

United Nations  
**GENERAL  
ASSEMBLY**

EIGHTEENTH SESSION

Official Records

**SPECIAL POLITICAL COMMITTEE, 379th  
MEETING**



Tuesday, 8 October 1963,  
at 10.45 a.m.

**NEW YORK**

CONTENTS

Agenda item 30:

*The policies of apartheid of the Government of the Republic of South Africa: reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and replies by Member States under General Assembly resolution 1761 (XVII). . . . .*

Page

7

Chairman: Mr. Mihail HASEGANU (Romania).

AGENDA ITEM 30

The policies of apartheid of the Government of the Republic of South Africa: reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and replies by Member States under General Assembly resolution 1761 (XVII) (A/5497 and Add.1, A/SPC/L.95)

1. The CHAIRMAN drew attention to the note by the Secretariat (A/SPC/L.95) on documents relating to the item under discussion. Paragraph 1 (c) of the note referred to the third report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa (A/5497 and Add.1), which would be introduced by the Rapporteur of that Committee.

2. Mr. KOIRALA (Nepal), speaking as the Rapporteur of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, observed that the situation in that country had deteriorated considerably since the adoption of General Assembly resolution 1761 (XVII). The Special Committee's first and second interim reports (A/5497/Add.1, annexes III and IV) had drawn attention to the deterioration, and in particular to the introduction of further discriminatory measures directed against the non-white inhabitants, the alarming build-up of the country's military and police forces and the promulgation of the General Law Amendment Act of 1963. Its third and more comprehensive report (A/5497 and Add.1) was now before the Committee. He emphasized that all three reports reflected the unanimous views of the eleven members of the Special Committee, who were agreed that the problem was of the gravest concern to the United Nations. He wished to pay a special tribute to the representatives of Guinea and Costa Rica, who, as Chairman and Vice-Chairman, respectively, had made an important contribution to the Special Committee's work.

3. The Committee already had before it a number of replies received from Member States to the Secretary-General's letter of 21 January 1963 asking them, in accordance with paragraph 7 of resolution 1761 (XVII),

to inform the Assembly regarding action they had taken to dissuade the South African Government from pursuing its policies of apartheid. The replies received so far to the letter of 11 April 1963 from the Chairman of the Special Committee to the Ministers for Foreign Affairs of Member States appeared in annex V to document A/5497/Add.1.

4. He wished to draw attention to paragraphs 441-459 of the Special Committee's third report, particularly those paragraphs rejecting the claim of the Government of South Africa that it was a victim of the cold war, calling on all Members to co-operate in endeavouring to put an end to the dangerous situation in South Africa, emphasizing that the true interests of all the peoples of that country could be served only by a policy which would ensure equality for all, and expressing the conviction that the policies of apartheid constituted a serious threat to the maintenance of international peace and security. Paragraphs 508-517 set forth the Special Committee's recommendations to the General Assembly and the Security Council. The steps recommended were not to be regarded as punitive measures but rather as measures designed to convince the South African Government that its present policies could not prevail and to persuade it to adopt the course of peaceful negotiations.

5. Mr. DIALLO Telli (Guinea) recalled his remarks to the Special Political Committee at the 378th meeting concerning the rapidly deteriorating situation in South Africa. His delegation had just received the alarming news that the South African Government intended to conduct a mass trial of thirty persons representing all the different racial groups in the country on charges of sabotage. Information concerning some of those persons could be found in document A/AC.115/L.28. As the Committee was aware, the General Law Amendment Act of 1962 concerning sabotage was an arbitrary law which placed on the accused the burden of proof of innocence, imposed a minimum penalty of five years' imprisonment and a maximum penalty of death for sabotage and could be so interpreted in such a way as to make workers guilty of sabotage for merely going on unauthorized strike. The International Commission of Jurists had described it, in its Bulletin No. 14, as an important if not a final step towards the elimination of all rights and guarantees under law.

6. In view of the seriousness of the recent developments in South Africa he proposed that the Committee should proceed immediately to hear Mr. Oliver Tambo, Deputy President of the African National Congress of South Africa, on the subject of the forthcoming trial, without prejudice to the fuller hearing which it had agreed to grant him.

*It was so decided.*

*At the invitation of the Chairman, Mr. Oliver Tambo, Deputy President of the African National Congress of South Africa, took a place at the Committee table.*

7. Mr. TAMBO (African National Congress of South Africa) said that while he recognized the efforts the United Nations was making to induce South Africa to abandon its racial policies, he felt that the nations of the world could not be appealed to too often to call South Africa to sanity, for the damage it was doing might prove impossible to repair. The Africans of South Africa deeply appreciated the steps taken by various Governments against the present South African Government but they had a deep feeling of grievance with regard to those countries which were supporting it in its policy of racial discrimination, thus encouraging it to defy the United Nations and to liquidate the opponents of its policies.

8. In that connexion, he wished to draw attention to a development which called for urgent action. On the day when the Committee was opening its debate on the present item, thirty persons were appearing before a Supreme Court Judge in South Africa, accused of "sabotage". They included Nelson Mandela and Walter Sisulu, whose names were household words throughout South Africa; Govan Mbeki, a top-ranking political leader and economist; Ahmed Kathrada, a South African of Indian extraction who had been a passive resister in 1946 and had participated actively in the struggle against the Group Areas Act and other forms of racial discrimination; Denis Goldberg, a white South African whose home had been the scene of a bomb outrage by government supporters in 1962 because of his sympathy with the African cause; and Ruth Slovo (also known as Ruth West), a South African white journalist and writer and the mother of three children. The others accused were all outstanding Nationalist leaders who had long been associated with the struggle against apartheid.

9. The charge against them was "sabotage", meaning any act which contravened the apartheid laws; and if found guilty, they could be sentenced to death. Since the 1956 treason trials, the law had been so altered that it was now practically impossible for an accused person to escape conviction. Lawyers who accepted briefs to defend political prisoners were subjected to intimidation and it had become difficult to find counsel for such persons. That had been particularly true of the present trial. In addition, the prosecution could prepare its case at leisure, but the defence was given very little time, as the accused were not informed of the charge against them until they appeared in Court. They usually had very little time to prepare their defence, as the time allowed for it was at the discretion of the Court and the State usually wished the prosecution to proceed with dispatch.

10. An atmosphere of crisis had been whipped up and was reflected in the severity of the sentences passed by the judges and in the remarks judges made. For instance, a judge in Pretoria sentencing seven Africans to twenty years' imprisonment each for allegedly receiving training in the use of firearms outside South Africa, said that he had seriously considered sentencing them to death but had not done so because he had felt that they had been misled. That gave some indication of the sentences likely to be passed on those found guilty of "sabotage"; it was already known that the State would ask for the death penalty. More than 5,000 political prisoners were detained in South African gaols, and in September three of them had died in circumstances which suggested that they had been deliberately killed. That had happened only very shortly after the Security Council had adopted the

resolution of 7 August 1963,<sup>1/</sup> calling for the release of all persons who had been imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid.

11. The United Nations could surely not stand by while South Africans of whatever race faced death or life imprisonment for resisting the South African Government's violations of the United Nations Charter and the Universal Declaration of Human Rights, and fought to liberate their people and end racial discrimination. If the developments he had mentioned were judged sufficiently serious for immediate action, he would be content to leave the nature of that action to the Committee.

12. Mr. SIDI BABA (Morocco) proposed that Mr. Tambo's statement should be reproduced in full as a Committee document.

*It was so decided.<sup>2/</sup>*

13. Mr. DIALLO Telli (Guinea) said that as Chairman of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa he would refrain from expressing any comment on the nature and importance of the information contained in that Committee's report. However, he would like to express his personal gratitude and that of the whole Committee to the Rapporteur, Mr. Koirala (Nepal), and to congratulate the Committee's Vice-Chairman, Mr. Volio (Costa Rica), on his outstanding contribution to the Committee's work. He also thanked the Chairman of the Sub-Committee on Petitions, Mr. Ibe (Nigeria), and all the members of the Special Committee with whose help the work had been carried on in an atmosphere of confidence and co-operation. Finally, he stressed the devotion and competence shown by the members of the Secretariat under the responsibility of Mr. Suslov and the direction of Mr. Reddy, the principal Secretary of the Committee.

14. After recalling that each year since 1946 the United Nations had had to concern itself with South Africa's racial policy and that, apart from the general aspect of apartheid proper, it had also had to consider the question of the treatment of persons of Indian and Pakistan origin and the extension of the practices of racial discrimination to the mandated territory of South West Africa, he noted that the policy of apartheid had been the subject of thirty General Assembly resolutions and two Security Council resolutions. The refusal of the South African Government to comply with those resolutions constituted a challenge which, if not taken up, would seriously endanger not only the stability and peace of Africa but also the very foundations of the United Nations. In that respect General Assembly resolution 1761 (XVII) had been a decisive turning-point. In the first place, by establishing the Special Committee the General Assembly had showed unequivocally that the question of apartheid must be kept under constant review by a permanent body until it was satisfactorily settled. Then, by requesting the Security Council to take the necessary measures, it had indicated that all the principal organs of the United Nations should co-operate in seeking a solution. Finally, Member States were urged for the first time to apply sanctions in order to induce the South African Government to abandon its racial policy.

<sup>1/</sup> Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963, document S/5386.

<sup>2/</sup> The complete text of the statement by the Deputy President of the African National Congress of South Africa was subsequently circulated as document A/SPC/80.

15. In spite of all the efforts made since then, the situation in South Africa had continued to deteriorate and it was the duty of the eighteenth session of the General Assembly to find a solution, or at least the beginning of a solution. Delegations had been almost unanimous on that subject during the general debate in the plenary Assembly and the representatives of the African countries had uttered a cry of alarm which reflected not only the indignation, impatience and wrath of their peoples but also the decision taken at Addis Ababa by the Summit Conference of Independent African States to make one last peaceful effort in the United Nations. But if the great Powers which, directly or indirectly, were supporting the South African Government were to show a lack of realism the peoples of Africa would be compelled to use all the means at their disposal, including the eventual recourse to force, in order to extirpate the cancerous growth of apartheid. The best solution would doubtless be to apply the General Assembly and Security Council resolutions; if they proved inadequate, then new and more vigorous action would have to be envisaged.

16. With regard to the nature of apartheid, he referred to the three reports of the Special Committee, particularly the most recent (A/5497) which gave a precise idea of the characteristics of what the South African Government, in order to hoodwink public opinion, now called a "policy of separate development". He did not propose to give a detailed description of the practices of apartheid, but since the spokesmen of several States and representatives of the world Press had recommended a moderate attitude towards South Africa, it was important to have a clear understanding of the true meaning of that system. Apartheid meant specifically that Africans lived in destitution in a country of substantial wealth, that millions of Africans suffered from malnutrition or died of hunger, and that the rate of infant mortality among the Africans was 400 per 1,000. Apartheid meant that Africans were forbidden to move about freely within their own country; it meant confinement to poverty-stricken areas, the arbitrary displacement of people and the impossibility of having a family life. Apartheid meant blind repression, arbitrary imprisonment and floggings; it meant constant humiliation for the sole crime of not having a white skin. The entire international community was directly concerned by a situation which degraded the coloured man to such an extent, which flouted the United Nations Charter and trampled underfoot the dignity of the African people and of man.

17. Recalling the South African Government's contention that a choice had to be made between white supremacy and domination by the Africans, he said that where the system of apartheid, which was even worse than Nazism, was concerned, there could be no question of accepting a compromise. But Africans had suffered too much from slavery, colonialism and racial discrimination to impose oppression on others. Men from all continents were welcome in Africa provided that they respected the principles of equality and democracy and bore constantly in mind the interests of the continent. On the other hand, the African peoples would remember for generations all collusion and complicity with the fascist régime in South Africa and any encouragement calculated to lead that country to perpetuate and intensify the oppression of the non-Whites. In that respect it was clear that the solution to the tragedy of apartheid was in the hands of South Africa's allies, as official statements of the South African Government itself proved. The Pretoria Government was

convinced that no effective action would be taken against it by the countries which were making substantial profits from their trade with South Africa and from their capital investment in that country; that meant mainly the United Kingdom, the United States of America, Western Germany, Japan, Italy, France, Belgium and the Netherlands, which accounted for nearly four-fifths of South Africa's foreign trade. Moreover, the South African Government considered that its geographical position and its part in the cold war gave it the right to privileged treatment and special consideration on the part of the Western Powers. It also relied on the colonial Powers which administered neighbouring territories—the United Kingdom and Portugal—to insulate it from the national liberation movement. Finally, it had succeeded in attracting a number of settlers and mercenaries from Kenya, Katanga and Algeria, and it had mobilized the entire white population relying on fear to unite all the Whites behind it.

18. Those States which traditionally maintained close relations with South Africa thus had a special responsibility. That applied particularly to the United Kingdom, which was the main supplier of arms to South Africa, and for that reason a special appeal would have to be made to the United Kingdom to place its obligations as a founder member of the United Nations above its material interests; the success or failure of the peaceful efforts of the United Nations would depend to a great extent on the reply to that appeal and on the sincere collaboration of the United Kingdom. He was glad to see that the Scandinavian countries had decided to join in the efforts of the African countries and, after noting with satisfaction the United States statement in the Security Council (1052nd meeting) regarding the cessation of sales of military equipment to the South African Government, he expressed the hope that France, Italy, Spain, Belgium, Western Germany and Portugal would follow that example. In his view all the States concerned should be asked to boycott the De Beers Company, a central organization for the sale of diamonds which was known to be financing the construction of two armaments factories in South Africa, for otherwise they would be helping indirectly to bolster up the system of apartheid. In addition, the process of decolonization in Central and Southern Africa should be accelerated in order to prevent the collusion between the Portuguese colonialists and the South African racists illustrated by the new transit facilities granted to South African aircraft in Angola and the Cape Verde Islands and by the illegal arrest in Mozambique of the South African leader, Dennis Brutus, who had been handed over to the South African police.

19. Reviewing the various measures recommended by the Special Committee, he noted that, at the political level, it had requested that the General Assembly should give special attention to the situation of the South African leaders who had been imprisoned and had urged that the right of asylum was respected in the case of South African refugees. The Secretary-General could provide the victims of apartheid with United Nations relief and assistance through the Red Cross and other international organizations. In the military and economic fields, where the attitude of South Africa's allies would be decisive, the report placed particular emphasis on the need to discourage military expansion and to prevent or discourage investments in South Africa by all possible means; in that connexion, in any case, the African States would

not be slow to envisage retaliatory measures against any company or State which continued to invest in South Africa. In addition, since the steps taken against South African aircraft and ships had proved inadequate, prohibitory measures would have to be extended to cover all aircraft or ships bound for or returning from South Africa. Finally—and there Iran would have a decisive role to play—the Committee had suggested an embargo on petroleum products and, if necessary, a blockade under the auspices of the United Nations. At the diplomatic level, Member States had been asked to prevent their nationals emigrating to South Africa, to give maximum publicity to the efforts of the United Nations and to discourage and counteract propaganda by the South African Government.

20. In addition to the strengthening of political, diplomatic and economic sanctions the Special Committee had recommended any new measures which might be taken under the terms of the Charter providing for the suspension of a Member State's rights and privileges and for its outright expulsion. It was surprising that those Member States which had helped to draw up Articles 5 and 6 of the Charter should now refuse to apply them. Such an attitude was equivalent to the contention that those provisions were impossible to apply and, in fact, to a violation of the Charter. In any case, various declarations made by the South African Government revealed such contempt for the United Nations that that Government seemed actually to have excluded itself from the Organization. In those circumstances the Credentials Committee should convene without delay so that the General Assembly could invalidate the credentials of the South African representatives. With regard to the measures of suspension or expulsion, the African States as a whole would decide their joint stand in the light of the directives issued by the Addis Ababa Summit Conference and of the conclusions set forth in the Secretary-General's report.

21. In conclusion, he stressed that the South African Government seemed to have lost any chance of bringing the situation back to normal of its own accord and consequently special measures were needed if Africa and the world were to avoid a holocaust. For one thing, South Africa's mandate over South West Africa should be annulled and the Territory's independence proclaimed; for another, South Africa's allies must take a clear stand and must remember that their choice, upon which their relations with Africa depended, could lead to the triumph of peaceful solutions or the use of force, since apartheid, whatever the cost, must and certainly would disappear.

22. Mr. AMONOO (Ghana) proposed that the text of the Guinean representative's statement should be circulated in full.

23. Mr. NATWAR SINGH (India) supported the proposal.

*It was so decided.*<sup>3/</sup>

24. Mr. VOLIO (Costa Rica), speaking as Vice-Chairman of the Special Committee, congratulated the Rapporteur on his very interesting and objective report. He also congratulated the representative of Guinea on his brilliant service as Chairman and conveyed his appreciation to all the members of the Special Committee and to its secretariat.

<sup>3/</sup> The complete text of the statement by the representative of Guinea was subsequently circulated as document A/SPC/81.

25. In the opening stage of the debate, there were one or two points which he wished to make in connexion with the report. His delegation reserved the right to intervene again on the substance of the item at a later stage. First, he wished to rebut the South African Government's contention that by its policy of apartheid it was defending Western interests. Costa Rica could not agree to the identification of Western principles with a policy of racial discrimination; the values and principles of Western civilization were based on respect for human rights which were totally disregarded by the South African Government. Fortunately, the Special Committee had rejected the claim that the struggle against apartheid was part of the cold war, and had made it clear that it was part of the general effort of the United Nations to promote human rights throughout the world. During the proceedings in the Special Committee, Costa Rica had been particularly interested in the views of the petitioners from various sectors of the population regarding the prospects for a multi-racial society in South Africa after apartheid had been brought to an end. All the petitioners, it was glad to note, had expressed a desire to form a true multiracial society with justice and rights for all.

26. The United Nations must continue its campaign against the South African Government's policies despite its apparent frustration. Had it not been for the United Nations decision to take up the question of apartheid, the world would not have united its moral force and material efforts in an attempt to bring that system to an end. The United Nations must not lose hope, therefore, but must continue to explore every means of convincing the Government of the Republic of South Africa that it must cease its defiance of world opinion and abandon its policy of racial segregation. The United Nations must be ready to act, therefore, on any indication of a more receptive attitude on the part of the South African Government to the appeals of the Organization. Costa Rica was well aware of the South African Government's persistent refusal to recognize that the United Nations was competent to discuss its apartheid policies. At the same time his country would not give up hope that South Africa might be brought to realize the danger of its position and to seek a solution which would be acceptable to its people and to the world community represented in the United Nations.

27. Mr. PLIMPTON (United States of America) said he had listened with the closest attention to the officers of the Special Committee, and looked forward to reading in detail the statements of the Guinean representative and of Mr. Tambo. The United States delegation had also listened with sympathetic interest to the ideas advanced in the general debate in the General Assembly by the Foreign Minister of Denmark and his Nordic colleagues. It shared their conviction as to the need for all parties to consider the long-term problems of generating an atmosphere in South Africa which could lead to the changes that all desired in order to end the racial stalemate in that country. There was no doubt that every Member of the United Nations was unalterably opposed to South Africa's racial policies, and that position would be made clear in emphatic terms. In reiterating their basic positions, however, delegations should concentrate on the positive aspect and should try to map out a realistic course for the United Nations, in which the Organization would be cast in the role of a harbinger of peaceful solutions rather than a catalyst for violence. His

delegation would state its views on the substance of the item at a later stage.

28. Mr. DADDAH (Mauritania) reported that his country had not only closed its ports and airfields to all ships and aircraft travelling to or from South Africa, but had also banned their use to all other vessels and aircraft carrying South African citizens.

29. He agreed that the Western Powers mentioned by the representative of Guinea had the great responsibility of putting an end to the continuation of apartheid in South Africa. The South African Government could well be profoundly influenced in its attitude if it felt that it no longer had the support of those Powers, which were also its principal suppliers.

30. His delegation reserved the right to speak on the substance of the item at a later stage.

31. Mr. ABEDI (Tanganyika) agreed with the representative of Guinea that the South African Government had been encouraged to continue its repressive policies by the fact that some Member States still maintained commercial, economic and other relations with it. He therefore suggested that the representatives of the United States of America, France, Japan, the United Kingdom and Italy should take the floor first in order to make their positions clear. If they did so the Committee would be in a better position to decide upon its future action.

32. The CHAIRMAN informed the Committee that he had received a cabled request from a petitioner, the Right Rev. R. Ambrose Reeves, former Bishop of Johannesburg, for a hearing on 17 or 18 October.

33. Mr. DIALLO Telli (Guinea) supported the petitioner's application. Bishop Reeves, who was well known in Africa as a strong opponent of apartheid, had been deported from South Africa in 1960 for protesting against the Sharpeville massacre. Since then he had been fighting apartheid from the United Kingdom and had already co-operated with the Special Committee, to which he had submitted a number of memoranda.

34. Mr. EL-ZAYYAT (United Arab Republic) also supported the application.

*It was decided to accept the petitioner's application for a hearing on 17 or 18 October.*

35. At the request of the Chairman, Mr. CHAI (Secretary of the Committee) read out the text of a letter addressed to the Chairman by the leader of the South African delegation on 8 October. The letter made reference to the decision taken by the Special Political Committee at its 378th meeting to grant an oral hearing to a petitioner from South Africa on the item before the Committee. The South African delegation, the letter continued, pursuant to its policy of not participating in the proceedings of the Committee on that item, had not been present when that decision was taken. In addition, its attitude towards the granting of oral hearings was too well known to need enlarging upon. In the present instance, however, a new precedent of far-reaching implications had been established. By its decision, the Committee had decided that the General Assembly could accord an oral hearing to a petitioner who was a citizen of a State Member of the Organization when the General Assembly was considering matters within the domestic jurisdiction of that Member State. The practice of oral hearings, originally adopted with respect to Trust Territories and then extended to Non-Self-Governing Territories, was now to be applied to metropolitan Member States themselves.

36. The South African delegation wished to record its strongest reservations on, and objections to, an unprecedented decision which constituted a clear breach of the letter and spirit of the Charter. It also called upon all other delegations to reflect most seriously on the portents which that decision might hold for them at some time in the future, since the precedent thus established could open the way for dissident elements in each State Member of the Organization to establish the right of oral petition in the United Nations against a legally constituted and duly recognized Government.

37. Mr. DIALLO Telli (Guinea) considered that the work of the Committee was in some ways facilitated by the absence of the South African delegation. Whether or not the present South African Government remained a member of the Organization was immaterial to the issue, which could better be resolved if that Government would leave South Africa. Meanwhile, the Committee must work to bring the country itself back into its deliberations and that could only be done by giving a voice to the majority of its population.

The meeting rose at 12.50 p.m.