and terms and conditions of employment" (article 1, 3).

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(1) Access to vocational training

14. The opportunities for obtaining vocational training, for the various races, are conditioned primarily, where the legislation and administrative practice of the Republic of South Africa are concerned, by the organization of education in general, a matter which does not fall directly within the competence of the ILO. Reference should be made in this connexion to the separate system of primary and secondary education for Africans, as governed by the Bantu Education Act, No. 47, of 1953. In the field of apprenticeship, the Apprenticeship Act, No. 37, of 1944, does not lay down racial conditions: the possibility of serving an apprenticeship is dependent on that of obtaining the minimum level of primary education required under this law; it may be noted in this regard that, according to ministerial statements in the Parliament of the Republic in 1962, there were altogether about 295,600 Africans who had passed "Standard VI"<sup>p/</sup> (i.e. satisfactorily completed their primary education) - a figure representing about 4 per cent of the African population over school age. With regard to higher education, reference should be made to the system, based on the separation of the races, now resulting from the Extension of University Education Act No. 45 of 1959; it is to be noted that, according to official statistics for 1960,<sup>q/</sup> the number of students in universities or university colleges was: 37,934 Whites, 1,602 Asians, 878 "Coloured" and 1,901 Africans (or, respectively, in percentages of population: 1.25, 0.32, 0.07 and 0.02).

(2) Access to employment and to particular occupations

15. Regulation of placement and movements of labour. As far as placement is concerned, the normal system of public placement offices organized under the Registration for Employment Act, No. 34, of 1945, is not, to the knowledge of the ILO, available to Africans; the latter are subject to the system of compulsory registration at Labour Bureaux set up by Government Notice No. 63 of 1959 under the Native Labour Regulations Act (No. 15 of 1911, as amended).

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<sup>p/</sup> Hansard, No. 6, col. 1875; Hansard, No. 13, col. 4529.

<sup>q/</sup> Report of the Department of Education, Arts and Science, 1961, RP 24/1961.

A major distinction affecting freedom of employment results also from the fact that African workers, distinct from workers of other races, are liable to penalties in the event of failure to fulfil their work contract, e.g. under the Native Labour Regulations Act referred to above (section 14). Control of African labour and restrictions on its freedom of movement, as distinct from the labour of other races, arises also from more general texts such as the Natives (Abolition of Passes and Co-ordination of Documents) Act, No. 67, of 1952, concerning the "reference books" which all Africans of either sex are now obliged to carry under Government Notices No. 1747 of 1957 and No. 1135 of 1960 and the Natives (Urban Areas) Consolidation Act No. 25 of 1945 as amended (concerning the possibilities of settlement and employment for Africans in urban areas.) The Group Areas Act of 1950, recast as Act No. 77 of 1957, concerning territorial segregation, has led to movements and regroupments of population on a racial basis, which have also affected the possibilities of practising an occupation or profession.

16. Legal restrictions concerning access to certain types of employment.

General provisions concerning the reservation of jobs according to race appear in the Industrial Conciliation Act No. 26 of 1956, amended by Act No. 41 of 1959. Section 77 of this Act, entitled "Safeguard against inter-racial competition", for instance, enables the Minister, after inquiry, to make decisions reserving categories of work to people of a particular race, or fixing the percentages of persons of certain races to be employed, or forbidding the replacement of employees of one race by those of another race, etc. By the end of 1962 nine "determinations" under this provision were in force (determinations No. 2 of 1957; No. 4 of 1958; Nos. 5 and 6 of 1959; No. 8 of 1960; Nos. 9, 10, 11 and 12 of 1962): the purpose of all these was to reserve for Whites certain qualified jobs or certain minimum percentages of jobs. The laws affecting certain branches of activity also include provisions restricting access to jobs on a racial basis: for example, section 12 (2) of the Mines and Works Act (No. 12 of 1911, as amended by Act No. 25 and recast as Act No. 27 of 1956) has enabled the Government to make regulations which have the effect of debarring Africans, Indians and Coloureds (except for certain special categories like the Cape Coloured) from obtaining the necessary certificates of competence for specialized jobs. The Native Building Workers Act No. 27 of 1951, as amended by Act No. 60 of 1955, prohibited the employment

of Natives in skilled work in the building industry in any urban area except a Native area (section 14 (1), the Motor Carrier Transportation Act (No. 39 of 1930, as amended by Act No. 44 of 1955 and by Act No. 42 of 1959), enables the employment of a certain class or classes of persons to be enforced in public transport (article 7A). The Nursing Act No. 69 of 1957 (sections 4, 11 and 49) enables the "Nursing Council", to which only Whites may be appointed or elected, to prescribe different conditions and qualifications according to the classes of person for admission to the profession and forbids the employment of a person of white race in the profession under the orders or supervision of a non-White. As far as public services is concerned, the policy followed in the employment of persons of different races does not appear to be expressed in any legislation and is apparently the result of administrative practice.

(3) Terms and conditions of employment

17. Collective bargaining, settlement of disputes and fixing of wages. The union rights and collective bargaining rights recognized by the Industrial Conciliation Act (recast as Act No. 28 of 1956, later amended) do not apply to Africans (section 1, sub-section (1) (xi)). The Native Labour (Settlement of Disputes) Act, No. 48 of 1953, provides a special machinery for settling disputes which is not based on the principles of collective bargaining (sections 3 and 4); moreover, the Act strictly prohibits strikes (and lockouts) where African workers are concerned (section 18). In addition, under the above-mentioned Industrial Conciliation Act, unions are segregated as between Whites, on the one hand, and Coloureds and Asians on the other (sections 4 and 8). With regard to the possible effects of the procedures concerning employment of Africans which are provided for under the Industrial Conciliation Act, it should be noted that under that Act agreements and awards may be declared to be binding upon Africans "if the Minister is of opinion that any object of an agreement /or award/ ... is being or may be defeated ... by the employment of Natives ... at rates of remuneration or under terms or conditions of employment other than those specified in the agreement /or award/" (sections 48 (3) and 49 (12)); the Minister may, however, declare that the agreement or award shall not be operative within a Native area (section 51 (12)). For workers not covered by measures adopted under the Industrial Conciliation Act,

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minimum wages are fixed under the Wage Act (recast as Act No. 5 of 1957; section 2, sub-section (3)). This Act permits the fixing of wages according to trade, area and class of employee; the Act provides that in specifying any class of employee there shall be no differentiation on the basis of race or colour, but it permits any other method of differentiation (section 4 (2) and (3)); it provides that investigations made under the Act shall be used in determining "the class or classes of employees to whom it would be equitable ... that remuneration should be paid at such rates as will enable them to support themselves in accordance with civilized standards of life" (section 5, paragraph (b)). According to an estimate made by the Chairman of the Native Labour Board, the average minimum wage of unskilled workers in industry and commerce was thirty rands per month<sup>r/</sup> in 1962; a comparison of wage scales of unskilled workers with those of skilled workers shows that the former represent about 20 per cent of the latter in South Africa (they generally represent about 80 per cent in industrialized countries).<sup>s/</sup>

18. Other conditions. The Workmen's Compensation Act (recast as Act No. 30 of 1941, later amended) awards a lump sum indemnity to Africans in case of permanent disability or death, while persons of other races are entitled to pensions (section 85-86); the same is true of the Pneumoconiosis Act, No. 57 of 1956. The Unemployment Insurance Act, No. 53 of 1946 (amended, in particular by Act No. 41 of 1949 and Act No. 9 of 1957) relating to compensation for unemployment, illness, maternity and death, excludes broad classes of Africans from its sphere of application, unlike persons of other races: those employed in certain fields and those whose income is less than an amount fixed in 1957 at £273 per year (section 2, sub-section (2) of the Act as amended). The Disability Grants Act, the Blind Persons Pensions Act and the Old-Age Pensions Act (recast as Acts No. 41, No. 39 and No. 38 of 1962, respectively) establish different scales of benefits according to the race of the beneficiaries; the same applies under the Children's Act (No. 33 of 1960) to maintenance grants paid to families where there is no father or where the father is unable to

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<sup>r/</sup> Hansard 20, col. 7742.

<sup>s/</sup> See: Statistical Supplement of the International Labour Review, Vol. LXXXVIII, No. 1, July 1963, p. 8.

work; moreover, Africans are completely excluded from the benefits of family allowances paid to families where the father is employed.<sup>t/</sup> With regard to services and installations available to workers in industrial enterprises, the Factories, Machinery and Building Work Act, No. 22 of 1941, as amended by Act No. 31 of 1960, authorized the Government to prescribe the separation of persons of different races and to make different provisions in such matters, according to race (section 51, paragraph (h), amended).

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<sup>t/</sup> See summary of the report by the South African Government on the Social Security (Minimum Standards) Convention, 1952 (No. 102) (unratified) in: International Labour Conference, Forty-fifth session, 1961, Report III (Part II), p. 40 et seq.

ANNEX VII

LIST OF DOCUMENTS OF THE SPECIAL COMMITTEE

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| A/AC.115/L.1             | Provisional agenda of the first meeting<br>(2 April 1963)  |
| A/AC.115/L.2             | Letter dated 2 April 1963 addressed by the<br>Chargé d'affaires a.i. of the Permanent<br>Mission of India  |
| A/AC.115/L.3 and Add.1-3 | List of communications received relating<br>to the policies of <u>apartheid</u> of the<br>Government of the Republic of South<br>Africa  |
| A/AC.115/L.4             | Letter dated 15 April 1963 addressed by<br>the Permanent Representative of the<br>Republic of South Africa   |
| A/AC.115/L.5             | Letter dated 5 April 1963 addressed by the<br>Chairman of the Special Committee to the<br>Minister for Foreign Affairs of the<br>Republic of South Africa; and letter<br>dated 11 April 1963 addressed by the<br>Chairman of the Special Committee to<br>the Ministers for Foreign Affairs of<br>Member States |
| A/AC.115/L.6             | Memorandum dated 15 March 1963 addressed by<br>The General Secretary of the Transvaal<br>Indian Congress. Johannesburg   |
| A/AC.115/L.7             | Letter dated 7 May 1963 from Mr. Patrick<br>van Rensburg, Serowe, Bechuanaland<br>(enclosing a memorandum)   |
| A/AC.115/L.8             | Letter dated 24 May 1963 from the Director,<br>International Confederation of Free<br>Trade Unions, New York office (enclosing<br>a memorandum)  |
| A/AC.115/L.9 and Add.1-7 | Replies to the letter dated 11 April 1963<br>addressed by the Chairman of the Special<br>Committee to the Ministers of Foreign<br>Affairs of Member States   |

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- A/AC.115/L.10  
Memorandum dated 13 May 1963 from the Presidential Council, Pan-Africanist Congress of South Africa, Maseru, Basutoland
- A/AC.115/L.11  
Resolution adopted by the Conference of Heads of African States and Governments, Addis Ababa, 22-25 May 1963, on apartheid and racial discrimination
- A/AC.115/L.12  
Resolutions adopted by the Governing Body of the International Labour Office concerning questions arising out of the forty-seventh (1963) session of the International Labour Conference (and extracts from the proposals by the Director-General, G.B.156/6/5)
- A/AC.115/L.13  
Resolution adopted by the sixteenth World Health Assembly concerning "Meetings of the Regional Committee for Africa"
- A/AC.115/L.14  
Letter dated 28 June 1963 from the Rt. Rev. R. Ambrose Reeves, London
- A/AC.115/L.15  
Statement by Mr. O. Becu, Secretary-General of the International Confederation of Free Trade Unions
- A/AC.115/L.16 and Corr.1<sup>a/</sup>  
Note on the expansion of military and police forces in the Republic of South Africa and the supply of arms and ammunition to the Republic of South Africa
- A/AC.115/L.17<sup>a/</sup>  
Note on developments concerning the policies of apartheid of the Government of the Republic of South Africa since the first interim report of 6 May 1963
- A/AC.115/L.18<sup>a/</sup>  
Repressive legislation in the Republic of South Africa
- A/AC.115/L.19  
Letter dated 19 July 1963 from the Chairman of the African Bureau, London

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<sup>a/</sup> These documents were annexed to the second interim report of the Special Committee (A/5453 and S/5353).

A/AC.115/L.20	Declaration dated 9 July 1963 from the Finnish Association of Attorneys, Helsinki
A/AC.115/L.21	Letter dated 18 July 1963 from the Secretary-General of the World Federation of Trade Unions, Prague
A/AC.115/L.22	Index of documents
A/AC.115/L.23	Statement dated 26 July 1963 from the Affiliates of the Pan-African Freedom Movement of East, Central and Southern Africa, Dar es Salaam
A/AC.115/L.24	Cable dated 26 July 1963 from the African Trade Union Federation, Dakar
A/AC.115/L.25	Statement dated 30 July 1963 from the International Commission of Jurists
A/AC.115/L.26	Letter dated 1 August 1963 from the Acting Permanent Representative of Hungary addressed to the Chairman of the Special Committee
A/AC.115/L.27	Letter dated 20 July 1963 from the Chairman of the Shipyard Workers' Union, Copenhagen
A/AC.115/L.28	Letter dated 13 August 1963 from the African National Congress (South Africa), London
A/AC.115/L.29	Memorandum dated 4 September 1963 from the International Labour Office
A/AC.115/L.30	Memorandum dated 6 September 1963 from the International Commission of Jurists, Geneva
A/AC.115/L.31	Extract from a statement on Racial Tension adopted by the Central Committee of the World Council of Churches at its session, held 27 August-2 September, Rochester, United States of America

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