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**Chairman: Mr. Leopoldo BENITES (Ecuador).**

AGENDA ITEM 87

**The policies of apartheid of the Government of the Republic of South Africa (A/5167 and Add.1-6; A/SPC/L.83 and Add.1-3, A/SPC/L.84, A/SPC/L.85) (continued):**

- (a) **Race conflict in South Africa;**
- (b) **Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa (A/5166, A/5173)**

1. The CHAIRMAN observed that although rule 129 of the rules of procedure precluded the sponsors of a draft resolution from explaining their votes on the draft itself, they were, on the other hand, permitted to speak with regard to amendments to such drafts.

2. Mr. JANTUAH (Ghana) recalled briefly the arguments in favour of concrete action on the question of race conflict in South Africa. If the United Nations continued to limit itself to supplications it would not only merit the disapproval of practical minds but would also encourage the South African Government to regard its patience as a sign of impotence. That Government would persist in its cynical defiance of the requests of the General Assembly and the Security Council and trample underfoot the Purposes and Principles of the Charter in complete disregard of its obligations, while continuing shamelessly to enjoy the advantages and privileges of a Member State.

3. Many delegations shared that attitude, which was expressed in draft resolution A/SPC/L.83 and Add.1-3. He would like to make a few explanatory remarks about that draft resolution and dissipate certain misunderstandings.

4. The majority of the sponsors of the draft resolution were consulted with regard to the Guatemalan amendment (A/SPC/L.85) and considered that the text should be retained in its existing form, since the proposed changes neither added to nor subtracted from the substance of the draft. They accordingly appealed to the representative of Guatemala to agree, as a gesture of goodwill, not to press his amendment.

5. Two criticisms had been made of the sixth pre-ambular paragraph of the draft resolution: that it would convey a wrong impression that the United Nations was divided into two camps, the partisans

of apartheid and its opponents; that by accusing powerful Member States whose support was essential for the adoption, and still more for the application of the resolution it would only alienate them.

6. The latter objection did not appear to be well founded. The Member States which were supplying South Africa with arms, ammunition, military equipment and technical and financial assistance had been specifically mentioned in the general debate and proof in support of the statements made about them had been given; not only had there been no objection, but one of those States—the United States of America—had implicitly recognized the truth of the accusation and had assured the Committee (334th meeting) that it would prohibit the future sale of arms to the South African Government. It therefore seemed normal to remind the other Governments which were still continuing to give such assistance to South Africa that the United Nations deplored their action.

7. As for the first objection, while all delegations agreed in denouncing the policy of apartheid not all of them had the honesty and the courage to take the necessary steps to eradicate it. When it came to taking practical action there was a sharp division of opinion and the world had a right to know about it.

8. Objections had also been raised to operative paragraphs 4 and 8; the sponsors were, however, convinced that they were justified not only by the logic of events but also by the letter and the very spirit of the Charter.

9. The United States delegation doubted whether the adoption of a draft resolution recommending sanctions would produce results. Yet purely denunciatory resolutions, as advocated by the United States and its allies, were totally ineffective, a fact of which there could be no possible doubt. It was therefore logical to apply more rigorous methods, even without being absolutely certain of the results.

10. In any case, it was hardly fitting for the United States to assume that certain States in disregard of their obligations under Articles 25 and 49 of the Charter, would fail to apply the recommended sanctions with full vigour and effectiveness.

11. Moreover, it was puzzling to hear the United States and its allies express doubt concerning the usefulness and value of sanctions which they were unhesitatingly the first to apply in defence of their own interests. Surely it had been in the hope of achieving positive results that France and the United Kingdom in the case of Suez, and the United States in the case of Cuba had undertaken to apply punitive measures to States which had not been condemned, as had South Africa, by the United Nations.

12. When, moreover, the United States representative suggested that each State should on its own account take such measures as it deemed appropri-

ate—including, no doubt, sanctions if they were indicated—he was not only being inconsistent but also advocating a course which might aggravate still further the very dissensions which he claimed to deplore.

13. With regard to operative paragraph 8, he recalled that Chapter II of the Charter set forth the conditions under which a State could be admitted to the Organization or refused admission and, in the case of States which were already Members, provisions concerning their continued membership or their expulsion.

14. Arguing against the expulsion of South Africa, the United States representative had asserted that such a measure would have the effect of removing it from the one place where the weight of world opinion could be brought to bear upon it. That was an argument which the United States forgot when it sought, year after year, to keep the People's Republic of China with its 700 million inhabitants out of the Organization. China was alleged to be neither able nor willing to carry out its obligations under the Charter, yet that was, in the judgement of the Organization itself, much more clearly the case of South Africa. It seemed illogical to keep South Africa, which had been condemned by the entire Organization, and to exclude the People's Republic of China, which had not been condemned with the same unanimity.

15. The same objection could be made to the argument concerning the universality of the Organization and the danger of excluding a Member State whose policies were opposed by other Member States.

16. The fact remained that the Charter provided for expulsion. Such expulsion, moreover, need not be permanent, for an expelled Member could be readmitted if it again complied with the conditions set for membership. Expulsion should therefore be considered a corrective measure which the Organization could be relied on to take in full knowledge of what it was doing after a sincere and impartial examination of the facts and on the basis of the Charter.

17. Furthermore, the draft resolution did not call directly for the expulsion of South Africa. That measure would be decided upon only if the South African Government persisted in defying the requests of the General Assembly and the Security Council; the decision would be left to the Council.

18. The fear had also been expressed that the application of sanctions and measures to expel South Africa would only make the position of Africans and persons of Indian and Indo-Pakistan origin in South Africa more difficult. That was possible; the vast majority of the suffering masses in South Africa and South West Africa, however, were willing to make the supreme sacrifice so that their children could live in their own country as full citizens, in equality, dignity and honour.

19. The threat to peace which was inherent in the pernicious policies of South Africa made of that question a question of life or death. The sponsors of draft resolution A/SPC/L.83 and Add.1-3 were convinced that only the measures which they advocated could move the South African Government to pay heed to the demands of the Organization. In the past the General Assembly and the Security Council had requested South Africa to act and it had done nothing. It was now time for the United Nations to act.

20. He appealed to all delegations to support the draft resolution.

21. Mr. VASQUEZ (Colombia) said that his delegation shared the desire of the African States that the unjust treatment inflicted on the majority of the population in South Africa should come to an end. It realized that it would no longer suffice simply to go on repeating earlier resolutions. It was not opposed in principle to the adoption of sanctions, as it had proved by taking part in the United Nations action in Korea. Sanctions should, however, be based on two conditions: the first was respect for the procedure provided in the Charter and in international law; the second was that care should be exercised to ensure that the United Nations did not become involved in a futile conflict which would undermine its prestige and authority.

22. The sixth preambular paragraph of the draft resolution expressed, as it were, an unidentified suspicion, without specifying either the actions in question or the States which were supposed to be guilty of them. That was unworthy of an international organization.

23. Operative paragraph 4 raised a more fundamental matter. As it stood, it called for the enactment of legislation, which Colombia would be unable to undertake since its Constitution provided for a separation of powers, and the Government could not prejudge decisions taken by the legislature.

24. On the other hand, operative paragraph 3 affirmed that the continuance of the policy of apartheid seriously endangered international peace and security. The Colombian delegation did not dispute that assertion, but it considered that its very wording implied that the situation was one coming within the meaning of Chapter VII of the Charter. That Charter gave the Security Council exclusive responsibility for deciding what measures should be taken in the event of threats to the peace, breaches of the peace or acts of aggression. Some of those measures which were described in Article 41 were precisely those that Member States were asked to take in operative paragraph 4. By adopting that paragraph, therefore, the Committee would be asking the General Assembly to decide a matter which, according to the Charter, fell exclusively within the province of the Security Council. The responsibilities and powers given to the General Assembly under Article 14 of the Charter did not cover breaches of the peace or threats to security.

25. The Colombian delegation would therefore be unable to vote for operative paragraph 4.

26. Operative paragraphs 5 and 6 did no more than advocate remedies that had already been tried.

27. Operative paragraph 8, instead, was useful as it recommended that the matter should be referred to the Security Council, as provided in Chapter VII of the Charter, which Member States had accepted with all the safeguards, consequences and limitations which it entailed.

28. Yet a reservation must be made concerning the drafting of that paragraph. Article 6 of the Charter provided for the expulsion of a Member by the General Assembly upon the recommendation of the Security Council. The draft resolution, on the other hand, seemed to contemplate expulsion by the Council upon the recommendation of the Assembly.

29. In order to make its position quite clear, the Colombian delegation would ask for a separate vote on operative paragraph 4 and operative paragraph 8 of the draft resolution.

30. Mr. PANUPONG (Thailand) said that he understood the indignation felt by a large number of Member States at the South African Government's defiance of the United Nations Charter, of the resolutions adopted by the Security Council and the General Assembly, and of fundamental human rights and world public opinion. The delegation of Thailand believed with other delegations that efforts should be intensified, both individually and collectively, to bring about the abandonment of the South African Government's policy of apartheid. It fully realized that the purpose of the draft resolution was to ensure the adoption of more effective measures to that end.

31. Nevertheless, it could not agree to some of the proposals and statements contained in that draft.

32. The sixth preambular paragraph seemed to contain a criticism of certain Member States; without a knowledge of the actions or States alluded to, the delegation of Thailand could not form an opinion as to the merits of that paragraph.

33. Operative paragraph 4 was partially based on operative paragraph 5 of resolution 1663 (XVI), in which the General Assembly urged all States to take such separate and collective action as was open to them in conformity with the Charter to bring about an abandonment of the policies of apartheid. But the changes it contained had serious implications. In the first place, by eliminating the phrase "as is open to them", the new draft resolution failed to allow Member States the necessary latitude for effective and practical action. In that respect the wording proposed in the Guatemalan amendment appeared preferable.

34. In the second place, the measures enumerated in sub-paragraphs (a), (b), (c), (d) and (e) of operative paragraph 4 were, in effect, sanctions, since they were punitive measures designed to ensure compliance with previous resolutions of the General Assembly. Those measures would not be binding unless ordered by the Security Council. At the same time, it was vitally important to the prestige and very existence of the United Nations that any sanctions adopted should rest on a firm constitutional basis and be effectively applied. Any failure by the United Nations would have serious repercussions on the authority of the Organization. On the other hand, the present world situation engendered serious doubts as to the effectiveness of the proposed sanctions. The Thai delegation would therefore have to abstain from voting on operative paragraph 4.

35. With regard to operative paragraph 8, the Thai delegation had on the whole no objection to the first part. But, it felt that the wording would be more in keeping with the letter of the Charter if the Council were asked not to take appropriate measures but to decide upon the appropriate measures to be taken.

36. Operative paragraph 8 also mentioned the possibility of sanctions. Sanctions, specially of an economic nature, would be bound to inflict even further hardship on the thirteen million non-whites in South Africa, and the Organization should accordingly avoid such a course.

37. As for the eventual expulsion of the Republic of South Africa, it would surely not help to bring about

the desired results. On the contrary, the South African Government might feel at greater liberty outside the Organization to intensify its oppression of the non-white population.

38. Operative paragraph 8 would lose nothing by omitting all reference to sanctions or expulsion. If the wording were not changed, the Thai delegation would be unable to support it and would abstain from voting.

39. If the draft resolution as a whole were put to the vote as it stood, the Thai delegation would likewise abstain.

40. The Thai delegation, far from seeking to divest the draft resolution of its contents or to confine the General Assembly and the Security Council to a mere reiteration of previous resolutions, would support any measure of persuasion or pressure to dissuade the South African Government from pursuing its policies of apartheid, provided that those measures were really effective and practicable.

41. Mr. NUR ELMI (Somalia) said that his delegation sincerely appreciated the efforts made by the Guatemalan delegation but would be unable to accept its amendments. The original draft provided for concrete and well-defined measures that Member States would be asked to take to induce the South African Government to abandon its racial policies. The Guatemalan amendment on the other hand replaced those concrete proposals by ineffectual measures to be taken by Member States separately or collectively, as they considered appropriate. He wished to remind the representative of Guatemala that the United Nations had adopted resolutions condemning racial discrimination against non-whites for the past ten years without achieving any positive results. He expressed appreciation, however, for the new paragraph proposed in the Guatemalan amendment which specifically dealt with the prohibition of weapons to be furnished to the Republic of South Africa. It might be recalled that at the previous session the Soviet delegation had already made such a proposal in the form of an amendment to an African-Asian draft resolution.<sup>1/</sup>

42. In view of the excellent co-operation which had always existed between the African countries and Guatemala, and for that matter with all Latin American countries on the subject of racial problems, the delegation of Somalia would ask the representative of Guatemala to be good enough to withdraw his amendments.

43. Mr. JABRI (Syria) said that the Syrian delegation, which was one of the sponsors of the draft resolution, had been greatly dismayed by the views stated at the 339th meeting by the United Kingdom and at the previous (340th) meeting by the representatives of Australia, Austria, Ireland and the United States. Those delegations had intimated that sanctions should be avoided and that it would be better to use diplomatic methods to persuade the South African Government to comply with United Nations resolutions on apartheid. The Syrian delegation was frankly amazed, for it was apparent from the general debate that most members of the Committee agreed without dispute that all methods of persuasion had failed—a fact to which the deliberations of the past fifteen years bore witness. The

<sup>1/</sup> See Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 76, document A/SPC/L.74.

Syrian delegation was convinced that a more resolute approach to the question was needed and that was the precise purpose of the draft resolution (A/SPC/L.83 and Add.1-3). The draft contained no provision that could be considered incompatible with the United Nations Charter, which contemplated both peaceful measures and more forceful measures for the settlement of situations similar to that confronting the Organization. Some delegations which were opposed to sanctions contended that such measures would entail great economic sacrifices for Member States. It was self-evident that the application of a resolution providing for sanctions would require sacrifices; but, in the view of the Syrian delegation, those sacrifices, however great, were insignificant when one considered that they were undertaken in order to promote the dignity of man and his right to live under proper conditions.

44. The Syrian delegation was particularly surprised by the attitude of the United States. That country's representative had said in his first statement that no country could hope to stifle for ever the human need for freedom and dignity. Yet the United States intended to vote against sanctions which were aimed at just such a liberation. The representative of the Sudan had rightly pointed out that such an attitude was hardly compatible with that of the United States Government in the State of Mississippi.

45. If those Powers which opposed the draft resolution had suggested new and effective methods other than good offices, diplomacy and persuasion, all of which had already failed lamentably, the Syrian delegation would have been willing to examine their proposals. In view of the situation, it would be failing in the obligations under the Charter if it did not press for effective measures to help the millions of South Africans. Although the Syrian delegation appreciated the efforts of the delegation of Guatemala, it intended to give its full support to draft resolution A/SPC/L.83 and Add.1-3 as it stood.

46. Mr. SHAH (Nepal) said that the Nepalese delegation had explained its position in regard to the sanctions envisaged in operative paragraph 4 of the draft resolution in its statement on 25 October (336th meeting). He felt that, as matters stood, those sanctions were doomed to be ineffective and that the people of South Africa would suffer more from them than the Government. Moreover, the failure of such measures would seriously harm the prestige and effectiveness of the Organization. That was a risk which should not be taken at the present time and the Nepalese delegation felt, therefore, that each Member State should be left to decide for itself what sanctions should be taken. The expulsion of South Africa from the Organization would mean expelling it from the only place in which the moral influence of the United Nations could be brought to bear upon it. It would also weaken the position of the Organization in regard to the Trust Territory of South West Africa. Subject to those reservations, the Nepalese delegation would vote in favour of the draft resolution as a whole.

47. Mr. MENDOZA (Guatemala) regretted that a number of delegations, of varying viewpoints, had misinterpreted the efforts and intentions of the Guatemalan delegation in proposing to amend the draft resolution. It did not intend to withdraw its amendments, because it still believed, though perhaps wrongly, that they would substantially improve the text. The first amendment was purely a drafting

matter. On the other hand, the amendments to operative paragraph 4 had perhaps been misunderstood. The Guatemalan delegation had tried to retain the original wording as far as possible, but there was a very important difference of substance between those amendments and the original text. Operative paragraph 4 as drafted in the draft resolution meant that the Assembly would decree sanctions against the South African Government, sanctions which all States would be required to accept no matter how they had cast their votes. The views expressed at the 340th meeting by the representative of the Ivory Coast confirmed that interpretation. According to him, the Assembly was setting out in specific terms the action that had to be taken by States. As it stood, therefore, operative paragraph 4 meant that the General Assembly was arrogating to itself the right to take sanctions against a Member State. In the case in point, the Guatemalan delegation would have no difficulty in supporting sanctions against South Africa, which fully deserved them. However, the question was not whether South Africa deserved them or not, but whether the General Assembly could or could not pronounce sanctions. The Guatemalan delegation took the categorical position that the General Assembly could not do so. The right to decree sanctions rested exclusively with the Security Council. To claim that the General Assembly could order sanctions against a Member State would be tantamount to forcing the General Assembly to violate the Charter. That was why the Guatemalan delegation was opposed to operative paragraph 4.

48. Under the Guatemalan amendments, on the other hand, Member States would be requested to take all measures, separately or collectively, which they considered appropriate. The measures would be voluntary instead of compulsory as in the original text and that was the great difference between the two drafts. It would, moreover, be possible to envisage other measures such as those mentioned by the representative of Trinidad and Tobago (339th meeting).

49. He stressed that point because it was not a simple matter of wording, of deciding whether to say "measures" or "sanctions". The main question was the compulsory nature of the measures proposed. The only body which could impose measures was the Security Council. That was why operative paragraph 8 of the draft resolution was retained.

50. The Guatemalan delegation had already stated in the Committee (333rd meeting) that any State whose policy was incompatible with the principles of the United Nations was not entitled to be a Member of it. In its view, that was the case with South Africa, but before the Assembly could expel South Africa or any other State from the United Nations, it had to have a recommendation by the Security Council. There was no such recommendation in the case in point. Accordingly, the Assembly could not take a decision to expel South Africa without violating the Charter. The purpose of the Guatemalan delegation in submitting its amendments had been to ensure respect for the Charter.

51. The representative of Somalia had said that the United Nations had been adopting recommendations on the matter for ten years. He felt entitled to point out that more than ten years ago, at a time when the status of Somalia was still uncertain, the delegation of Guatemala had already been opposing racial dis-

crimination in South Africa and in the African colonies in the United Nations. The question was not therefore new to it.

52. He had been extremely surprised to hear the representative of Somalia state that the Soviet Union had as it were a right of authorship to the proposal for the prohibition of arms deliveries. To the Guatemalan delegation, it was quite irrelevant whether other States had previously made a particular proposal. What had led the Guatemalan delegation to propose a new paragraph was the anxiety which some delegations had shown regarding the "rearmament" that was proceeding in South Africa. References had even been made to atomic weapons, and some African States had stressed that there was a threat to the peace. If the situation was as serious as it was said to be, it would appear that the Assembly should do more than make the simple recommendation in operative paragraph 4 of the original text and should address an explicit request to all States to refrain from furnishing arms to a country which was supposed to constitute a threat to the peace.

53. Lastly, he wished to state that the attitude of certain delegations which were opposed to any amendment was altogether unacceptable. The United Nations was a democratic organization and any Member was entitled to express its opinions and to propose such amendments as it deemed advisable.

54. Mr. USHER (Ivory Coast) said it was true that the General Assembly could only make recommendations and that binding decisions were the province of the Security Council.

55. He noted that, under the amendment to operative paragraph 4, Member States would be requested to take measures which they considered appropriate to bring about the abandonment of the policy of apartheid. He thought that by leaving it to Member States to take such measures as they considered appropriate, the Assembly would be assuming a heavy responsibility, for it would have no control over the measures taken by each State. The Assembly was not entitled to assume such a responsibility. On the other hand, Article 14 of the Charter empowered it to recommend measures, which it must, however, define in order to indicate the scope of its responsibilities. The delegation of the Ivory Coast had supported operative paragraph 4 because it sincerely believed that the procedure proposed was lawful, namely, that the Assembly was entitled to request States to take the measures defined by it. The measures envisaged did not come under Article 41, which applied when there was an actual threat to peace and security. The Committee was at present considering a situation whose continuation might involve a threat to the peace; if the threat materialized, it would rest with the Security Council to apply Article 41.

56. Mr. NUR ELMI (Somalia), speaking in exercise of his right of reply, said that he regretted the reaction of the representative of Guatemala to his brief statement. He did not believe that he had offended the Guatemalan representative in any way. On the contrary, he had commended the Guatemalan delegation upon its good intentions. With regard to the ban on arms deliveries to South Africa, references to the official documents would show that the Soviet Union had proposed the amendment to the African-Asian draft which the Committee had adopted at the last session, but which had failed to obtain a two-thirds

majority in the General Assembly.<sup>2/</sup> He wished once again to assure the representative of Guatemala that, although his country was a newcomer to the United Nations, it respected the position of the Guatemalans and the other peoples of Latin America on racial problems.

57. Mr. GABITES (New Zealand) congratulated the Chairman, the Vice-Chairman and the Rapporteur on their election. As the representative of a multiracial society, he would like to say that, for many generations, New Zealand's experience in multiracial living had been a happy one, an experience which New Zealand had shared with a number of other countries. It deeply regretted that that experience was not shared by the people of South Africa and New Zealand strongly disapproved of the policy being followed by the South African Government. The Prime Minister of New Zealand had publicly expressed abhorrence of that policy and all the people of its multiracial society had condemned it. His delegation also regretted that the situation in South Africa had not improved since the last session of the General Assembly. In fact, with the passage of certain legislation, it had become worse. However, that worsening might perhaps reflect growing anxiety on the part of the South African Government.

58. The New Zealand delegation was in full sympathy with the purposes of draft resolution A/SPC/L.83 and Add.1-3, but it doubted whether a resolution of that kind would bring about a change in the policy of the South African Government which would improve, either in the physical or the constitutional sense, the conditions of the indigenous population, the people of Indian and Indo-Pakistan origin and a significant section of the white population, the liberals, who were suffering with the people of other colours. Sanctions would undoubtedly have a bad effect physically as well as morally on those whom the United Nations was most anxious to help. It had been said that the people would gladly undergo the privations that sanctions would impose upon them, but how long would those privations have to continue? Similarly, the New Zealand delegation doubted whether expulsion would serve any constructive purpose. It was punitive in character although the intention was not, perhaps, permanently punitive. Moreover, as the representative of Ghana had pointed out, expelled once, a country could, if it mended its ways, be re-admitted. But that was a matter of great conjecture. Moreover, in the opinion of the New Zealand delegation, expulsion would be tantamount to abandoning those whom the United Nations was seeking to help. One might well ask how those millions of South Africans would feel if the United Nations abandoned them. Furthermore, there was no guarantee that expulsion would have the desired effect.

59. The New Zealand delegation admitted that there seemed to be little chance of influencing the South African Government for the time being, but it did not feel that there was no chance at all. The representative of Nigeria had described South Africa as being sick and in need of treatment, but the New Zealand delegation did not feel that the South African people required to be isolated as part of that treatment.

60. His delegation had doubts concerning the intention of the sixth preambular paragraph of the draft resolution; since it was not sufficiently clear in its

<sup>2/</sup> See *ibid.*, document A/4968, para. 13, draft resolution I.

application to Member States, New Zealand could not support it. Nor could it support operative paragraphs 4 and 8, for the reasons it had already stated.

61. The CHAIRMAN suggested that the Committee should pass on to the third stage of its work, namely, explanations of vote.

62. Mr. LEE (Federation of Malaya) said that, during the general debate (336th meeting) his delegation had expressed in the most emphatic terms the abhorrence of the Government and people of the Federation of Malaya for the policy of apartheid practised by South Africa. The Federation of Malaya had faithfully implemented the resolutions of the General Assembly urging Member States to take such separate and collective action as was open to them, in conformity with the Charter, to bring pressure to bear on the South African Government. The Federation of Malaya had in fact severed trade relations with South Africa even before the adoption of those resolutions; it would continue to maintain that position until the South African Government abandoned its policy.

63. In explaining the vote of the Malayan delegation, he would confine his remarks to the draft resolution (A/SPC/L.83 and Add.1-3). His delegation appreciated the sincerity of the motives which had actuated the sponsors of the draft resolution. The common objective was to persuade South Africa to abandon its policy of apartheid. The Federation of Malaya was second to none in its desire to attain that objective, as had been demonstrated by its role in the Conference of Commonwealth Prime Ministers held in London in March 1961 and its decision to sever trade relations with South Africa. To the extent that the draft resolution was the expression of a fervent desire to achieve the abandonment of apartheid, his delegation would support it.

64. However, there were one or two points in the draft resolution with which his delegation did not entirely agree. He referred particularly to the sanctions and the expulsion proposed respectively in operative paragraphs 4 and 8. In his view, operative paragraph 4, as it stood, left Member States no choice regarding the action they should take; while all Member States should endeavour to take all appropriate action in conformity with the Charter, they must be given the right to determine what that action should be.

65. In the opinion of the Malayan delegation, the expulsion of South Africa was not a constructive way of achieving the desired goal. Indeed, it was its conviction that by retaining South Africa as a Member of the Organization, the United Nations would be in the best position to exert moral pressure on it. Moreover, expulsion of South Africa might lead that country to regard itself as being outside the moral authority of the Organization and to commit even more flagrant violations of human rights and the principles of the Charter. Furthermore, expulsion of South Africa, far from helping the non-white population, might have even more disastrous consequences for them. It might also have repercussions on the people of South West Africa, who looked to the United Nations for assistance in their struggle for independence. In particular, expulsion of South Africa might remove the only avenue for the peaceful achievement of self-government for the people of South West Africa.

66. For those reasons, the Malayan delegation regretted that it would not be able to support operative paragraph 4, as now worded, or operative paragraph 8. That should not be construed as weakness on its part; on the contrary, its position was motivated solely by its sincere desire to bring about a change of policy in South Africa by the most constructive means possible. As the Federation of Malaya had been among the first countries to take concrete steps to bring pressure to bear on the South African Government, there was no need to say that, despite its reservations on operative paragraphs 4 and 8, it would vote in favour of the draft resolution as a whole.

67. Mr. PATRICIO (Portugal) congratulated the Chairman on his election. He considered it unnecessary to restate Portugal's position on racial questions: it was common knowledge that in Portugal, there had never been any discrimination based on race, colour, religion or ethnic origin. His delegation believed that, since the United Nations had accepted South Africa as a Member, it was its duty to apply all the Articles of the Charter to that country. Article 2, paragraph 7, stated that nothing contained in the Charter authorized the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. For that reason, the Portuguese delegation was compelled to vote against the draft resolution. It also ventured to suggest that it might be preferable for questions relating to fundamental human rights and, particularly, to the principle of the equality of all races, to be referred to the Commission on Human Rights, which would display greater objectivity.

68. During the debate, several delegations had referred to a secret military agreement which allegedly existed between Portugal, South Africa and the Federation of Rhodesia and Nyasaland. Those allegations were entirely baseless. The Portuguese Government maintained normal and friendly relations with those countries and had always been prepared to enter into similar relations with all countries of the African continent which believed in international co-operation as a means to peace and progress.

69. Mr. RAMOS (Philippines) said that it was his understanding that the underlying purpose of the draft resolution was to render more emphatic the collective will of the Assembly with regard to the South African Government. In that matter, his delegation was in full agreement with the sponsors. It was in that spirit that, in an earlier statement (332nd meeting), it had expressed the hope that the South African Government would not only heed the appeals of the United Nations but would give tangible proof of compliance with past resolutions of the General Assembly. However, there were no indications of such compliance. The Philippine delegation was therefore prepared to join other delegations in taking stronger measures than before. It especially welcomed the proposal to establish a special committee responsible for keeping the racial policies of the South African Government under review when the General Assembly was not in session. He recalled that his delegation had proposed that such a committee should be established to follow the trend of events in an extremely serious situation. It had also expressed the hope that the United Nations presence in South Africa would help to moderate reactions to the recent Sabotage Act and thus prevent violence.

70. The Philippine delegation was prepared to support the draft resolution, which reflected its views. However, it wished to make it clear that, so far as operative paragraph 4 was concerned, it favoured the principle of imposing diplomatic and economic sanctions on South Africa; they would at least show the South African Government that the United Nations could no longer tolerate its defiance of the Assembly. Those measures were not coercive and were far from extreme. He pointed out that, under the Philippine Constitution, some of them would require legislative implementation. Although paragraph 4 was in the nature of a recommendation and not an obligation, it could be interpreted as meaning that once they had been accepted the measures recommended would become morally binding. His delegation supported paragraph 4 on the understanding that, in the application of the proposed measures, the Philippine Government would have to take into account the national Constitution.

71. He also wished to make clear his delegation's position with regard to operative paragraph 8. It was prepared to apply sanctions subject to constitutional processes. However, it regretted that it was unable to support the idea of the Security Council considering action under Article 6 of the Charter. That might result in expulsion which, by its very nature, was an extreme measure and was unwise at the present time. On the contrary, the Philippine delegation thought it essential to maintain all links, however, tenuous, between the United Nations and the South African Government, precisely because one of the aims of the draft resolution was to work out practical arrangements between South Africa and an appropriate United Nations body. Such arrangements would obviously be impossible if South Africa was expelled from the Organization. Indeed, the United Nations had more to gain by allowing South Africa to remain a Member because, once that country was outside United Nations influence, it might seriously imperil the cause of peace. The Philippine delegation's vote on the draft resolution would be guided by those considerations.

72. Mr. MacQUARRIE (Canada) welcomed the new Member States, three of which were members of the Commonwealth. The question of race relations in South Africa was not only one of the most difficult and complex issues with which the United Nations was concerned, but also one of the most frustrating. Despite the repeated exhortations of the Assembly, the South African Government had not made any changes in its deplorable policy, but had actually reinforced it by enacting even more stringent legislation. Canada was categorically opposed to racial discrimination in any form, wherever it was practised, and it condemned without qualification the policy of apartheid. The Canadian Government had made its position on that subject plain on several occasions, in the United Nations and elsewhere.

73. In the report he had made to the Canadian House of Commons after the 1961 Conference of Commonwealth Prime Ministers, Mr. Diefenbaker had described the position he had taken on the South African request for continued membership in the Commonwealth. Unconditional acceptance of that request might have given the impression that the Canadian people supported or at least condoned apartheid, whereas that policy had always been abhorrent to Canadians as a whole. The Bill of Rights adopted by the Canadian Parliament prohibited racial discrimination

in Canada. The Canadian Government had made the South African Government aware of its attitude towards apartheid and of its increasing concern about the consequences that might ensue. It had been apparent for some years that nearly all Member States condemned apartheid and realized the threat it represented to the preservation of peace in Africa. That concern was reflected in past resolutions of the Assembly and in the draft resolution before the Committee. Although all agreed that apartheid should be condemned and that everything practicable should be done to abolish it, opinions differed as to the best means of doing so.

74. There was much in the draft resolution with which his delegation agreed, but it must oppose some of the measures recommended, because it did not think them practical or desirable. It was opposed to sanctions for a number of reasons. First, it doubted the appropriateness of using sanctions in a situation which did not involve external aggression or a question of peace or war. Second, it was unlikely that the application of sanctions would produce the desired result. Third, sanctions might hurt most of all the non-white population of South Africa, the very people whom the United Nations wanted to help. The Canadian delegation would therefore vote against operative paragraph 4. However, it would support operative paragraph 5. It was urgently necessary that the full pressure of world opinion should be brought to bear on the South African Government and the establishment of the special committee mentioned in operative paragraph 5 would be a practical step in that direction. He would vote against operative paragraph 8, because he thought that the United Nations would be better able to exert its influence on South Africa if the latter remained in the Organization. Moreover, the comprehensive nature of the United Nations as a world forum, which was the most solid bulwark in the present troubled times, should be maintained. In view of what he had said, the Canadian delegation would be unable to support the draft resolution as a whole. In conclusion, it associated itself with those who had made appeals to the South African Government and it urged that Government to reconsider its policies in order to end the growing isolation of its country. There should be no place for apartheid in the modern world and South Africa, which had done so much for the economic development of Africa, could continue to play a significant role. Time was growing short. The forces of history and world opinion were too strong to be long resisted by any nation.

75. Mr. PAVLIK (Czechoslovakia) welcomed the new Member States, and in particular the representative of the heroic Algerian people. The general debate had shown that the racial conflict raging in the Republic of South Africa should be considered as an extremely serious violation of fundamental human rights and that immediate measures should be taken to eliminate for ever the causes and consequences of apartheid. Some representatives had rightly pointed out that there was no difference between that racist policy and the policy of Nazi Germany. The Czechoslovak people had been among the first victims of the Nazis, and the experience for which they had paid so highly had convinced them that the application of theories about there being "chosen" peoples and "inferior" peoples not only did irreparable harm to those who suffered their consequences but also impeded the development of all humanity and posed a

threat to international peace and security. It was for those reasons that the Czechoslovak delegation condemned the racial discrimination practised in South Africa and all manifestations of national and racial hatred, wherever its havoc was wrought. The United Nations had been discussing the question for many years. In all the resolutions it had adopted, and in particular in resolutions 1662 (XVI) and 1663 (XVI), the Assembly had condemned the policy of apartheid and invited the South African Government to change its policy, but to no avail. In the opinion of the Czechoslovak delegation, the time had come to pass from words to deeds. In the interests of the oppressed population of South Africa and its own prestige, the Organization must take practical and effective measures, which alone could make the South African Government change a policy that was an anachronism at a time when more progressive and fairer living conditions were being established. The draft resolution A/SPC/L.83 and Add.1-3 offered the best means of eliminating those remnants of the past as soon as possible. The Czechoslovak delegation would therefore vote for that draft resolution.

76. Mr. BOHEMAN (Sweden) said that he would vote for the paragraphs in the draft resolution which condemned South Africa's racial policy in more vigorous terms than any previous resolution. His delegation understood the feelings which had impelled the sponsors of that text to recommend sanctions against South Africa, but feared that the proposed measures had hardly any chance of being effective. Moreover, no legal basis for sanctions of that kind had been established, and it was for the Security Council to call for sanctions, as the Colombian representative had shown. His delegation would not therefore be able to vote for operative paragraphs 4 and 8 of the draft resolution. Other methods would have been preferable, such as a thorough examination, preferably by a special committee, of the measures which Member States had taken or would be willing to take in order to convince the South African Government of the necessity of changing its deplorable policy.

77. Mr. DAROM (Israel) said that his delegation entirely shared the feelings of the sponsors of the draft resolution. But measures such as those recommended in operative paragraph 4 of that draft appeared, in his view, to go beyond what the Assembly could properly ask from sovereign States. It was for Governments to decide what measures they wished to take. The Israel delegation had voted in favour of a similar provision at the sixteenth session (282nd meeting), and had pointed out then that the Governments concerned would wish to take various factors into account before committing themselves, including the impact that measures of that kind might have on all the inhabitants of the country, as well as the reaction they might provoke in the South African Government. The amendment to operative paragraph 4 proposed by the Guatemalan delegation would overcome that difficulty, and his delegation would vote for it. On the other hand, it would abstain from voting on operative paragraph 8, since it did not think the expulsion of South Africa would be conducive to the result which was sought. On the contrary, the opportunities open to the United Nations for bringing its influence to bear on South Africa would thereby be greatly reduced. However, his delegation would vote for the draft resolution as a whole, because it considered that the United Nations must take a clear and

strong stand on any matter concerning policies of racial discrimination.

78. Mr. Mohammad RIAD (United Arab Republic), replying to certain objections voiced in connexion with the draft resolution of which he was a co-sponsor, said that it had been drafted with great care; the objections did not seem to him to hold up either legally or politically. As far as operative paragraph 4 was concerned, there could be no question of a violation of the Charter since the measures advocated were to be taken in conformity with the Charter. Moreover, as had been stressed by the Ivory Coast representative, those measures were provided for in Article 14 of the Charter. As to operative paragraph 8, far from taking away any of the Security Council's prerogatives, it asked the Council to perform its functions to the full. Furthermore, much had been said about the unfortunate effects that South Africa's expulsion might have on the non-white population of the country. As the Sudanese representative had aptly pointed out (340th meeting), that measure would be aimed at the South African Government and not the indigenous population of the country, whose fate would remain unchanged whether South Africa was represented in the Organization or not. In view of what he had said, his delegation would not be able to support the Guatemalan amendments.

79. Mr. GOMEZ ROBLEDO (Mexico) said that his delegation had some reservations concerning subparagraphs (b) and (d) of operative paragraph 4. In Mexico, freedom of trade was guaranteed by the Constitution; the Mexican Government could not therefore undertake economic sanctions against South Africa until it had studied the question in the context of existing legislation. His delegation would support the Guatemalan amendment to operative paragraph 4, since it allowed Member States greater latitude. It would not be able to vote for operative paragraph 8, but for reasons different from those advanced by other delegations. Everyone knew very well that the same sanctions would not be applied in a similar situation to other States, e.g. to the permanent members of the Security Council, who by that very status enjoyed a privileged position. His delegation would abstain from voting on subparagraphs (b) and (d) of operative paragraph 4 and it requested that they should be put to the vote separately; it would likewise abstain from voting on operative paragraph 8. It would vote for the Guatemalan amendments and for the draft resolution as a whole.

80. The CHAIRMAN said that, in accordance with rule 131 of the rules of procedure, the Guatemalan amendments (A/SPC/L.85) would be put to the vote first.

81. Mr. BURESCH (Austria) asked for a separate vote on each of the Guatemalan amendments (A/SPC/L.85) to the draft resolution (A/SPC/L.83 and Add.1-3).

*The amendment to the fifth preambular paragraph was rejected by 42 votes to 38, with 15 abstentions.*

*The amendment to operative paragraph 4 was rejected by 56 votes to 10, with 28 abstentions.*

*The amendment adding a new paragraph to the draft resolution was rejected by 44 votes to 18, with 30 abstentions.*

82. The CHAIRMAN, inviting the Committee to vote on draft resolution A/SPC/L.83 and Add.1-3, an-



nounced that the Colombian representative had requested that operative paragraph 4 be put to the vote separately.

83. The Mexican representative, in his turn, had asked for a separate vote on sub-paragraphs (b) and (d) of that paragraph.

84. Mr. CROWE (United Kingdom) asked for a separate vote on the sixth preambular paragraph, as well as on the operative paragraphs of the draft resolution.

85. Mr. JANTUAH (Ghana), speaking on a point of order, said that he was categorically opposed to the motion for division; he regarded the draft resolution as constituting an indivisible whole, which should be voted "en bloc".

86. The CHAIRMAN recalled that under rule 130 of the rules of procedure, permission to speak on the motion for division might be given only to two speakers in favour and two speakers against.

87. Mr. MENDOZA (Guatemala) felt that a draft resolution which was so long and so complex, and about which so many different ideas had been expressed, could not be adopted or rejected "en bloc". To try to impose a method of that kind would be a breach of the democratic rules and the traditions of the Assembly. He therefore strongly opposed the request of the Ghanaian representative.

88. Mr. COLLIER (Sierra Leone) supported the Ghanaian proposal and thought it unfortunate that a motion in conformity with the rules of procedure should be susceptible of misinterpretation.

89. Mr. USHER (Ivory Coast) associated himself with the Ghanaian motion. He asked all delegations to support the draft resolution as a whole, since it constituted an indivisible whole whose essential provision was operative paragraph 4. If that paragraph was removed, the resolution would lose all meaning. Africans had fought beside Europeans to defend freedom and human dignity against nazism. Today, they were calling upon all men of goodwill to help them to banish that same doctrine from another continent. In exchange for the blood which they had shed, the Africans were asking other States to come to their aid by accepting purely economic sacrifices.

90. Mr. TAYLHARDAT (Venezuela) was opposed to the Ghanaian representative's motion. Any State had a right to ask for a separate vote on any clause of a draft resolution, and justice required that it should be granted that right.

91. The CHAIRMAN put to the vote the Ghanaian proposal that no part of draft resolution A/SPC/L.83 and Add.1-3 should be voted on separately.

*At the request of the United States representative, a vote was taken by roll-call.*

*Niger, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Niger, Nigeria, Pakistan, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghani-

stan, Albania, Algeria, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Cuba, Czechoslovakia, Ethiopia, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco.

*Against:* Norway, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, El Salvador, Finland, France, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Luxembourg, Mexico, Netherlands, New Zealand.

*Abstaining:* Portugal, Trinidad and Tobago, Burma, Cambodia, Ceylon, Federation of Malaya, Haiti, Iran, Israel, Laos, Nepal.

*The Ghanaian motion was adopted by 46 votes to 39, with 11 abstentions.*

*At the request of the Ghanaian representative, a vote was taken by roll-call on draft resolution A/SPC/L.83 and Add.1-3 as a whole.*

*The Ukrainian Soviet Socialist Republic, having been drawn by lot by the Chairman, was called upon to vote first.*

*In favour:* Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Albania, Algeria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Chad, China, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ethiopia, Federation of Malaya, Gabon, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jordan, Laos, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Tunisia.

*Against:* United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Canada, Dominican Republic, France, Greece, Ireland, Japan, Luxembourg, Netherlands, New Zealand, Portugal, Spain, Turkey.

*Abstaining:* Venezuela, Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Costa Rica, Denmark, El Salvador, Finland, Guatemala, Honduras, Iceland, Italy, Norway, Panama, Peru, Sweden, Thailand, Trinidad and Tobago.

*Draft resolution A/SPC/L.83 and Add.1-3 as a whole was adopted by 60 votes to 16, with 21 abstentions.*

92. Mr. HASSAN (Mauritania) proposed that the remaining explanations of vote should be postponed until the next meeting, and moved the adjournment of the meeting.

*It was so decided.*

The meeting rose at 6.45 p.m.