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SEVENTEEN HUNDRED AND NINETY-SIXTH MEETING

Held in New York on Friday, 18 October 1974, at 3 p.m.

President: Mr. Michel NJINÉ
(United Republic of Cameroon).

Present: The representatives of the following States: Australia, Austria, Byelorussian Soviet Socialist Republic, China, Costa Rica, France, Indonesia, Iraq, Kenya, Mauritania, Peru, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon and United States of America.

Provisional agenda (S/Agenda/1796)

1. Adoption of the agenda
2. Relationship between the United Nations and South Africa:
 - (a) Letter dated 30 September 1974 from the President of the General Assembly to the President of the Security Council (S/11525);
 - (b) Letter dated 9 October 1974 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/11532)

The meeting was called to order at 3.50 p.m.

Expression of thanks to the Presidents for the months of August and September

1. The PRESIDENT (*interpretation from French*): Before turning to the agenda for this afternoon, I should like, on behalf of the Council and on my own behalf, to pay a tribute to the President for September, Mr. Richard of the United Kingdom, and to thank him for the services that he rendered in the course of that month.

2. My predecessor did not have an opportunity during September to pay a tribute publicly to the President for the month of August and it is now my pleasure, on his behalf and on my own behalf, to pay tribute to Mr. Malik of the Soviet Union who, while occupying the presidential Chair for the tenth time, directed our deliberations with tact and competence during this month.

Adoption of the agenda

The agenda was adopted.

Relationship between the United Nations and South Africa

- (a) Letter dated 30 September 1974 from the President of the General Assembly to the President of the Security Council (S/11525);

- (b) Letter dated 9 October 1974 from the Permanent Representative of Tunisia to the United Nations addressed to the President of the Security Council (S/11532)

3. The PRESIDENT (*interpretation from French*): I have received letters from the representatives of Algeria, Cuba, Dahomey, Egypt, Guinea, Mali, Mauritius, Nigeria, the Syrian Arab Republic, the United Republic of Tanzania, Sierra Leone, Somalia, Tunisia and Zaire, who have asked that their delegations be invited, under Article 31 of the Charter and the relevant provisions of the provisional rules of procedure, to participate, without the right to vote, in the Council's discussion of the question before it. Accordingly, I propose, in accordance with usual practice and with the consent of the Council to invite the representatives to participate, without the right to vote, in the Council's discussion.

4. In view of the limited number of places available at the Council table, I shall request these representatives to take the places reserved for them at the side of the Council chamber, on the understanding that they will be invited to come to the Council table when their turn comes to speak.

At the invitation of the President, Mr. Rahal (Algeria), Mr. Alarcón (Cuba), Mr. Adjibadé (Dahomey), Mr. Abdel Meguid (Egypt), Mrs. Jeanne Martin Cissé (Guinea), Mr. Traoré (Mali), Mr. Ramphul (Mauritius), Mr. Oghu (Nigeria), Mr. Kelani (Syrian Arab Republic), Mr. Salim (United Republic of Tanzania), Mr. Luke (Sierra Leone), Mr. Ghalib (Somalia), Mr. Driss (Tunisia) and Mr. Mutuale (Zaire) took the places reserved for them at the side of the Council chamber.

5. The PRESIDENT (*interpretation from French*): Members of the Council will recall that the General Assembly, at its 2248th meeting on 30 September 1974, adopted resolution 3207 (XXIX), entitled "Relationship between the United Nations and South Africa". The operative part of that resolution

"Calls upon the Security Council to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter and the Universal Declaration of Human Rights".

This resolution has been transmitted to the President of the Security Council in a letter dated 30 September [S/11525].

6. Furthermore, the President has received a letter dated 9 October from the representative of Tunisia, who is the Chairman of the African Group [S/11532], in which he asks the President of the Council

"to take the necessary measures for the convening of a meeting of the Security Council to review the relationship between the United Nations and South Africa, in conformity with resolution 3207 (XXIX) adopted by the General Assembly on 30 September 1974".

The Chairman of the African Group added that he would be grateful if the meeting could be held not later than 21 October.

7. The first speaker is the representative of Tunisia, whom I now invite to take a place at the Council table and to make a statement.

8. Mr. DRISS (Tunisia) (*interpretation from French*): Mr. President, allow me first of all to express to you my thanks and the thanks of the entire African Group, which it is my honour to represent, for your decision to allow me to take part in your debate and thus to put forward the views of Africa on a problem which has been a source of continuing concern to the United Nations since its inception, a problem with which all representatives are familiar, that is, the constant violation by South Africa of the principles of the Charter and of the Universal Declaration of Human Rights. May I also, Mr. President, express my pride as an African and my satisfaction as a brother and friend at seeing you preside over this distinguished body, the Security Council while it discusses a matter of such great importance as the one now before it. Your long experience in the affairs of the Organization, your wide knowledge of international problems and your great wisdom are known and appreciated by us all and are a guarantee that a far-reaching and serious debate will take place that will enable the Council to take a decision commensurate with the responsibilities entrusted to it by the Charter. In the Council's debate and consultations the African group is ready to do all that it can to help.

9. On 30 September 1974, at its 2248th meeting, the General Assembly adopted resolution 3207 (XXIX) on the relationship between the United Nations and South Africa. The adoption of that resolution was preceded for four consecutive years by the rejection by the General Assembly of the credentials of the delegation from South Africa. The conditions in South Africa being still the same, and no effort having been made by the minority régime to reconsider its racist philosophy or to bow to the principles of the Charter and of the Universal Declaration of Human Rights, the General Assembly this year decided to

bring the question before the Security Council so that action could be taken in conformity with the Charter.

10. The history of South Africa's violations of the Charter and of the Universal Declaration of Human Rights goes back a very long way. Although in 1945 at the San Francisco Conference, Marshal Smuts, at that time the head of the South African Government, proposed "that the Charter should contain at its very outset and in its Preamble, a declaration of human rights" and affirmed that such human rights underlay the development of progress and peace,¹ the question of racial discrimination in South Africa was placed before the General Assembly at its very first session in 1946. Since that time, the General Assembly has considered the problem of the policies of *apartheid* of South Africa every year. Numerous resolutions have been adopted and South Africa has been repeatedly condemned. The Security Council, for its part, has considered the problem on a number of occasions, and has declared that the policies of South Africa are a grave threat to international peace and security.

11. Since the first white colony arrived in that African country in 1652, no government has really represented the people of that territory. Over the years an increasingly sophisticated arsenal of regulations has been elaborated in order to deprive the African of his rights and dignity, and to subject the majority of the population of the country to the domination and the law of a minority representing less than one fifth of the total population of the territory.

12. Thus 86.3 per cent of the territory has been declared a white zone and reserved for the white minority, even though they represent only 18 per cent of the population. The African majority must live in "racial homelands" or Bantustans, established on the remaining 13 per cent of the territory, which comprises the poorest and most arid lands. The 8 million Africans who, because of their work, live in the white zone, are automatically declared nationals of a bantustan and, thus deprived of all political rights in the zones where they actually live. As regards the 2 million Coloureds and the 600,000 people of Asian origin, special sectors have been allocated to them in the so-called white zones, and consequently they have been denied political rights. The population of South Africa has thus been classified by racial categories and a barrier has been erected between the different races. This barrier separates the members of the different races in buses, railways, parks, zoological gardens, cinemas, theatres, washrooms, beaches, stadiums, cafés, restaurants, hotels, post offices and who knows where else.

¹ Documents of the United Nations Conference on International Organization, vol. 1, p. 425.

13. The political and social system practised in South Africa is thus fundamentally in total violation of and in flagrant contradiction with the principles contained in the Charter and in the Universal Declaration of Human Rights. The Preamble of the Charter reaffirms the faith of the peoples "in fundamental human rights, in the dignity and worth of the human person in the equal rights of men and women". With respect to Articles 1, 13 and 55, all refer to human rights without distinction as to race, sex, language or religion. But it is precisely on racial discrimination that the society established in South Africa is founded. Articles 1 and 2 of the Universal Declaration of Human Rights contain these principles of equality of rights. Article 1 proclaims that "All human beings are born free and equal in dignity and rights". Article 2 asserts:

"Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion ... national or social origin, property, birth or other status.

"Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty."

14. It would be difficult to find any article of the Universal Declaration of Human Rights that South Africa does not transgress, both in its racist philosophy and in its policy of repression of the non-white population. Such laws and regulations as the Prohibition of Mixed Marriages Act, the Population Registration Act, the Pass Laws, the Bantu Consolidation Act, the Group Areas Act, the Bantu Laws Amendment Act, the Immorality Amendment Act, the Navire (Urban) Areas Consolidation Act and the Separate Representation of Voters Act all completely ignore articles 12, 13, 15, 16, 17 and 18 of the Universal Declaration. Other laws and regulations, such as the Riotous Assemblies Act, the Boss Act, the Newspaper and Imprint Registration Act, the Publications and Entertainment Act, the Customs Excise Act, the Official Secrets Act, the Defence Act and others, which limit the right of freedom of opinion and expression, freedom of the press and the right of petition as stipulated in articles 19, 20 and 21. Other laws and regulations—and the list is long—contravene articles 5 to 11 of the Declaration and subject the non-white population in South Africa to every kind of excess. Arbitrary arrests, detention, torture and cruel and inhuman or degrading treatment are commonplace. Laws such as the Sabotage Act, the Terrorism Act or the Public Safety Act are the usual instruments for repressing our brothers in South Africa. Other regulations and laws contravene articles of the Declaration relevant to the education and the working conditions of the non-white population.

15. To all appeals from the General Assembly and the Security Council that South Africa should reconsider its racist policies, to all the condemnations by the United Nations and to all the expressions of disapproval on the part of world public opinion, South Africa has replied with retorts such as the letter addressed to the Secretary-General in November 1964 by the representative of South Africa, in which the Foreign Minister declared:

"It is difficult for the South African Government to conceive of a more far-reaching example of attempted intervention in matters falling within the domestic jurisdiction of a sovereign Member."
[S/6053, para. 5.]

16. Furthermore, South Africa, in violation of Article 2 of the Charter, has continued illegally to occupy the Territory of Namibia, despite the fact that in 1966 the General Assembly terminated its Mandate, and it has sent troops to Southern Rhodesia and maintains them there, thus defying both the administering Power and the United Nations. Moreover, in violation of Articles 5 and 25 of the Charter, it has refused to apply the Security Council decisions that imposed sanctions on Rhodesia under Chapter VII of the Charter and continues to maintain political, economic, military and other relations with the minority régime in Rhodesia.

17. There are few examples of so flagrant a challenge to the international community, of such constant violations of the principles of the Charter and the Universal Declaration of Human Rights. The United Nations has been patient. For almost 30 years the United Nations has reiterated its appeals and has contented itself with condemnations that have had no effect. Dozens of resolutions have been adopted by the General Assembly and by the Security Council without any change having been made either in the legislation or in the racist policy of South Africa. On the contrary, the situation seems to have deteriorated. For four consecutive years the General Assembly confined itself to rejecting the credentials of the delegation claiming to represent South Africa. The President of the Assembly explained on each occasion that the Assembly was thus addressing warnings to the minority Government of South Africa. Other organizations, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization, the World Health Organization and the International Labour Organisation (ILO), have not displayed as much patience or tolerance. South Africa has been expelled from those organizations, just as it has been banned from several other organizations and international conferences. The tolerance displayed towards South Africa by the United Nations has perhaps made it easier for that country to bear its expulsion from other organizations.

18. The General Assembly considered this year that, after almost 30 years of condemnations and after

four rejections of the credentials of the minority régime of South Africa, it was time for action. It decided to call upon the Security Council to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter and the Universal Declaration of Human Rights.

19. South Africa's hostility towards and contempt for an Organization of which it is a founding Member are obvious. The voting record of and the positions taken by the South African régime in connexion with the decisions and resolutions of the United Nations are highly significant in this respect. An analysis of those votes would certainly show that that régime holds the record for negative votes and abstentions. That analysis would indicate that the negative votes and the abstentions not only relate to decolonization or the condemnation of *apartheid*, but also constitute systematic opposition to any United Nations efforts to improve the human condition in the greater part of our globe. Thus South Africa has been an impediment to any move towards political emancipation and the economic and social development of mankind. The current Chairman of the Organization of African Unity (OAU), General Mohamed Siad Barre, President of the Supreme Revolutionary Council of the Somali Democratic Republic, said the following about South Africa in his address to the General Assembly² on 9 October 1974:

"We feel that the time has come for more drastic and concrete action to be taken by this world body against the racist régimes of Pretoria and Salisbury. The presence of the South African régime in the Organization is unjustified, and indeed a liability to this world body. It is gratifying to learn that the Credentials Committee at the present session has taken a historic decision in rejecting the credentials of this régime. That decision reflects the state of high political maturity reached by the Members of the Organization, and we trust that the Security Council will accept it as reflecting the general consensus of this Assembly. I therefore appeal to the Member States to support the call for the expulsion of the racist régime of South Africa. This is the only meaningful step which can be taken in view of the chronic refusal on the part of the South African régime to comply with the rulings of the United Nations. This step should be followed up by economic sanctions and by the tightening up of the arms embargo.

"We call especially upon the Western Powers to use their decisive influence to induce the racist régimes of Salisbury and Pretoria to accept the implementation of the just resolutions of the United Nations. We feel sure that without the material and economic assistance of those Western Powers

the racist régimes of southern Africa would soon be brought to reason."

20. The position stated by General Mohamed Siad Barre reflects the decisions of all the heads of State of Africa who, in their meeting at Mogadiscio last June, adopted a resolution calling upon the African Group to continue its efforts to bring about the expulsion of South Africa from the world Organization, and to submit the question to the Security Council.

21. Africa considers that South Africa's attitude during the last 29 years justifies firm action in conformity with the Charter. Article 6 can be invoked in this case. It reads:

"A Member of the United Nations which has persistently violated the principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council."

It is therefore for the members of the Council to review the relationship between the United Nations and South Africa, as requested in the General Assembly resolution, and to take the appropriate decision following from that review.

22. The dignity of the Organization and respect for the human person depend to a great extent on the decision the Council proposes to take in this respect. If the Council hesitates, the Organization will be weakened accordingly. If, however, the Council displays firmness, respect for the human person and human rights will be strengthened. Since the United Nations has declared *apartheid* to be a crime against humanity and since a convention on the subject has been drafted and will soon enter into force [*General Assembly resolution 3068 (XXVIII)*], the Council can find no justification for the policy and the behaviour of South Africa.

23. Before concluding, I should like to recommend that during its examination of this question the Council should give a hearing to representatives of the African National Congress and the Pan Africanist Congress—organizations recognized by OAU. Their statements can contribute to an understanding of the problem and assist the Council in its deliberations.

24. May the Security Council prove equal to its responsibilities.

25. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Somalia. I invite him to take a place at the Council table and to make his statement.

26. Mr. GHALIB (Somalia): Mr. President, first of all I should like to say that it is a happy coincidence that this month the Security Council is being presided over by the representative of the United Republic

² See *Official Records of the General Assembly, Twenty-ninth Session, Plenary Meetings*, 2262nd meeting.

of Cameroon, a country deeply associated with the liberation and the regaining of the dignity of the African continent. It is a happy coincidence which meets with the approval of my delegation. I am indeed grateful to you and to the members of the Council for giving me the opportunity to participate in this debate, which has such grave implications for the authority of the United Nations and the integrity of its principles.

27. The matter before the Council is of paramount concern to the Organization of African Unity, and I therefore have the duty and responsibility, as current Chairman of its Council of Ministers, to speak on behalf of OAU.

28. The initiative taken by the African States in calling on the General Assembly to reject the credentials of the South African delegation was not undertaken lightly. That move was made not only to emphasize the unrepresentative character of the South African Government, but also to raise the fundamental question of whether the United Nations could continue to have as a Member a State that has so incessantly and flagrantly violated the principles and purposes of the Organization.

29. We were convinced that the régime in Pretoria, which is representative of and for the white minority only, is a usurper racist régime which illegally occupies the seat that should be held by the legitimate representatives of the people of South Africa as a whole. In addition to its illegal usurpation of political power—achieved by trampling the political rights of the majority in the dust—it has imposed, in the name of a so-called white civilization, its *apartheid* policies, which are abhorrent to those who accept the norms of civilized behaviour and international morality.

30. We recognize and respect the principle that the United Nations should be universal, but we cannot agree that there should be universality at any price. We cannot agree with a universality that severely compromises those principles which constitute the intrinsic basis of the Organization.

31. Since 1970, when Somalia, together with other countries of the third world, made the first direct challenge to the credentials of the South African delegation, the General Assembly has been rejecting those credentials—an action interpreted as tantamount to a solemn warning to the South African régime to end its racist policies. The African States believe that that symbolic gesture has now served its purpose and that the time has come for more positive action. As we know, there has been no change in the situation which led to the initiative taken at the twenty-fifth session. Indeed, there has been no change in South Africa's attitude to United Nations criticism of its policies since the very first session of the General Assembly 29 years ago. On the other hand, there has been a steady development of the inhuman philosophy

of *apartheid* and of its rigorous application to the lives of the non-white people of South Africa.

32. It was hoped over the years that change would be brought about in South Africa through the efforts promised by political and economic allies. We know that dialogue and friendly contacts, and the strengthening of profitable economic links with South Africa on the part of its allies, served only to give the South African régime both moral and material support in the implementation of the obnoxious *apartheid* plan.

33. In 1969 the African States, in the Lusaka Manifesto,³ made a reasoned and moderate appeal to South Africa to make a commitment to social justice. The Manifesto, which was almost unanimously endorsed by the General Assembly, was rejected by South Africa. It was that rejection which led the Organization of African Unity to formulate the Mogadiscio Declaration recognizing and supporting the right of peoples under colonial and racist domination to resort to armed struggle since peaceful efforts had failed to secure their basic rights.

34. Every organization composed of members who have come together for a common purpose and on the basis of commonly held principles has a set of rules which members must obey or to which they must at least show some commitment if the integrity and credibility of the Organization are to be maintained. It is customary for those who violate the principles and rules of an organization to be given due warning of the penalties attached to their offences, and it usually takes repeated and obviously serious violations to bring about the expulsion of a member. The United Nations shares that basic feature with the simplest of organizations. It has a body of principles and it has a set of rules. They include the provision laid down in Article 6 of the Charter that a Member which has persistently violated the principles of the Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

35. Because of the function of the world Organization as a centre for harmonizing the actions of nations in the attainment of international peace and security, and because of the cherished ideal of universality, it would obviously be unthinkable for Article 6 to be invoked except for violations of the principles of the Charter which are universal in their implications, violations which are stubbornly maintained in spite of the most solemn and repeated warnings, and which constitute a major assault on the authority and integrity of the United Nations. It is the considered opinion of the African States that all those conditions apply to South Africa and its *apartheid* policies.

³ *Ibid.*, Twenty-fourth Session, Annexes, agenda item 106, document A/7754.

36. Nothing could be clearer than the record of judgements on *apartheid* made by the main organs of the United Nations, including the Security Council. The numerous declarations, conventions and resolutions which deal directly with or which have a strong relevance to *apartheid* stem first of all from the Charter's statement of the Organization's purposes. They include the achievement of universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. They stem also from the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and are entitled to the enjoyment of those rights and freedoms without distinctions such as race, colour or national origin.

37. Those fundamental principles have been given practical expression in international Conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination [resolution 2106 A (XX)], the Convention on the Prevention and Punishment of the Crime of Genocide [resolution 260 A (III)] and, most specifically, the International Convention on the Suppression and Punishment of the Crime of *Apartheid* [resolution 3068 (XXVIII)]. All those Conventions and several others severely condemn *apartheid* or cite it as a crime under international law.

38. Of the numerous General Assembly resolutions on *apartheid* that have been adopted over the years, I need mention only resolution 2922 (XXVII) of November 1972, which reaffirms the Assembly's conviction that *apartheid* constitutes a total negation of the purposes and principles of the Charter and is a crime against humanity.

39. Members of the Security Council are of course aware that this august body has often emphasized the fact that *apartheid*, and its continued intensification and expansion, seriously disturb international peace and security. Two years ago, at its meetings on African affairs held at Addis Ababa, the Council repeated its condemnation of the régime of South Africa made previously in several other resolutions for continuing its policies of *apartheid* in violation of its obligations under the Charter.

40. The specialized agencies, too, have long joined their voices with those of the main organs of the United Nations. From their direct experiences with the working and the effects of *apartheid* the United Nations specialized agencies, such as ILO, UNESCO and the Economic Commission for Africa and other agencies have condemned South Africa and forced its withdrawal from their membership.

41. These resolutions and declarations on South Africa's *apartheid* policy represent only a small part of the total bill of indictment that could be drawn up against South Africa on the basis of the international

community's condemnation of *apartheid*. I am very happy to mention here that most of these have been quoted by the representative of Tunisia, Mr. Driss, who has spoken in the name of the African group, and there is no cause for repetition. This is a unique phenomenon in the history of the world Organization. It is unique because *apartheid* is unique. No other State has a social system which transgresses nearly all the articles of the Universal Declaration of Human Rights, as a study made by the International Commission of Jurists has shown. In no other country is a violent form of racism the ruling political philosophy and the basis of its systems of government, law, and social and political organization.

42. The massive accumulation of accusatory and condemnatory judgements on *apartheid* by the world community could not have occurred without grave reasons. The most weighty of these accusations is the charge that *apartheid* constitutes a crime against humanity.

43. Perhaps the most cruel irony of *apartheid* lies in the claim of the South African régime that its Bantustan scheme represents self-determination, when in fact it involves not only large-scale deportation with tragic results for African families, but also criminal acts of genocide noted by the Commission on Human Rights.

44. It was the Nazis' barbaric attempt at genocide which led the Nürnberg Tribunal to embody the concept of crimes against humanity in its Charter. The adoption of the Nürnberg principles by the United Nations further established this category of international crime. It is pertinent to note here that an expert committee of the Commission on Human Rights has concluded that *apartheid* has elements of genocide. Though *apartheid* cannot be equated with the Nazi holocaust, there are specific elements of this inhuman system which clearly label it a crime against humanity. The Nürnberg Tribunal lists enslavement and deportation among the crimes of this nature, and it is certainly no exaggeration to describe *apartheid* as a form of enslavement, or to say that the forced removal of millions of Africans to the bantustans constitutes the deportation of a people.

45. To deal first with the question of enslavement: the denial of political and civic rights to the African majority; the unnatural restrictions placed on their movements in their own country; the economic, educational and occupational limitations imposed by the law of the land, which shackle Africans and severely impair their physical and mental well-being; the Draconian laws which effectively silence those who protest against injustice; and the fear of retribution on the part of the minority group which ensures a vicious circle of tension and repression— all these are the hallmarks of slavery.

46. The independent African States, by reason of experience and kinship and by our geographical and

cultural ties, and our responsibilities towards our African peoples in South Africa, fully understood the true aspirations and the birthright of the majority of the people of South Africa. We know that the Bantustan scheme is a monumental fraud perpetrated at the expense of the African people. It was conceived only to isolate them from each other, to divide in order to rule and to keep Africans from the mainstream of the national life of the territory. This most evil political machination of the twentieth century is calculated to divide, to displace and to dispossess the African in his own native land. What else can one say about the fact that the non-white people of South Africa, who make up more than 70 per cent of the population, are being herded into 13 per cent of the land, into fragmented and unproductive areas which could not support their populations 30 years ago and are, therefore, less able to support the additional millions being sent there now to achieve the separation of the races? What else can one say about the fact that the white minority retains 87 per cent of the land, including the areas most rich in mineral and natural resources, and that protest against this inequitable arrangement has meant for the political leaders of the South African people exile, imprisonment, torture or death on the trumped-up charges of communism and terrorism? What else can one say about the fact that well over a million Africans have already been deported from the only homes they have ever known, and relocated in tribal areas with which they had little or no contact in the past and where no provision exists or has been made for their support, and that another 4 or 5 million are to be similarly deported over the next few years? Unable to support themselves in the tribal areas and without rights of any kind in the prosperous so-called white areas, the majority have been given no alternative to becoming a migrant labour force designed to maintain white privileges and white supremacy.

47. South Africa's unprecedented record of transgressions against the principles of the Charter and of the Universal Declaration of Human Rights is well known. Its refusal over the years to change its racist policies has been open and unashamed. We know too that South Africa seriously challenges the authority of the United Nations by the extension of *apartheid* to Namibia and by its illegal exercise of power over that Territory, in violation of the findings and decisions of the International Court of Justice, of the Security Council and of the General Assembly. The record of intransigence does not end there. It includes the cynical disregard of the only mandatory sanctions ever to be imposed by the Security Council—its sanctions against the illegal and racist régime in Southern Rhodesia.

48. In its consideration of the relationship between the United Nations and South Africa, the Security Council must also take into account its own conclusion that the situation in South Africa is a threat to regional peace and security which could well escalate

into a threat to international peace and security. Two factors support the validity of this conclusion. One is the possibility of racial conflict, which becomes more and more real with the increased determination of the oppressed peoples of southern Africa to obtain their freedom through armed struggle. The successes of the valiant freedom fighters of the Portuguese African Territories illustrate the strength of the liberation movement and the effectiveness of their liberation struggle. The other factor is that the South African minority has injected ideological overtones into the situation by describing its racist stand as an anti-communist one. The permanent members of the Security Council have a particular responsibility to take the lead in making it clear that the issue in South Africa is not connected to outmoded cold-war attitudes, but is solely one of the liberation of oppressed peoples from colonial and racist domination. They must make it clear, too, whether they take their stand with the forces of evil and oppression or with those of justice and liberation.

49. Here I humbly refer, with gratitude, to the quotation by the representative of Tunisia of what my President said [*para. 19 above*], and I should like to spare the time of the members of the Council and others present here by not repeating it, so I shall quote only this part of it:

"I therefore appeal to the Member States to support the call for the expulsion of the racist régime of South Africa."

50. In making this call, the African States are not motivated by the kind of racism they are seeking to eliminate. Neither are they being vindictive in their hostility to South Africa. We have now offered the hand of friendship to Portugal, one of the States to which the Lusaka Manifesto and the Mogadiscio Declaration were addressed, because the new Portuguese Government is acting on the basis of those principles of self-determination and respect for human equality that Member States have an obligation to promote. It is also noteworthy that the leaders of the liberation movements of the Portuguese Territories have pledged equal rights for all citizens, irrespective of colour or race. The independent African countries and the liberation movements of the southern African people have always been, and still are, ready to respond to any genuine and significant proposals for the establishment of a just society in that part of our continent. However, the negative experience of the past quarter of a century gives little reason to hope that the wise and revolutionary example of the Portuguese Government will be followed.

51. The Security Council is now faced with the grave responsibility of reviewing the relationship between the United Nations and a Member State which shares with only the Hitler régime the accusation of being guilty of a crime against humanity, which has steadily increased the scope and intensity of its

racist policies; and which has treated with contempt the decisions, the judgements, the warnings, and indeed the fundamental principles of the Organization whose authority it is pledged to uphold.

52. The Security Council cannot turn away from the responsibility, however distasteful it may be, of considering whether South Africa should be expelled from the United Nations. The African States are convinced that an objective consideration of the facts will show that South Africa's continued presence as a Member State makes a mockery of international law and of international morality.

53. The PRESIDENT (*interpretation from French*): The next speaker is the representative of Sierra Leone, whom I now invite to take a place at the Council table and to make a statement.

54. Mr. LUKE (Sierra Leone): Mr. President, first of all, I should like to say how pleased I am to see you presiding over the deliberations of the Security Council at this important juncture, when significant steps must be taken to further freedom and uphold respect for human dignity. Allow me to thank through you the members of the Council for allowing me to address them on this issue, which has been and remains of the greatest concern to all Africa.

55. The Council meets today in pursuance of resolution 3207 (XXIX) adopted by the General Assembly, which calls upon the Council to review the relationship between the United Nations and South Africa in the light of the constant violation by that country of the principles of the Charter and of the Universal Declaration of Human Rights.

56. The policy of *apartheid* and racial discrimination of the Government of South Africa is, of course, a most flagrant violation of the principles of the Charter and of the Universal Declaration of Human Rights. That being the case, and given the absolute refusal of South Africa to abandon that policy and the contempt it has displayed for the relevant resolutions and decisions of the General Assembly, that body, on 30 September 1974, decided to call for this review.

57. South Africa has violated nearly 180 decisions and resolutions of the United Nations and its related bodies. These covered not only the evil policy of *apartheid* but the illegal occupation of Namibia, sanctions and other resolutions on Rhodesia, and decisions taken to isolate and force the former Fascist dictatorship in Portugal into changing its anachronistic colonial policy. As a result of these violations, the General Assembly and the Security Council took active measures to compel the Government of South Africa to desist from its practices.

58. In 1962, by resolution 1761 (XVII), the General Assembly recommended economic and diplomatic sanctions against South Africa. In August 1963 the

Security Council, in addition to calling upon the Government of South Africa to abandon the policies of *apartheid* and discrimination, called for a boycott by all States of South African goods, and called upon States to refrain from exporting to South Africa strategic materials of direct military value. It also called for a cessation of the sale or shipment of arms or ammunition of all types and also of military vehicles to South Africa [*resolution 181 (1963)*]. Needless to say, these sanctions have, unfortunately, not been enforced, especially by some permanent members of the Council, and one would be right to say that they have openly, by their actions, encouraged South Africa to defy these decisions and resolutions.

59. In 1963, the Special Committee on *Apartheid* was set up. While commending the Special Committee for the wonderful work it has done in enlisting world public opinion against the evils of the practices of *apartheid* and in raising funds for the non-white population of South Africa, it is obvious that the setting up of the Committee and the considerable expenses involved would have been unnecessary if South Africa had adhered to the United Nations decisions and resolutions.

60. Because of its persistent refusal to comply with or to implement United Nations decisions on what was then known as South West Africa, the General Assembly, in 1966, by resolution 2145 (XXI), terminated South Africa's Mandate over that Territory and entrusted the responsibility therefor to the United Nations. Consequently, during the fifth special session of the General Assembly in May 1967, by resolution 2248 (S-V), the Council for South West Africa was established.

61. In complete disregard of the very comprehensive resolutions adopted during that special session, South Africa has not only continued to administer the Territory but has exported thereto its odious policy of *apartheid* and employed therein measures of a most repressive nature. As a result of such irresponsible acts by South Africa the international community is put to considerable expense. Last year alone, the appropriation for the United Nations Council for Namibia was about \$209,000, excluding the \$100,000 for the United Nations Fund for Namibia. Again, although we are pleased with the wonderful work done by that Council, such monies could have been better used if South Africa had adhered to United Nations decisions and resolutions.

62. In 1971 it became necessary for a second time for the International Court of Justice to consider the question of Namibia, this time in the light of the decision of 1966. The cost to the United Nations of that exercise was enormous.

63. The above very short narrative sufficiently illustrates why we are here today to undertake this review. It was with such events in mind that in

delivering Sierra Leone's policy statement before the General Assembly on 28 September 1973, the following was stated:

"Given the history of the situation, it is obvious that we can no longer expect any positive voluntary response from the South Africans. Our only hope, therefore, is to appeal to the rest of humanity to redouble its effort to eradicate the stain of *apartheid* and racial discrimination from the face of the African continent. If we fail to do this, the ghosts of Sharpeville and the blood of the innocent miners will forever haunt the conscience of the world, and the South African situation itself will pose an increasing threat to the peace and security of southern Africa and the world at large. We appeal for a total boycott of South Africa, because again, as with Rhodesia, we feel that the effects of isolation—military, economic, diplomatic and cultural—can only be salutary. We also ask ourselves, however, despite the fact that we believe fervently that membership in the Organization must be as universal as practical, can South Africa, with its blatant disregard of the fundamental principles of the Organization, remain a Member?"⁴

64. That question still needs to be answered. It is significant that the President and current Chairman of OAU, President Siad Barre, has called for the expulsion of South Africa. Again, before the General Assembly, the Government of Sierra Leone restated that for its part it pledges unflinching support for action by OAU, the liberation movements in South Africa, action by governmental and non-governmental organizations, and the entire programme of work of the Special Committee on *apartheid*, particularly the programme for intensification and co-ordination of United Nations action against *apartheid*, which my Government sponsored at the twenty-eighth session of the General Assembly together with 39 other Governments.

65. We urge the Security Council in carrying out this review to ensure that the United Nations resolutions and decisions are not flouted with impunity by the Government of South Africa, not only because that is wasteful of the all-too-limited United Nations funds—as we have seen—but also for the far more important reason that if resolutions and decisions were flouted with impunity by South Africa, or by any other Member State for that matter, it would destroy the moral basis which alone gives the Organization validity.

66. In accordance with principles of the Charter all Member States are called upon to give the United Nations every possible assistance in any action it takes in accordance with the Charter and to refrain from giving assistance to any State against which the United

Nations is taking preventive or enforcement action. Can we all honestly say that we have stood by these high principles?

67. I wish to conclude by reminding members that whatever decision is taken at the conclusion of this present debate will have a direct relevance to the conditions of life and respect for the human dignity of millions of our fellow citizens in the southern part of Africa.

68. It remains only for me to wish all the members of the Council well, and to urge them to carry out their onerous duties with sincerity and without flinching from whatever decision they believe will serve the principles of the Organization and serve to further respect for human dignity.

69. The PRESIDENT (*interpretation from French*): I wish to inform members of the Council that a letter dated 18 October from the representatives of Kenya and Mauritania to the President of the Council has been received [S/11539]. In this letter a request is made that the Council extend an invitation, under rule 39 of its provisional rules of procedure, to Mr. David Sibeko, member of the National Executive Committee of the Pan Africanist Congress of Azania.

70. If there is no objection, I shall consider that the Council agrees to that request.

It was so decided.

71. The PRESIDENT (*interpretation from French*): I should also like to inform the Council that I have received a letter from the representative of Morocco asking to be invited, under Article 31 of the Charter, to participate, without the right to vote, in the Council's discussion. If I hear no objection I propose, in accordance with the usual practice and rule 37 of the provisional rules of procedure, to invite the representative of Morocco to participate, without the right to vote, in the Council's debate.

72. Accordingly, I request the representative of Morocco to take the place reserved for him at the side of the Council chamber, on the usual undertaking that he will be invited to come to the table when it is his turn to speak.

At the invitation of the President, Mr. Slaoui (Morocco) took the place reserved for him at the side of the Council chamber.

73. The PRESIDENT (*interpretation from French*): I have just received a letter dated 18 October from the representative of Saudi Arabia requesting, under Article 31 of the Charter, to be invited to participate without the right to vote in the discussion of the Council. I propose, if I hear no objection and in accordance with the usual practice and rule 37 of the

⁴ *Ibid.*, Twenty-eighth Session, Plenary Meetings, 2133rd meeting, para. 164.

provisional rules of procedure, to invite the representative of Saudi Arabia to participate, without the right to vote, in the discussion.

74. I request the representative of Saudi Arabia to take the place reserved for him at the side of the Council chamber, on the usual understanding that

he will be invited to come to the Council table when it is his turn to speak.

At the invitation of the President, Mr. Baroody (Saudi Arabia) took the place reserved for him at the side of the Council chamber.

The meeting rose at 5.05 p.m.