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Various 1960's United Nations Documents on South Africa

Document 26

Report of the Special Committee on the policies of apartheid of the Government of the Republic of South Africa (Conclusions and Recommendations).

A/5497, 16 September 1963

CONCLUSIONS AND RECOMMENDATIONS

A . RACIAL POLICIES OF THE REPUBLIC OF SOUTH AFRICA

AND THEIR REPERCUSSIONS

434. In the discharge of its mandate under operative paragraph 5 of General Assembly resolution 1761 (XVII), the Special Committee has carefully reviewed the racial policies of the Government of the Republic of South Africa; taken note of numerous communications from Governments, non-governmental organizations and individuals; heard a number of petitioners; and studied official statements and documents of the South African Government, as well as reports in the Press.

435. The results of the Committee's study, as indicated in the two interim reports and the present report, make it clear that the Government of the

Republic of South Africa has not only not complied with the General Assembly resolution, but has taken further measures to aggravate the situation. It has likewise not complied with the provisions of the Security Council resolutions of 1 April 1960 (for the text, see annex II) and 7 August 1963 (for the text, see paragraph 57).

436. The Special Committee notes that the Government of the Republic of South Africa continues to implement the mass of discriminatory and repressive legislation, and has added to it serious new measures such as the Transkei Constitution Act, 1963, the Bantu Laws Amendment Act, 1963, and the General Law Amendment Act, 1962.

437. During the period since 6 November 1962, the Government has uprooted thousands of families from their homes in the urban areas and expelled many thousands of persons from these areas. Hundreds of thousands of persons have been arrested under pass laws and other racially discriminatory measures. The non-whites have been excluded from new categories of employment. A reign of terror has been instituted against opponents of apartheid: the leaders of the non-Whites have been jailed or restricted, and thousands of persons have been thrown in jail for opposition to apartheid, with no certainty of ever being set free. Harsh penalties have been imposed on members of the major non-white organizations. Simultaneously, efforts are being made to set up colonial enclaves in the African reserves as a means to consolidate white supremacy.

438. The Government has openly relied on its political, military and economic power to defy the will of the great majority of the people of South Africa, as well as that of the United Nations. With ruthless measures of repression, it has denied all avenues for peaceful change, greatly increased tension within the country and has created the grave danger of a violent conflict which cannot but have serious international repercussions.

439. The Special Committee notes that, far from pausing to consider means of complying with the provisions of the resolutions of the General Assembly and the Security Council, the Government of the Republic of South Africa has reacted to these resolutions by new and harsher measures of repression against its opponents. The hastening of apartheid measures, and attempts to rally its supporters to mere stubborn resistance to the legitimate and urgent demands of the international community. The unrepresentative and minority Government of the Republic of South Africa continues thus to pursue an increasingly isolationist course and policy, dragging the overwhelming majority of the inhabitants against their wishes away from the mainstream of international life and cooperation and iron the benefits and advantages deriving therefrom.

440. The Special Committee notes that the attitude of the Government of the Republic of South Africa to the Security Council resolution of 7 August 1963, described in the previous chapter, deserves particular condemnation in the light of Article 25 of the United Nations Charter. In calling for a report by the Secretary-General by 30 October 1963, the Security Council

gave sufficient time for the South African Government to reconsider its position and take meaningful steps towards compliance so that additional measures may be avoided. The Special Committee feels that the utterly negative reaction of the South African Government makes it essential to consider, with no further delay, possible new measures in accordance with the Charter which provides for stronger political, diplomatic and economic sanctions, suspension of the rights and privileges of the Republic of South Africa as a Member State, and expulsion from the United Nations and its specialized agencies.

Certain aspects of the situation in the Republic of South Africa

441. Before discussing such measures, the Special Committee wishes to submit certain observations on the salient aspects of the problem.

442. First, the Special Committee wishes to emphasize that the problem in South Africa is not merely the perpetuation of inequalities arising from historic developments or the continued existence of such inequities as the denial of franchise to a majority of the population, the separation of peoples by race or the discrimination in the sharing of the fruits of labour. Such terms as segregation and discrimination can hardly describe the humiliation and oppression to which millions of people, who constitute a large majority of the population of the country, have been subjected by the policies of its Government.

443. Second, the Special Committee considers that the problem is not one of a peculiar political or social system which democratic-minded peoples find objectionable, but of an official policy of a State, a tyrannical policy imposed for purposes which are repugnant to the fundamental principles of the United Nations Charter. The racist creed that the policies of apartheid are based on is not only unjust, but is the very antithesis of the concept of international co-operation which is at the root of the existence of the United Nations.

444. Third, the Special Committee rejects the claims of the Government of the Republic of South Africa that it is, by its policy, defending the Western or Christian civilization in its territory or that it is the victim of attacks led by one of the protagonists of the cold war. The Special Committee notes that the policies of the Republic of South Africa are a matter of concern to all States and to all peoples. They have been denounced almost unanimously by Member States and by world public opinion. It is the responsibility of all Member States, irrespective of other differences, to co-operate in an endeavour to put an end to the dangerous situation in the Republic of South Africa, in the interests solely of the people of South Africa and the maintenance of international peace and security.

443. Fourth, the Special Committee reiterates its view, stated in its first interim report (see annex III), that the problem in the Republic of South Africa is not one of colour or race but "the consequence of a racialist ideology enshrined as State Policy and implemented by force against the

majority of the people of the country, despite the obligations of the Government of the Republic of South Africa under the United Nations Charter" (annex III, para. 22).

446. The hearings of the petitioners and the review of the developments have underscored the Committee's view that the policies of apartheid are detrimental to the interests of all sections of the population of the Republic of South Africa. These policies cannot be implemented without undermining the freedom and human rights of all persons, Whites and non-whites alike. Indeed, as the Committee stated in the declaration issued by its Chairman and Rapporteur on the occasion of the publication of its second interim report, which appeared in The United Nations Press Release GA/AP/13 :

"The present Government of the Republic of South Africa offers for all time no other future to its non-white population than perpetual subordination. Though it describes itself as engaged in a struggle for the survival of the white population, it deliberately imperils their own safety and offers them no other destiny than a hopeless struggle for domination."

447. The Special Committee rejects as unfounded the claim of the Government of South Africa that the choice in South Africa is between white domination and the end of the white community in the country. It feels that the white community cannot ensure its survival by seeking perpetual domination over the non-whites, and that efforts to that end can only lead to catastrophic consequences.

448. Contrary to the assertions of the Government of the Republic of South Africa, the Special Committee noted that the major non-white organizations favour equality of all citizens, irrespective of race, and that they have repeatedly expressed a desire for discussions to ensure progress towards equality. It has also noted with great satisfaction that among those who oppose the policies of apartheid, despite severe repression, are members of all racial groups in the country, including many Whites.

449. The United Nations has already made clear in General Assembly resolution 616 B (VII), reaffirmed in subsequent resolutions, that the peaceful development of a unified community in multiracial societies such as the Republic of South Africa would best be assured "when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality". The Special Committee feels that this is the only course which can serve the true interests of all the peoples of the Republic of South Africa, irrespective of race or colour.

450. Fifth, the Special Committee notes that the harsh repressive measures instituted by the Government frustrate the possibilities for peaceful settlement, enhance hostility among the racial groups, and precipitate a violent conflict with incalculable harm to persons of all racial groups in

the country, to friendly relations among States and to the maintenance of peace in Africa and the world.

431. The Special Committee, therefore, attaches the utmost importance to the release of political prisoners, withdrawal of orders of banishment and other restraints against political leaders and the abolition of repressive legislation. Moreover, it takes note of the serious and special hardship faced by the families of persons persecuted only because of their opposition to the policies of apartheid and considers that the international community, for humanitarian reasons, should provide them with relief and other assistance.

452. Sixth, it is the duty and in the interest of the leaders and people of the Republic of South Africa to seek the aid and support of the United Nations to help them overcome the burdensome legacy of inequality, prejudice, tension and fear.

453. The present Government, however, has aggravated the tensions in the country and attempted to entrench itself in power by utilizing the fears and prejudices of the white population. The Special Committee feels, therefore, that in order to put an end to the explosive situation in the country, it is essential that the white community in South Africa should be made to realize that the Government's plans to reinforce white supremacy cannot succeed and will only lead to needless suffering for all concerned.

454. Seventh, the Special Committee notes that the racial policies of the Government of the Republic of South Africa have long been matters of international concern. The General Assembly has dealt with this problem at every session since 1946 and adopted numerous resolutions with a view to dissuading the South African Government from its racial policies. The Security Council has twice considered the matter and adopted resolutions on 1 April 1960 and 7 August 1963.

455. The Special Committee recalls that, as early as the first session in 1946, the General Assembly noted that friendly relations between South Africa and India had been impaired because of the treatment of people of Indian origin in South Africa. It notes that the refusal of the South African Government to implement the recommendations of the General Assembly led to further aggravation of its relations with the Governments of India and Pakistan.

456. The Special Committee also recalls that the General Assembly and the Security Council have repeatedly recognized that the continuance of the racial policies of the Government of South Africa has led to international friction and seriously endangered international peace and security.

457. It recalls further that the Government of South Africa has extended its racial policies to the mandated Territory of South West Africa, and has refused to fulfil its obligation towards that Territory, defying numerous resolutions of the General Assembly. The report on South West Africa by the

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Rev.1, chap. IV), and recent statements of the Government of the Republic of South Africa concerning South West Africa, indicate the grave dangers created by the policies of apartheid, as the South African Government threatens to prevent by force the fulfilment of the responsibilities of the United Nations towards the people of South West Africa.

458. Further, the recent developments in the colonial territories in southern Africa indicate that the racial policies of the South African Government are a grave hindrance to the peaceful and speedy development of the neighbouring colonial territories to independence and prosperity.

459. The Special Committee wishes to emphasize that, in the context of the historic developments in Asia and Africa since the establishment of the United Nations, the policies and actions of the Republic of South Africa have increasingly serious international repercussions. They have become a constant provocation to peoples beyond the borders of the Republic who feel an affinity with the oppressed people of South Africa, and to all opponents of racism everywhere. They have compelled many States to break relations with the Republic of South Africa or to refrain from establishing relations. They have caused friction between African and other States on the one hand, and Governments which, these States feel, have not taken adequate measures to dissuade the Government of the Republic of South Africa from its present policies. Finally, they constitute a serious threat to the maintenance of international peace and security.

B. MEASURES TO DISSUADE THE GOVERNMENT OF SOUTH AFRICA FROM ITS PRESENT POLICIES

460. The General Assembly and the Security Council have repeatedly appealed to the Government of South Africa since 1946 to modify its policies in order to conform with its obligations under the Charter. As these appeals were not heeded, it became essential that effective measures be taken to induce that Government to recognize the folly of its policies and fulfil its obligations. General Assembly resolution 1761 (XVII) of 6 November 1962 represented a new stage in the United Nations consideration of the matter as it recommended specific measures for implementation by all Member States.

461. In operative paragraph 4 of that resolution, the General Assembly

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

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

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

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

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

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

462. The Security Council, in its resolution of 7 August 1963, taking note of General Assembly resolution 1761 (XVII) and the interim reports of the Special Committee, again called upon the Government of South Africa to abandon its policies of apartheid and discrimination; called for the liberation of all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid; and solemnly called upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa (see paragraph 57).

463. The Special Committee considers that these resolutions represent important steps in the efforts of the United Nations to dissuade the Government of South Africa from its disastrous policies and deserve full support by all Member States. In this connexion, the Special Committee wishes to make the following observations.

464. The Special Committee notes the increasing abhorrence by world public opinion of the racial policies of the Government of the Republic of South Africa and the growing recognition that the continuation of these policies would seriously endanger the maintenance of international peace.

465. Member States of the United Nations have condemned the racial policies of the Republic of South Africa by ever-increasing majorities, and recognized that effective and prompt measures need to be taken by the international community to deal with the problem. No Member State has condoned or defended these policies.

466. A number of United Nations bodies have been obliged to take action in view of the effects of the policies of apartheid in their fields of competence.

467. The sixteenth World Health Assembly in May 1963 adopted a resolution noting that the conditions imposed upon the non-white population of South Africa seriously prejudiced their physical, mental and social health, and was contrary to the principles of the Organization; inviting the Government of the Republic of South Africa to renounce the policy of apartheid, and take appropriate measures so that all populations of South Africa would benefit by the public health services of that country; undertaking, within the provisions of the Constitution of the Organization, to support all measures that may be taken to contribute towards the solution of the problem

of apartheid; and requesting the Director-General to transmit the resolution to the Special Committee (see A/AC.115/L.13).

468. The Governing Body of the International Labour Office adopted three resolutions in June 1963 deciding inter alia that the Republic of South Africa be excluded from meetings of the International Labour Organisation, the membership of which is determined by the Governing Body; that the Director-General be invited to provide the full co-operation of the Organisation in United Nations action relating to the Republic of South Africa; and that the Director-General, accompanied by a tripartite delegation of the Governing Body, should meet the Secretary-General of the United Nations to express the grave concern of the forty-seventh International Labour Conference and the Governing Body on the subject of apartheid and jointly seek a solution of the problems posed by the membership of the Republic of South Africa so long as it continues to maintain its present policy (see A/AC.115/L.12).

469. The Economic and Social Council decided by resolution 974 D (XXXVI), part IV, adopted on 30 July 1963 that, in accordance with the recommendation of the Economic Commission for Africa, the Republic of South Africa, the Republic of South Africa "shall not take part in the work of the Economic Commission for Africa, until the Council, on the recommendation of the Economic Commission for Africa, shall find that conditions for constructive co-operation have been restored by a change in its racial policy".

470. The Special Committee has, moreover, taken note of the condemnation of the racial policies of South Africa by numerous non-governmental organizations which represent great segments of humanity, and of concrete measures taken by many organizations and individuals, despite serious sacrifices, to assist in the solution of the problem (see paragraph 26).

471. The Special Committee attaches great significance to the moral isolation of the Government of the Republic of South Africa which these developments represent. However, in view of the failure of efforts at persuasion to dissuade the Government of the Republic of South Africa from pursuing its disastrous course, the implementation of the concrete measures recommended by the General Assembly and the Security Council has become imperative.

472. The Special Committee draws the attention of the General Assembly and the Security Council to the replies received from Member States to the letter dated 11 April 1963 by the Chairman of the Special Committee, which are annexed to this report (see annex V).

473. The Special Committee notes with great satisfaction that a number of Member States have reported effective measures taken by them in accordance with the provisions of General Assembly resolution 1761 (XVII). It notes that a number of other States have taken similar measures and awaits reports from them in due course. It recognizes that the adoption of such measures represents a substantial sacrifice for many Member States.

474. The Special Committee wishes to express its great appreciation to all Member States which have thus given concrete evidence of their attachment to international solidarity and their abhorrence of racial discrimination. It has noted with satisfaction the fact that many developing countries have made great sacrifices and have thereby shown their determination to contribute to the speedy solution of the problem.

475. The Special Committee notes in connexion with operative paragraph 4 (a) of General Assembly resolution 1761 (XVII), that States other than those which maintained diplomatic representatives in the Republic of South Africa on 6 November 1962, have refrained from establishing diplomatic relations with the Republic. A number of States have taken effective action in pursuance of operative paragraph 4 (b) to (e) concerning trade, and the landing and passage rights of South African ships and aircraft.

476. Moreover, the Special Committee notes that in the light of the Conclusions of its first interim report (see annex III), supported unanimously by the Summit Conference of Independent African States, a number of countries have broken off consular relations or have refrained from establishing such relations, and have denied use of their air space to the aircraft of the Republic of South Africa.

477. The Committee notes, however, that a number of countries continue to maintain diplomatic relations with the Republic of South Africa, and some have substantially increased their trade with the Republic of South Africa. The colonial powers have granted new passage and overflight facilities to provide alternate routes to South African aircraft, while various non-African States continue to grant landing and passage rights.

478. The Special Committee feels, therefore, that the United Nations must insist that all Member States should adopt the measures recommended in General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963. Further, in view of the rapid deterioration of the situation in the Republic of South Africa and in order to ensure effective international action, the Special Committee feels that consideration should be given to appropriate additional measures.

479. The Special Committee is convinced that the Government of the Republic of South Africa could not have continued its disastrous policies and cannot continue them further, in opposition to world opinion, if the international community had not been patient and refrained from effective economic and other measures to induce it to abandon its policies.

480. The crucial aspect of the present system in the Republic of South Africa, defended by the power of its Government, is the appropriation of a disproportionate share of the fruits of labour of all racial groups for the benefit of the white minority. Political rights are restricted to the Whites and a tyranny imposed over the country to ensure a perpetuation of this inequity. The Government appeals to the material interests of the Whites,

and to the very dangers and fears generated by its policies, to ensure the support of the white electorate and remain in power.

481. The international community, however, has adequate means to disabuse the Government of South Africa and its supporters of their short-sighted and dangerous calculations.

482. Foreign trade plays a great role in the economy of the Republic of South Africa which depends largely on the export of a few commodities. The international community can show its determination to end the policies of apartheid by a boycott of these exports. Moreover, as the Special Committee suggested in its second interim report (annex IV), an effective embargo on petroleum and on the means to manufacture arms would have a decisive effect on South Africa.

483. Foreign investment -- mainly from a few countries -- have contributed greatly to the economic development of the Republic and continue to play a significant role. A freeze on such investments can have a serious effect on the economy of South Africa.

484. The Government of the Republic of South Africa realizes its vulnerability to international action, but has persisted in its course in the belief that effective measures to dissuade it from pursuing its policies of apartheid would not be taken in the near future. The Special Committee considers that South African statements in this connexion deserve serious consideration.

485. Spokesmen of the South African Government express confidence that the moral isolation of the Republic of South Africa with respect to its racial policies will not lead to isolation in other fields. They claim that measures recommended by the United Nations will remain ineffective as they will not be implemented by Member States which have the closest relations with the Republic. They note that the Member States which voted for General Assembly resolution 1761 (XVII) accounted for less than one-sixth of the foreign trade of the Republic of South Africa, while the Member States opposed to it accounted for nearly two-thirds. They claim, moreover, that South Africa's strategic position is so important and South Africa's role in the "cold war" so significant that the Western Powers could not accept and implement effective measures against the Republic of South Africa.

486. The Special Committee reiterates its view that the question of the policies of apartheid of the Government of the Republic of South Africa is not an aspect of the cold war (see paragraph 444). It feels, however, that the small number of States on whose cooperation the Government of the Republic of South Africa counts have a special responsibility to implement effective measures to disabuse that Government and its supporters of its hopes of continuing its policies.

487. In this connexion, the Special Committee recalls its recommendation, in

the first and second interim reports (annexes III and IV), that a special appeal be addressed to the Governments of (a) the States with traditional relations with South Africa; (b) the small number of States which account for most of the foreign trade of, and foreign investment in, the Republic of South Africa and which are the principal suppliers of arms and equipment to that country; and (c) the colonial powers responsible for the administration of territories neighbouring South Africa.

488. The Special Committee wishes to reiterate and emphasize the importance of effective measures by these States, for, without the co-operation of these States, the practical effect of the sacrifices being made at present by many others towards promoting a solution of the problem would be limited.

489. The Special Committee draws the attention of these States to the negative response of the Government of the Republic of South Africa to all efforts at persuasion by the United Nations and by Member States, and to the appeals of the major non-white organisations in South Africa for effective measures despite the temporary sacrifices which they might entail for the people of South Africa.

490. The Special Committee feels that the geographical position or strategic value of the Republic of South Africa cannot justify policies and actions which tend to permit perpetuation of racial oppression and thereby aggravate international friction and the threat to international peace and security. It notes, moreover, that the policies of the present Government of South Africa have evoked such abhorrence that any recognition of a community of interest with it tends to be regarded by large segments of world public opinion as an encouragement to that Government in its oppressive policies. Countries which claim to have special interests in the area should bear a special responsibility for taking all measures to end the present dangerous situation and ensure the speedy implementation of the decisions of the United Nations.

491. The Special Committee feels that all Member States have an obligation to respect the decisions and recommendations of the General Assembly and the Security Council, to attempt to implement them in good faith and to bring any difficulties of implementation to the attention of the United Nations, if necessary.

492. The Special Committee, however, cannot but express its regret at the actions of certain States which have increased their trade with and investment in, the Republic of South Africa, signed new trade agreements with it, provided new facilities for South African aircraft, or continue to supply military equipment to the Republic of South Africa.

493. The Special Committee feels, moreover, that special attention should be devoted to the attitudes and actions of Member States which administer colonial territories neighbouring the Republic of South Africa.

494. It notes with regret that the Government of Portugal has provided new

facilities for South African aircraft and has entered into agreements for greater co-operation with the Government of the Republic of South Africa.

495. The Special Committee has watched with serious anxiety the treatment of South African nationals opposed to the policies of apartheid in the colonial territories administered by the United Kingdom.

496. In the first three months of 1963, forty-six South Africans were arrested in Southern and Northern Rhodesia by the authorities of the Federation of Rhodesia and Nyasaland and handed over to the South African police.

497. On 1 April 1963, Basutoland police arrested eleven persons, at the offices of the Pan-Africanist Congress in Maseru (six were subsequently reported to have been released). Mr. Potlako Leballo was reported to have disappeared mysteriously during the raid.

498. On 23 May, twelve South African refugees were arrested as prohibited immigrants in Lusaka, Northern Rhodesia, by the immigration authorities of the Federation of Rhodesia and Nyasaland. They were released on 4 June after strong protests by Northern Rhodesia authorities and a successful habeas corpus action by one of the prisoners.

499. Sir John Maud, United Kingdom Ambassador to the Republic of South Africa, stated on 15 May 1963 that there could be "no question" of the United Kingdom refusing political asylum to South African refugees in the three High Commission territories of Basutoland, Swaziland and Bechuanaland, but that the United Kingdom was "against the territories being used for fomenting violence in the Republic".

500. But complaints have been made by South African refugees that the authorities in these territories have denied political asylum even within the limits of that policy statement. A number of South African refugees have been declared prohibited immigrants in the High Commission territories -- among them Mr. Patrick Duncan, a petitioner before the Special Committee.

501. The Special Committee noted with grave anxiety the reports that Dr. Kenneth Abrahams and three other South African political refugees had been kidnapped in Bechuanaland by South African authorities on 11 August 1963.

502. It has, further, noted with grave anxiety that an aircraft chartered to fly South African political refugees to Tanganyika was destroyed by explosion and fire at the Francistown airport, Bechuanaland, on 29 August. It has noted reports that Bechuanaland authorities suspected sabotage and that the South African Press had hinted that unorthodox methods might be used by the South African Government to deprive the refugees of their sense of security in neighbouring territories.

503. The Special Committee considers it essential that the General Assembly and the Security Council should insist that the colonial powers concerned

provide asylum and other facilities to South African refugees and should take no action to assist the Government of the Republic of South Africa in the pursuit of its policies of apartheid.

504. Finally, the Special Committee recalls that, in its two interim reports, it reviewed the rapid expansion of the military and police forces in the Republic of South Africa and noted with grave anxiety that this expansion not only reflects the gravity of the present situation in the country but is likely to have serious international repercussions. It provided information on the main sources of arms (see paragraph 408-413 and annex IV, appendix II) and recommended that the General Assembly and the Security Council call upon the States concerned to halt forthwith all assistance to the Government of South Africa in strengthening its armed forces. It emphasized the importance of the provision in paragraph 4 (b) of General Assembly resolution 1761 (XVII) requesting Member States to refrain from exporting any arms or ammunition to South Africa.

505. The Special Committee has noted with great satisfaction the provision in the Security Council resolution of 7 August 1963 solemnly calling upon "all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa". It has also noted with satisfaction the declaration by the United States of America that the sale of all military equipment to the Government of South Africa would be brought to an end by the end of 1963 (see paragraph 410 and annex V). It has also taken note of the declaration made by a number of other Member States concerning the measures taken by them in this respect. The Special Committee, however, cannot but express its regret that certain main suppliers of arms have not taken requisite action.

506. In connexion with the question of arms supplies, the Special Committee wishes to reiterate its conclusion that the provision in paragraph 4 (d) of General Assembly resolution 1761 (XVII) "covers the supply of all material, from government or private sources, which can be used for military purposes or for the suppression of resistance to the policies and practice of apartheid, as well as assistance, direct or indirect, for the manufacture of such material in the Republic of South Africa". It recalls, further, the following observations made by it in paragraphs 22 and 23 of its second interim report (see annex IV).

"... the Special Committee wishes to emphasize that Member States, in taking appropriate measures, should note that there is not merely the danger of a racial conflict within the Republic of South Africa, but that the present situation constitutes a threat to international peace and security.

They should refrain from supplying not merely the small arms and ammunition, but any means to increase the mobility of the security forces, as well as material which can be used by the Government of South Africa to perpetuate by force the policies of apartheid.

"The Special Committee also notes, in this connexion, that the Government of the Republic of South Africa has continued to refuse to fulfil its

obligations with respect to the mandated Territory of South West Africa."

507. The Special Committee wishes to emphasize that any distinction between equipment for external defence and that for internal security purposes is bound to be illusory and devoid of any practical interest, as the Government of the Republic of South Africa has viewed the two aspects as complementary and regards the defence forces as intended, in the first place, for the maintenance of internal security.

C. RECOMMENDATIONS

508. In the light of the foregoing observations and conclusions, the Special Committee wishes to submit the following recommendations to the General Assembly and the Security Council for their consideration.

509. First, in view of the non-compliance of the Government of the Republic of South Africa with the provisions of General Assembly resolution 1761 (XVII) and its defiance of the Security Council resolutions of 1 April 1960 (see annex II) and 7 August 1963 (see paragraph 57), the Special Committee feels that the situation should be considered without delay and with particular reference to the obligations of the Republic of South Africa under Article 25 of the Charter.

510. Second, the Special Committee deems it essential that the General Assembly and the Security Council should: (a) take note of the continued deterioration of the situation in the Republic of South Africa, in consequence of the continued imposition of discriminatory and repressive measures by its Government in violation of its obligations under the United Nations Charter, the provisions of the Universal Declaration of Human Rights and the resolutions of the General Assembly and the Security Council; (b) affirm that the policies and actions of the Republic of South Africa are incompatible with membership in the United Nations; (c) declare the determination of the Organization to take all requisite measures provided in the Charter to bring to an end the serious danger to the maintenance of international peace and security; (d) call upon all United Nations organs and agencies and all States to take appropriate steps to dissuade the Republic of South Africa from its present racial policies.

511. Third, the Special Committee deems it essential that all Member States be called upon to take requisite measures speedily to implement the relevant provisions of General Assembly resolution 1761 (XVII) and the Security Council resolution of 7 August 1963. It feels that Member States which have taken effective measures in this respect should be commended, and that an urgent invitation should be addressed to all others to take action and report without delay. It feels, moreover, that the General Assembly and the Security Council should express disapproval at the actions of certain States which have taken measures contrary to the provisions of the resolutions of the General Assembly and the Security Council on the policies of apartheid of the Government of the Republic of South Africa (see paragraphs 472-478 and 492-505).

512. Fourth, the Special Committee feels that the States responsible for the administration of territories adjacent to the Republic of South Africa should be called upon to provide asylum and relief to South African nationals who are obliged to seek refuge because of the policies of apartheid and to refrain from any action which may assist the South African authorities in the continued pursuit of their present racial policies (see paragraphs 495-503).

513. Fifth, in view of the persecution of thousands of South African nationals for their opposition to the policies of apartheid and the serious hardship faced by their families, the Special Committee considers that the international community, for humanitarian reasons, should provide them with relief and other assistance. It recommends that the Secretary-General should be requested, in consultation with the Special Committee, to find ways and means to provide such relief and assistance through appropriate international agencies (see paragraph 451).

514. Sixth, with regard to the request to the Member States by the General Assembly that they refrain from exporting all arms and ammunition to South Africa, and by the Security Council that they cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa, the Special Committee submits the following supplementary recommendations: (a) Member States should be requested not to provide any assistance, directly or indirectly in the manufacture of arms, ammunition and military vehicles in South Africa, including the supply of strategic materials, provision of technical assistance, or the granting of licenses; (b) Member States should be requested to refrain from providing training for South African military personnel; and (c) Member States should be requested to refrain from any form of co-operation with South African military and police forces.

515. Seventh, the Special Committee suggests that the General Assembly and the Security Council give consideration to additional measures, including the following, to dissuade the Government of the Republic of South Africa from its racial policies: (a) recommendation to all international agencies to take all necessary steps to deny economic or technical assistance to the Government of the Republic of South Africa, without precluding, however, humanitarian assistance to the victims of the policies of apartheid; (b) recommendation to Member States to take steps to prohibit or discourage foreign investments in South Africa and loans to the Government of the Republic of South Africa or to South African companies; (c) recommendation to Member States to consider denial of facilities for all ships and aircraft destined to or returning from the Republic of South Africa; (d) recommendation to Member States to take measures to prohibit, or at least discourage, emigration of their nationals to the Republic of South Africa, as immigrants are sought by it to reinforce its policies of apartheid; and (e) study of means to ensure an effective embargo on the supply of arms and ammunition, as well as petroleum, to the Republic of South Africa, including a blockade if necessary under the aegis of the United Nations.

516. Finally, the Special Committee feels that Member States should be urged to give maximum publicity to the efforts of the United Nations with respect to this question and take effective steps to discourage and counteract propaganda by the government of the Republic of South Africa, its agencies and various other bodies which seek to justify and defend its policies.

517. Considering the extreme gravity of the situation in the Republic of South Africa, and its serious international repercussions, the Special Committee deems it essential that the General Assembly and the Security Council should keep the matter under active consideration in order to take timely and effective measures to ensure the fulfilment of the purposes of the Charter in the Republic of South Africa. The Special Committee feels that they should consider, with no further delay, possible new measures in accordance with the Charter, which provides for stronger political, diplomatic and economic sanctions, suspension of rights and privileges of the Republic of South Africa as a Member State, and expulsion from the United Nations and its specialized agencies. The Special Committee will actively pursue its task of assisting the principal organs in connexion with this problem, and to this end invites the continued co-operation of the Member States and specialized agencies, as well as all organizations and individuals devoted to the principles of the Charter.

Document 27

Statement by Mr. per Haekkerup, Minister for Foreign Affairs of Denmark, in the General Assembly.

A/PV.1215, 25 September 1963

...

67. This leads me directly to the question of the policies of apartheid in South Africa which once again weighs heavily on our agenda. The United Nations has by now dealt with this question for a good many years. You may know how deep it has gone to the heart of everybody in Denmark. Numerous manifestations of one kind or another bear witness to the intense preoccupation of the Danish people with the question of apartheid.

68. The approach of the United Nations to the question of apartheid in South Africa has so far been, and rightly so, that apartheid must be abolished as contrary to the principles of the Charter and to human rights. Recently most of us have felt that if persuasion was not sufficient to induce the South African Government to change its policy, other means would have to be adopted. A most important step in this direction was banning exports of arms to South Africa. Other steps will undoubtedly have to follow.

69. The Danish Government is in agreement with this policy. I repeat: Denmark supports this line of action and feels that it should be pursued and pressure gradually increased. What we desire is not mere words or recommendations of a general nature, but measures the effects of which have

been carefully studied beforehand and discussed thoroughly with a view to providing sufficient support from Member States. We recognize that the African countries have special interests in this matter, interests which naturally lead them to advocate an unconditional policy of sanctions. This special position also carries special responsibilities. It might be useful to initiate within a small group a dialogue between representatives of these specially interested countries and the major commercial partners of South Africa, which eventually will have to carry the main burden of such a policy of sanctions.

70. I repeat once again that we think such a policy of pressure necessary and justified. I must, however, ask myself and ask you a question which many Members of the Assembly have certainly for some time been asking themselves quietly. that crucial question is this: Is that limited line of action through pressure sufficient in itself to bring about peaceful developments towards a solution of all aspects of the South African question? I am very much afraid that that is not so. I am very much afraid that a policy of sanctions alone -- I repeat alone -- may well defeat its own ends, aggravate the present state of tension in the area and bring the possibility of tragic events closer.

71. Apartheid today causes misery to millions of people. Its abolition will, however, pose other problems. It is the duty of the United Nations to show the way forward in solving these problems in accordance with the basic principles of the Charter. We must face the fact that the great majority of the European population in South Africa wrongly assume that abandonment of white domination means abandonment of their own existence. It is our duty to prove to them that that is not so. It is our duty to demonstrate that there is an alternative to catastrophe and that the only way towards this alternative is through the abolition of apartheid. It is our duty to give all groups in South Africa hope and confidence that, after abolition of those inhuman and abhorrent principles by which the Republic of South Africa is now guided, there will be a happy and prosperous future for everybody who has his roots and wishes to continue his life in South Africa.

72. In other words, if the approach of the United Nations has so far followed a single line, we feel that it has now become necessary for the Assembly to formulate a supplementary policy, to make clear to the world what we would like should take the place of the present set-up -- a truly democratic, multiracial society of free men, with equal rights for all individuals, irrespective of race.

73. Changing a society so deeply rooted in apartheid and dominated by a minority into such a free democratic, multiracial society may well prove to be a task which cannot be solved by the people of South Africa alone. I feel convinced that in such a process of development the United Nations will have to play a major role if we are to avoid disaster. We must consider how, if necessary, we can, in a transitional period, contribute to the maintenance of law and order and the protection of the life and civil rights of all individuals. We must likewise consider how the United Nations can best

assist South Africa in laying the foundation of its new society.

74. In our opinion it is high time for the Assembly to give thought to the positive policy to be pursued in South Africa and to the role which the United Nations should play in coming developments. Careful studies to this end should be initiated now. If not, we may one day be taken by surprise and have reason to regret it.

Document 28

Statement by Dr. Hermod Lanning, representative of Denmark, at a meeting of the Special Political Committee of the General Assembly.

A/SPC/82, 9 October 1963

...

...In our search for the basis of a new modern society in South Africa to replace apartheid, political and humanitarian ideals have by necessity led us to the concept of a truly democratic, multiracial society with equal rights for all individuals irrespective of colour and race. There have been many signs, and we have felt most encouraged by them, that this concept is shared by the African States and indeed by the great majority of the South African population.

I want, however, to take this opportunity to make it quite clear what we mean by the word "multiracial": By that we simply mean a society in which men and women of two or several races live together. It is exactly in that sense that the word is used in General Assembly resolution 616 B which was adopted by the General Assembly and which, by the way, was based on a Nordic initiative. That resolution, which is mentioned in paragraph 449 of the report of the Special Committee, declares, and I quote: "that in a multiracial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring equality before the law of all persons regardless of race, creed or colour". I hope that this makes it quite clear that in using the word "multiracial" we are not implying the concept of special protection for racial minorities. Any true democracy does by definition offer protection to minorities. But in our view it would be contrary to the very concept of multiracialism to give special protection to minorities just on the basis of race.

...

Document 29

General Assembly resolution: Release of political prisoners in South Africa.

A/RES/1881 (XVIII), 11 October 1963

The General Assembly,

...

Considering reports to the effect that the Government of South Africa is arranging the trial of a large number of political prisoners under arbitrary laws prescribing the death sentence,

Considering that such a trial will inevitably lead to a further deterioration of the already explosive situation in South Africa, thereby further disturbing international peace and security,

1. Condemns the Government of the Republic of South Africa for its failure to comply with the repeated resolutions of the General Assembly and of the Security Council calling for an end to the repression of persons opposing apartheid;
2. Requests the Government of South Africa to abandon the arbitrary trial now in progress and forthwith to grant unconditional release to all political prisoners and to all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;
3. Requests all Member States to make all necessary efforts to induce the Government of South Africa to ensure that the provisions of paragraph 2 above are put into effect immediately;

...

Document 30

Statement by Mr. Diallo Telli (Guinea), Chairman of the Special Committee against Apartheid, at the Plenary Meeting of the General Assembly on a resolution concerning the trial of Mr. Nelson Mandela and others.

A/PV. 1238, 11 October 1963

...

9. The Pretoria Government yesterday began the trial of eleven South African leaders, well known for their opposition to apartheid, on a trumped-up charge of sabotage which arbitrarily carries the death penalty.

10. The South African Minister of Justice had already announced that 165 prisoners would be charged with acts of sabotage and that inquiries were in progress in connection with similar charges against a further eighty-five prisoners.

11. The fact is that there are at this moment over 5,000 political prisoners in South Africa and that the Government is constantly carrying out whole arrests of those who oppose its policy of racial discrimination. Over 300 leaders, well known for their struggle against apartheid, have now been

taken into custody, without being brought before a court, under the recent law on imprisonment without trial.

12. These political prisoners are subjected to the most inhumane conditions: a number of them have been tortured, and some recently died in prison.

13. The South African Government's decision to proceed with this mass trial is a clear and direct challenge to the United Nations, and more particularly to the Security Council which on 7 August 1963 expressly called upon the Government of South Africa to liberate all political prisoners and all persons imprisoned, interned or subjected to other restrictions for having opposed apartheid.

...

16. The defendants now on trial include the most influential leaders of the African, Asian and European communities, who are fighting side by side for racial harmony and who are certainly the ones whom the majority of the people will call upon tomorrow to govern the country.

17. It is clear that any action placing in jeopardy the life of these revered leaders in the South African people's rightful struggle will create an irreparable situation that may destroy once and for all any chance for the various ethnic groups in South Africa to live in harmony under a regime of freedom, justice and democracy.

18. In the circumstances, the commission of the major crimes now in preparation must be prevented at all costs. On moral, political and humanitarian grounds the General Assembly should discharge its august duty in the manifest interest of all those who, on any terms whatsoever, live in South Africa, by unanimously adopting the draft resolution recommended to it by the past eighteen years.

20. The trial staged before the Supreme Court at Johannesburg is beyond all question a further manifestation of the attitude of contemptuous defiance constantly shown by the South African leaders towards the United Nations in general and towards all the repeated decisions of the Security Council and General Assembly in particular.

21. But that is not all. To make their defiance all the sharper, the de facto authorities at Pretoria have cynically timed the start of the scandalous trial at Johannesburg to coincide with the opening of our debates on the policy of apartheid, so as to make quite clear how little they think of the United Nations. The General Assembly cannot remain indifferent to such contempt, insolence and disrespect. If we do not react in a fitting manner, history will irrevocably convict us of failure to discharge our most sacred obligations.

22. In the face of this situation the United Nations must react vigorously and resolutely to save the last chance of finding a peaceful solution and of

preserving the security and interests of the white minority in South Africa. It is the only way to prevent a fresh triumph for the hatred fanned by the representatives of the racist minority who solemnly proclaim themselves the sworn enemies of the United Nations.

23. A great crime - perhaps the greatest yet ascribable to the supporters of apartheid - is being openly prepared in South Africa: a crime which, if carried through, could spark the powder keg and thus touch off the much-feared racial conflict. Since the historic Addis Ababa Conference it has been common knowledge that, in that tragic event, all the African States and all the African peoples would stand beside their oppressed brothers of South Africa.

24. As we have already said, the best sons of South Africa are today implicated in this bogus trial, staged under arbitrary legislation, which deprives the accused of any possibility of legal defence and expose them, without protection or safeguard, to the bloodthirsty executioners who control the country.

25. The accused, we repeat, represent the last chance for stability, peace and harmony in South Africa. Their names are: Nelson Mandela, a lawyer and acknowledged leader of the African National Congress, known to the Heads of most independent African States as one of the great leaders in the struggle for racial equality in South Africa; Walter Sisulu, another active leader of the African National Congress, of which he was Secretary-General; Govan Mbeki, another leader of the Congress and of the Transkei; and Ahmed Mohamed Kathrada, a leader of the Indian community who was convicted at the age of seventeen at the time of the resistance movement in 1946.

26. Whites have not been overlooked on the list. Lionel Bernstein; Bob Hepple; James Cantor, a lawyer; Dennis Goldberg, an engineer; and many others, are also implicated. Faithful to the memory of their friends who have died in prison in many cases beside them, after enduring unspeakable suffering - which the United Nations should investigate diligently, for otherwise the Africans will set about doing so tomorrow - the alert and steadfast leaders of South Africa accept any and every sacrifice in order not to abandon the sacred struggle. How can we fail to salute their courage, their radiant vision of a future of understanding, reconciliation and friendship for which they are preparing, by their own suffering, for the benefit of all ethnic groups living on South African soil?

27. These men have had recourse to all peaceful means to put an end to racial oppression, but in vain ; it is worth recalling in this connection that South Africa was for a long time the cradle of non-violence. It was there that Gandhi began his heroic struggle, over fifty years ago. But let this be clearly remembered: Gandhi himself declared that it was better to resort to violence than to submit in cowardly fashion to the oppressors. The African peoples and Governments consider that the criminals are not those who fight for their right to justice and equality but the oppressors who precipitate violence, repression and injustice.

...

32. Nelson Mandela, the great South African leader known the world over for his courage and lucidity, very eloquently summed up the philosophy and basic tenets of African nationalism during his last trial at Johannesburg, in which he was arbitrarily sentenced to imprisonment for five years at forced labour. The declaration of faith of Nelson Mandela, who is today the leading defendant in the infamous new trial, has become a veritable breviary for all South African nationalists. Listen to this extract from his celebrated address to the court - a moving document from beginning to end:

"I hate the practice of race discrimination and in my hatred I am sustained by the fact that the over-whelming majority of mankind hates it equally. I hate the systematic inculcation of children with colour prejudice, and I am sustained in that hatred by the fact that the overwhelming majority of mankind ... are with me in that. I hate racial arrogance which decrees that the good things in life shall be retained as the exclusive right of a minority of the population, and which reduces the majority of the population to a position of subservience and inferiority and maintains them as voteless chattels to work where they are told and behave as they are told by the ruling minority...

"Nothing that this Court can do to me will change in any way that hatred in me, which can only be removed by the removal of the injustice and the inhumanity which I have sought to remove from the political, social and economic life of this country.

"Whatever sentence [the Court] sees fit to impose upon me ... may it rest assured that when my sentence has been completed I will still be moved ... by [my conscience]; I will still be moved by my dislike of the race discrimination against my people ... to take up again ... the struggle for the removal of those injustices until they are finally abolished."

He added in conclusion:

"I have done my duty to my people and to Africa. I have no doubt that posterity will pronounce that I was innocent and that the criminals ... are the members of the Verwoerd Government."

33. Are we to let a man of such stature - a leader so deeply conscious of his historic mission in the service of his country, his people and mankind - die for nothing, unjustly struck down through our inaction? We hope our Assembly will unanimously answer "No".

34. All the representatives of Africa and Asia have taken the initiative in what is now presented for our consideration. In their name, we address to all members of the Assembly a final friendly and trustful appeal that the last lingering hesitations should be overcome and that the General Assembly of the United Nations, confronted with this grave situation with its

incalculable moral, political and human implications, should signify by its unanimous vote its will for a peaceful settlement of the explosive situation that exists in South Africa today.

Document 31

Security Council resolution: Question relating to the policies of Apartheid of the Government of the Republic of South Africa.

S/RES/182 (1963), 4 December 1963

The Security Council,

...

Being strengthened in its conviction that the situation in South Africa is seriously disturbing international peace and security, and strongly deprecating the policies of the Government of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and with its obligations as a Member of the United Nations,

Recognizing the need to eliminate discrimination in regard to basic human rights and fundamental freedoms for all individuals within the territory of the Republic of South Africa without distinction as to race, sex, language or religion,

Expressing the firm conviction that the policies of apartheid and racial discrimination as practised by the Government of the Republic of South Africa are abhorrent to the conscience of mankind and that therefore a positive alternative to these policies must be found through peaceful means,

1. Appeals to all States to comply with the provisions of Security Council resolution 181 (1963) of 7 August 1963;
2. Urgently requests the Government of the Republic of South Africa to cease forthwith its continued imposition of discriminatory and repressive measures which are contrary to the principles and purposes of the Charter and which are in violation of its obligations as a Member of the United Nations and of the provisions of the Universal Declaration of Human Rights;
3. Condemns the non-compliance by the Government of the Republic of South Africa with the appeals contained in the above-mentioned resolutions the General Assembly and the Security Council;
4. Again calls upon the Government of the Republic of South Africa to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;
5. Solemnly calls upon all States to cease forthwith the sale and shipment

of equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;

6. Requests the Secretary-General to establish under his direction and reporting to him a small group of recognized experts to examine methods of resolving the present situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms to all inhabitants of the territory as a whole, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end;

7. Invites the Government of the Republic of South Africa to avail itself of the assistance of this group in order to bring about such peaceful and orderly transformation;

...

Document 32

General Assembly resolution: The policies of apartheid of the Government of the Republic of South Africa.

A/RES/1978 B (XVIII), 16 December 1963

The General Assembly,

Taking note of the report of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, in which the Committee drew attention to the serious hardship faced by the families of persons persecuted by the Government of South Africa for their opposition to the policies of apartheid, and recommended that the international community, for humanitarian reasons, provide them with relief and other assistance,

Considering that such assistance is consonant with the purposes and principles of the United Nations,

Noting that those families continue to suffer serious hardship,

1. Requests the Secretary-General to seek ways and means of providing relief and assistance, through the appropriate international agencies, to the families of all persons persecuted by the Government of the Republic of South Africa for their opposition to the policies of apartheid;

2. Invites Member States and organizations to contribute generously to such relief and assistance;

...

Document 33

Letter dated 9 March 1964 from Chief Albert J. Luthuli, President-General of the African National Congress, to Secretary-General U Thant.

9 March 1964

P.O. Groutville,
SOUTH AFRICA.
9/3/64

Mr. U. Thant,
Secretary-General,
United Nations Organisation
NEW YORK.

Dear Sir,

I address myself to you on an impending crisis in South Africa. The United Nations has, through the years, made valiant efforts to stave off disastrous race war in South Africa; to put pressures on the South African Government to give rights to the African and other non-White people of our country in accordance with the universally accepted principles of human dignity and justice. We are most deeply appreciative of the efforts made by the nations of the world, through your world organisation, to counter and defeat the forces of racialism.

You no doubt know that my organisation, the African National Congress, for close on half a century, and until it was declared unlawful, sought to achieve its objectives by strictly peaceful and non-violent methods, ranging from representations and protests made to the Government and its representatives in the early years, to mass demonstrations and defiance campaigns and strikes in the later years.

All these endeavours were to no avail. In fact, during the past half century oppression and racial discrimination have increased to such an extent that no one could at this juncture be morally blamed for resorting to violent methods in order to achieve racial equality and freedom from oppression.

I write to you most urgently today to stress that whatever hope there still remains for a negotiated and peaceful settlement of the South African crisis, will be lost, possibly for all time, if the United Nations does not act promptly and with firmness on the vital matter which has moved me to make this urgent appeal.

You will be aware that during this last year our movement has been subjected to relentless persecution. Our organisation has been harried without respite. Our members have been arrested in huge numbers in every corner of the country. If not held on serious political charges, they have been detained under the barbaric "90 Day" detention law under which men and women and youths have been confined indefinitely, in solitary confinement, and physically tortured in attempts to extort confessions and false evidence

from them. In numerous trials that took place in various courts throughout the country, some were sentenced to death and others to long terms of imprisonment.

You will also be aware that the last months of the year saw the bringing to trial of nine of the country's foremost liberation leaders, in the so-called Rivonia Trial in which the leaders are charged with allegedly plotting a war of liberation against the government. The nine include Nelson Mandela, who was arrested shortly after his return from a tour of independent African States in 1962, and who was taken from his prison cell, where he was serving a five-year prison sentence, for leading the 1961 general strike of the African people and leaving South Africa without a passport. Also on trial is Walter Sisulu, formerly Secretary-General of the African National Congress, who was arrested while working underground in the freedom struggle.

The Rivonia trial, it is estimated, will continue for perhaps a further four to six weeks from the time of writing. It could be completed earlier. There is the grave danger that all or some of the nine leaders on trial will receive the death sentence. Such an outcome would be an African tragedy. It would be judicial murder of some of the most outstanding leaders on the African continent. It would have disastrous results for any prospects of a peaceful settlement of the South African situation and could set in motion a chain of actions and counter-actions which would be tragic for everyone in South Africa as they would be difficult to contain.

I address myself to you with the utmost urgency to urge that you use your good offices to avert the tragic crisis threatening South Africa. It is of the utmost importance that the United Nations Expert Group on South Africa bring its work to a rapid conclusion and leave the way open for measures to be adopted to ensure that a fast worsening race situation here does not explode into open violence. It is above all imperative that United Nations action be devised to compel compliance with U.N. resolutions and in particular to save the lives of the nine Rivonia trial leaders; for with them are arraigned, in the dock, all hopes of a peaceful settlement of the crisis in our country.

Yours sincerely,

A.J. LUTHULI

President-General

Document 34

Report of the Group of Experts established in pursuance of the Security Council resolution 182 (1963).

S/5658, 20 April 1964

...

8. We feel that the growing gravity of the situation increases the need to point the way to an alternative course which could provide an escape from utterly calamitous consequences, and it is accordingly with a sense of critical urgency that we now submit our recommendations.

We wish to state at once a primary principle of first importance.

The future of South Africa should be settled by the people of South Africa -- all the people of South Africa -- in free discussion. There can be no settlement and no peace while the great majority of the people are denied the fundamental freedom to participate in decisions on the future of their country. We are convinced that a continuation of the present position including a denial of just representation must lead to violent conflict and tragedy for all the people of South Africa. We wish, therefore, to emphasize the first and basic principle that all the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level.

In order to give effect to this essential principle, we consider that all efforts should be directed to the establishment of a National Convention fully representative of the whole population. Such a representative National Convention would consider the views and proposals of all those participating and set a new course for the future.

We believe that the mounting condemnation by world opinion and the growing insistence on positive action should now be directed to the achievement of this purpose. It is only on the road of free and democratic consultation and cooperation and conciliation that a way can be found towards a peaceful and constructive settlement. Only thus can all people of South Africa be saved from catastrophe and the world from a conflagration of incalculable consequences.

...

II. Principal Factors in the Present Situation

10. We wish to draw special attention to two main factors in the present situation. On one side is the mounting international condemnation of the racial policy of the South African Government and the growing determination of the African States, in particular, to take positive action against South African racial discrimination and domination. On the other side is the increased persistence and military preparation of the South African Government, coupled with repressive action and legislation which leave many South Africans with the conviction that they have no means of resistance other than violence. These forces are set on a collision course. They approach the crash at accelerating pace. As the explosion grows nearer the need to endeavour to prevent it becomes ever more urgent.

...

D. International Dangers

31. These forces of conflict cannot be disregarded or minimized. Only when the extent of the danger is fully realized is there any hope that action sufficiently drastic will be taken to prevent it. Violence and counter-violence in South Africa are only the local aspects of a much wider danger. The coming collision must involve the whole of Africa and indeed the world beyond. No African nation can remain aloof. Moreover a race conflict starting in South Africa must affect race relations elsewhere in the world, and also, in its international repercussions, create a world danger of first magnitude.

32. As the Secretary-General warned in addressing the Algerian House of Assembly on 3 February 1964:

"There is the clear prospect that racial conflict, if we cannot curb and finally, eliminate it, will grow into a destructive monster compared to which the religious or ideological conflicts of the past and present will seem like small family quarrels. Such a conflict will eat away the possibilities for good of all that mankind has hitherto achieved and reduce men to the lowest and most bestial level of intolerance and hatred. This for, the sake of all our children, whatever their race and colour, must not be permitted to happen."

III. The Need for a National Convention

33. It is against this background of mounting crisis and threatening conflict that we wish to state the case for conciliation and consultation, and to urge the need for an early National Convention.

34. The conception of a National Convention is far from novel in South Africa. The Union itself had its origin in the National Conventions of 1908 and 1909 (from which, however, all but White South Africans were excluded). But the constitution which emerged from these conventions has been wholly unacceptable to the great bulk of the population, and for long past a principal objective of the national movement amongst the majority of South Africans has been a fully representative National Convention as the doorway to democracy. The unenfranchised people of South Africa, throughout long years of subjection, claimed the right to be consulted. They campaigned not for revolution but for representation. Such has been the moderation of the movement.

35. Even in December 1960, after the massacres at Sharpeville and Langa and the imprisonment of thousands of persons had greatly heightened tension and bitterness, thirty-six prominent African leaders, meeting in Johannesburg, called for the establishment of a non-racial democracy through a national convention representing all the people of South Africa.

35. This meeting was followed by the All-In-African Conference at

Pietermaritzburg on 25-26 March 1961 attended by 1,400 delegates, including many from rural areas. While denouncing the establishment of a republic by decision of the white voters alone, this Conference unanimously demanded that "a national convention of elected representatives of all adult men and women on an equal basis -- irrespective of race, colour, creed or other limitations -- be called not later than May 31, 1961".

37. This call for a national convention was supported not only by the Indian and Coloured Congresses, but also by leaders of the Progressive and Liberal parties, and by other organizations and a number of persons prominent in academic, religious and public life.

38. All these pleas were rejected. The Government, in disregard of all attempts to achieve consultation, persisted in its policies; the non-White majority was left thereby with no constitutional means of seeking freedom and justice.

39. The conclusion might have been that when consultation and representation had been so flatly rejected there was no hope for the future. But we believe that the dangers are so great that there may yet be a desire, and consequently there may still be time, to avoid a vast and bloody collision. We are convinced that the way to do so, indeed we believe the only way, is to turn to the means of consultation for which the movement for emancipation has struggled so patiently and persistently for so long.

40. The question of the form and composition of a National Convention is open for discussion: it is a question which should be for South Africans to decide. There are many different processes and patterns which might be adopted. Once a Convention has set the general course to be followed and made a new start in constructive cooperation, it might decide to create a Constituent Assembly charged with the task of drawing up a detailed constitution, thus opening the way to the election of a representative Parliament. For a Constituent Assembly elections might well be required, perhaps undertaken with United Nations assistance and supervision.

41. But these are questions which should be considered and settled by the National Convention. The first and vital step is to start discussions on the formation of an agenda for the Convention.

42. Accordingly we make the specific recommendation that the South African Government should be invited at once to send its representatives to the United Nations to carry out discussions to that end. The United Nations on its part should, we propose, appoint a special body to undertake these discussions, and this special body would bring into consultation representatives of the opposition and leaders of the unenfranchised majority to ensure that the composition and agenda of the Convention are satisfactory to all concerned.

43. We do not wish to suggest stipulations and prior conditions. Nothing should be done to prejudice or delay the discussions we propose.

44. There is, however, one prerequisite which is essential if the discussions are to proceed and if the Convention is to be successful. The Convention must be fully representative, and it cannot be so unless all representative leaders can freely participate. For this purpose an amnesty for all opponents to apartheid, whether they are under trial or in prison or under restriction or in exile, is essential and we add our urgent appeal to those already made by the General Assembly and the Security Council that an immediate amnesty should be declared.

45. The amnesty for political prisoners would enable the National Convention to be fully representative. That is of great importance. But even more important for the future is the new spirit which the amnesty could create. Fear and bitterness could be set aside. The amnesty could mark a new start. Violence and capital punishment would in effect be renounced, and a new confidence created that the aims of "human rights and fundamental freedoms" will in fact be attainable. So would the situation be transformed, and all would enter the Convention in a spirit of reconciliation and genuine cooperation.

...

V. The Role of the United Nations

80. In accordance with the Security Council resolution of 4 December 1963, setting out our terms of reference, we were required to consider what part the United Nations might play "in resolving the present situation in South Africa through full, peaceful and orderly application of human rights and fundamental freedoms".

81. We are limiting our comments to the early stages of the "peaceful and orderly" transformation; we are confident that when the transformation is started and a fully representative system of government is introduced a wide range of international assistance can be readily made available at the request of the Government of South Africa.

82. In the immediate task of initiating the transformation, how can the United Nations assist a new effort of constructive cooperation, and how, more particularly, can United Nations action facilitate the new start to be made through a National Convention.

83. We have already proposed that the United Nations should initiate action by inviting the South African Government to send representatives to the United Nations to carry out discussions on the formation of and the agenda for a National Convention, and that a special body should be appointed for these discussions. In these discussions the good offices of the United Nations could assist in several ways, and at the Convention itself the United Nations could, if so requested, provide expert advice on constitutional, economic and social problems.

84. At a later stage the United Nations could help in administrative reorganization and in particular could help to meet any request for the organization and supervision of elections. If the necessity should arise, the United Nations could also, as suggested by the Danish Foreign Minister in his speech to the General Assembly on 25 September 1963 "contribute to the maintenance of law and order and the protection of life and civil rights" and thus both allay fears and secure confidence.

85. There is one important task which could be put in hand by the United Nations and its specialized agencies at once. This would be in the vital field of education and training. The need for very large numbers of non-Whites to be qualified for the professions and for the civil service and for teaching is acute now. It will become quickly far greater. We consequently recommend that a United Nations South African Education and Training Programme should be prepared in consultation with the United Nations specialized agencies, the first purpose being to plan educational and training scholarship schemes and then to supervise and administer these schemes. UNESCO might accept responsibility for the project in cooperation with other specialized agencies (in particular the ILO), or it might be considered preferable to set up new and separate machinery for the administration of the programme including the control of funds provided by contributing nations and dealings with students and colleges and training centres participating in the programme. Useful experience in planning such assistance for South African students can be gained from the training schemes initiated by Scandinavian Governments.

86. Once preliminary plans have been drawn up we suggest that the United Nations should call on all Member States to make financial contributions to this programme for training abroad of a large number of South African lawyers, engineers, agronomists, public administrators, teachers at all levels and skilled workers, as well as training in such fields as labour education and business and industrial management. Much of the education and training programme could be undertaken in other African States. The purpose will be to enable as many South Africans as possible to play a full part as quickly as possible in the political, economic and social advance of their country.

87. This is a task to which the Member States can contribute and in which the specialized agencies can participate. It also offers a wider opportunity for concerted action by international organizations and other foundations whether associated with the United Nations or not. Each in its own field can play a part in helping South Africans who have been deprived of their rights and denied opportunities of education and professional, vocational and scientific training. Thus governments, specialized agencies of the United Nations, universities and training colleges and public and private organizations throughout the world can come together to assist in bringing influence to bear on the South African Government by positive action. An international effort of this constructive kind will at the same time illustrate international concern, show the general desire to give immediate practical assistance and give new hope to people who want to see some

immediate evidence of a new start.

88. This would be a practical means of giving expression to world opinion, and we reaffirm our conviction that only by concerted international pressure can the new start be made. Every country and every organization and every individual who realizes the suffering which the present situation causes and the dangers which now threaten has an opportunity and an obligation to participate in that pressure. Nations can increase diplomatic pressure; churches can do more to make their views known and felt. Organizations and groups of many kinds, both international and national, can exert their influence in the closing circle of world opinion.

89. We emphasize the special importance of world opinion. Many countries, particularly African countries, are directly identifying themselves with the cause of the oppressed people of South Africa, but there is a wider international concern. The conscience of the world has been stirred, and there is a recognition in world opinion generally that the South African problem is unique, demanding exceptional treatment. There is an international crisis of conscience; it arises from the fact that in South Africa there is a government professing to speak in the name of Christianity and the "European race" which is the only government in the world which chooses as its guiding policy not a striving to attain justice, equality and safeguards for human rights, but a determination to preserve privileges, defend discrimination and extend domination to such a degree that it amounts to the organization of a society on principles of slavery. In South Africa the denial of human rights and fundamental freedoms is openly pursued as an avowed policy. There are many in the Christian Churches and amongst those who can claim to speak for European civilization who can be expected to feel an exceptional responsibility in regard to developments in South Africa. Their influence in many ways and through many channels might be more effectively deployed.

90. There is another major international interest involved. That is the interest of commerce, industry and banking, often acting through great business concerns and organized on an international basis, which draws high profits and special benefits from investments in and trade with South Africa. They too should feel an exceptional responsibility, for it is largely from the cheap labour maintained by the policies of apartheid that their profits derive. These business interests and financial houses together with Chambers of Commerce and industrial trading concerns and associations could exercise effective influence on the South African Government, and specially might make a constructive contribution by demanding and putting into effect a "fair employment policy".

91. The situation can also be influenced by voluntary action undertaken by trade unions and other such cooperative groups in many countries. The protests of these groups have occasionally been expressed in the form of boycott of South African goods. Though the direct economic results of such boycotts have been limited, their psychological effect is valuable.

92. While we emphasize the great and growing importance of international opinion, and while we recognize too that diplomatic pressure should be consistently maintained and increased, we also recognize that in the sphere of pressure for achieving a new start in South Africa in consultation and cooperation the United Nations itself should have a vital and central role of initiative and leadership.

93. We have consequently studied what has been said and written in the records of United Nations discussions and elsewhere about various forms of strategic and economic pressure.

...

103. We do not propose in this report to pursue a discussion on the economic and strategic aspects of sanctions, but we wish to record certain general conclusions which arise from our study of this problem.

104. As to the argument that sanctions should not be imposed because they would harm the non-White population of South Africa, it should be noted that the African leaders have vigorously rejected any such contention. As Oliver Tambo of the African National Congress said when he was making his statement in the United Nations on 29 October 1963:

"This is a type of pity and paternalism which hurts us even more than sanctions would hurt us."

105. It is true that sanctions would cause hardship to all sections of the population, particularly if they had to be long maintained, but for the supporters of apartheid to use this argument to oppose sanctions would lay them open to a charge of hypocrisy.

106. Secondly, it is clear that if sanctions are to be effective they must be put into effect with the cooperation of South Africa's principal trading partners, particularly the United Kingdom and the United States.

107. Thirdly, as South Africa is specially dependent on imports of petroleum and rubber there is a case for a ban on exporting these products to South Africa, on the ground that an embargo on these supplies could be more easily and quickly decided and enforced than a general ban on all imports into South Africa. The application of economic sanctions even if limited to petroleum (and possibly rubber) might act as a sufficient warning and deterrent.

108. On the other hand, we recognize the force of the argument that any concerted plan for sanctions would be better directed not to one or two commodities but to all; that piecemeal and progressive application of sanctions might defeat its purpose and lead to a hardening of South Africa's determination to resist pressure from the outside world, whereas the object is of course to achieve a change in South African policy.

109. Fourthly, the tests to be applied in deciding these questions are the tests of speedy decision, full cooperation and effective implementation, the overriding purpose being to achieve a rapid transformation with the minimum of suffering and dislocation.

110. With these considerations in view we recommend that use should be made of the interval before a final reply is required from the South African Government on the proposal for a National Convention to enable an expert examination to be made of the economic and strategic aspects of sanctions. There seems to us to be urgent need for a further practical and technical study of the "logistics" of sanctions by experts in the economic and strategic field, particularly in international trade and transport.

111. It is obviously of great importance to keep constantly in mind the purpose of sanctions. That purpose is not to cripple the South African economy, but to save it. If the decision to impose sanctions is universal then the threat of sanctions will be compelling. The period of imposition will be reduced thus lessening hardship, and indeed if the threat is universal and complete the actual imposition of sanctions might in fact become unnecessary.

112. Our conclusion is that it can only be by United Nations action, in the form of a unanimous decision of the Security Council, that the weapon of sanctions can be rapidly effective. Only if action is agreed and complete can the threat of sanctions achieve its purpose. Only by this drastic means can material loss and trade dislocation and hardship to many innocent people both in South Africa and elsewhere be avoided.

VI. Recommendations for Action by the Security Council

113. Our conclusion is that all efforts should be urgently directed to the formation of a National Convention fully representative of all the people of South Africa, and we therefore urge that, as a first step, our recommendation for such a Convention should be endorsed by the Security Council.

114. We propose that, at the same time, support be given to our recommendation in regard to the establishment of a United Nations South African Education and Training Programme.

115. We further propose that these decisions be referred to the South African Government, with an invitation to send its representatives to take part in discussions under the auspices of the United Nations on the formation of the National Convention.

116. We emphasize the need for a renewed and urgent appeal for an immediate amnesty for opponents of apartheid.

117. We recommend that the Security Council should fix an early date by which a reply to the invitation would be required from the South African

Government.

118. We recommend, moreover, that the Security Council should invite all concerned to communicate their views on the agenda for the Convention before the date for the reply of the South African Government.

119. Such an invitation should be addressed to all representative groups including political parties, Congresses at present banned under the Unlawful Organizations Act, and other South African organizations such as the Churches, Universities, Trade Unions, Associations of Employers, Chambers of Commerce, Bar Associations, Institutes of Race Relations, the Press and all other representative groups.

120. We recommend that the interval pending the reply of the South African Government should be utilized by the Security Council for the urgent examination of the logistics of sanctions which we have recommended in paragraph 110 above.

121. The Security Council in December 1963 expressed its strong conviction that "the situation in South Africa is seriously disturbing international peace and security". This situation has deteriorated further due to the actions of the South African Government. If no satisfactory reply is received from the South African Government by the stipulated date, the Security Council, in our view, would be left with no effective peaceful means for assisting to resolve the situation, except to apply economic sanctions. Consequently, we recommend that the Security Council should then take the decision to apply economic sanctions in the light of the result of the examination recommended in paragraphs 110 and 120 above.

VII. Conclusion

122. Some may think that the time is part when there is any hope of avoiding the collision which is now approaching, and that the recent declarations and actions of the South African Government rule out any possibility of negotiation. Certainly time is short, and the dangers grow rapidly nearer and greater.

123. Nevertheless, there is some ground for hope that the point of no return has not yet been reached and that fruitful dialogue may yet take place among the different sections of the South African population.

124. Chief amongst the encouraging factors is the insistence on constitutional measures and methods advocated over many years by the parties and organizations opposing apartheid. Their leaders have displayed outstanding political responsibility and have throughout emphasized that all South Africans of whatever race should enjoy equal rights.

125. Chief Luthuli, in his Nobel lecture delivered in December 1961, made his famous declaration:

"The true patriots of South Africa, for whom I speak, will be satisfied with nothing less than the full democratic rights. In government, we will not be satisfied with anything less than direct individual adult suffrage and the right to stand for and be elected to all organs of government. In economic matters, we will be satisfied with nothing less than equality of opportunity in every sphere, and the enjoyment by all of those heritages which form the resources of the country which up to now have been appropriated on a racial 'white only' basis. In culture, we will be satisfied with nothing less than the opening of all doors of learning to non-segregatory institutions on the sole criterion of ability. In the social sphere, we will be satisfied with nothing less than the abolition of all racial bars. We do not demand these things for people of African descent alone. We demand them for all South Africans, white and black."

126. At the Conference at which the Pan-Africanist Congress was established in 1959, Robert Sobukwe said that everybody who owes his only loyalty to Africa should be regarded as an African; and that there is only one race, the human race.

127. Nelson Mandela of the African National Congress when on trial in 1962 before being sentenced to five years imprisonment told the court:

"I am no racialist, and I detest racialism because I regard it as a barbaric thing, whether it comes from a black man or from a white man."

128. The struggle in South Africa is not a struggle between two races for domination; it is a struggle between the protagonists of racial domination and the advocates of racial equality.

129. We believe that if a new course is set now it is still possible to envisage all South Africans enjoying political justice and freedom under a constitution guaranteeing human rights and providing for a democratic system of government. Removal of the restrictions on employment and residence and movement will open up possibilities for far greater industrial and agricultural prosperity. The economy of South Africa can surge forward if the barrier of discrimination is removed. Reduction of expenditure on military and repressive measures will free large sums for development and welfare. And if equal opportunities for education are granted a great new reservoir of human capacity and skill will be created to contribute to fruitful and peaceful progress. When the burdens of oppression and discrimination and isolation are lifted all South Africans will benefit.

130. We have no doubt that the cause of emancipation will prevail in South Africa. The great majority of the population cannot be forced back into already overcrowded reserves constituting less than 13 per cent of the country. The right of the human person, the right of each individual to live and work and move freely in his own country cannot long be denied. A

political, economic and social system built on the domination of one race by another by force cannot survive.

131. What is now at issue is not the final outcome but the question whether, on the way, the people of South Africa are to go through a long ordeal of blood and hate. If so all Africa and the whole world must be involved.

132. We believe that the course of reason and justice which we have advocated -- a course which could be promptly and honourably accepted by all -- offers the only way and the last chance to avoid such a vast tragedy.

Alva Myrdal, Chairman

Edward Asafu-Adjaye

Hugh Foot

Dey Ould Sidi Baba

Document 35

Statement by Mr. Thabo Mbeki, son of Mr. Govan Mbeki, the African leader on trial in Pretoria, before a delegation of the Special Committee against Apartheid in London, 13 April 1964.

A/AC.115/L.65, 23 April 1964

...

Mr. Chairman, esteemed members: first of all, may I express my humble gratitude to you for allowing me to take your time in an attempt to add yet another voice in the fight against the evil and insane policies of persecution pursued so relentlessly and so brazenly by the South African Government. I might also, with your permission, Mr. Chairman, use this opportunity to voice my deep-felt appreciation of the contribution which you and your colleagues are making to the success of the South African struggle, in the name of all humanity. Here I feel justified in claiming further to represent not only my feelings but also my father's, Govan Mbeki, and his comrades now interned in the Pretoria Local Prison, South Africa, and appearing again before the Judge this Monday, 20 April, for what seems the last leg of what has come to be known as the Rivonia Trial. Free South Africa will remember your efforts dearly; for the moment, I for one offer to do whatever I can to help to bring the apartheid monster to heel. This is my dedication to your efforts. Thank you, Sir, and through you, I thank the other members of your Special Committee, both present and absent.

I feel it my duty to introduce myself to you, Mr. Chairman, inasmuch as this might help you in your task. Born on 18 June 1942, I was christened Thabo Mbeki. Since starting school at the age of five, the rest of my life has been taken up with acquiring education of one sort or another. During that time I have been at schools in the Transkei and in the Ciskei in the Cape

Province. Expelled from school in 1959, I finished my secondary school education as a private student and qualified at the end of the year for entry into any South African University. As the system of Bantu Education had been introduced, however, after consultation with my father, I felt obliged to seek a university place outside South Africa. For this purpose I took my General Certificate of Education examinations in Johannesburg in 1961, with a first class pass in economics, and qualified for a place in any British university.

After staying for another year in Johannesburg studying as an external student of the University of London, I left South Africa in September 1962, together with and leading twenty-seven other African students who were going out to study overseas. Owing to the delay occasioned by our arrest in Southern Rhodesia, we finally reached Dar es Salaam in November the efforts of the African National Congress.

While I was in South Africa I had participated extensively in anti-apartheid youth activities, during which time I had the fortune of enjoying constant contact with, among others, Nelson Mandela, Walter Sisulu and Duma Nokwe, who already has had occasion to meet this esteemed Committee in New York. When I left the country I held, among others, the position of National Secretary of the African Students Association. It was for these reasons that I thought it unwise for me to apply for a passport to leave South Africa. It is my sincere wish that this information about myself will help the Committee to appreciate even more the appeal which I shall make, with your permission, Sir, through you to the nations of the world gathered at the United Nations.

My father, Govan Mbeki, now in the Rivonia Trial, on whose behalf I am here primarily, was, by some curious coincidence, born on 4 July 1910, the year that South Africa became the Union of South Africa and the date of the Independence of America. Born of a family of peasant farmers in the Transkei, he went to school in his village and later to the Healdtown High School where he matriculated. After his he went to the University College of Fort Hare, the only institutions of higher education in South Africa, but also from as far afield as Uganda. Working as newspaper seller during holidays in Johannesburg, he went through his B.A. degree and then took up teaching in Durban. He was later to be awarded a B. Econ. degree by the University of South Africa, after he had studied as an external student for a number of years.

From his early years my father took an interest in the welfare of his people, finally getting elected to the Transkei Territorial General Council in the early 1940s. He was not to stay long, however, as soon as afterwards the Government of the day began taking unto itself the tasks that the Council had previously regarded as falling under its jurisdiction. After a spirited fight he felt obliged to go back to his constituents to tell them that as the character of the Council had changed he felt he could not claim that he was representing the people by attending it, and therefore was obliged to resign and call on the people to resist the gradual whittling

away of their rights by the Government. That fight met with an intransigent Government, but it heightened the respect of the people for his courage.

In 1943 he was to sign the document "The African Claims" - the African version of the Atlantic Charter - together with such distinguished African leaders as Moses Kotane, now in the team of ANC leaders overseas, ex-presidents of the ANC, Doctors A.B. Xuma and J.S. Moroka and Professor Z. K. Matthews, now Secretary of the World Council of Churches and a distinguished scholar. In later years he continued to work with these renowned leaders and others, gradually emerging as a man of powerful intellect and absolute dedication to the cause of freedom. After a number of business ventures by which he tried to secure his independence from a Government salary, he was forced to go back to teaching in 1954. He was expelled at the end of the year for his hostility to Government policies. He then joined the staff of the newspaper New Age which, together with its predecessors and its followers, acted as the newspaper of the liberation struggle.

In 1957 he played a prominent part in a national conference called by African Ministers to discuss the Tomlinson report, the Government's Bantustan blueprint. In 1960 he attended the meeting of African leaders called to discuss the then plans of the South African Government to declare South Africa a Republic. The Committee elected at that meeting, of which he was a member, was later to organize the Conference that elected Nelson Mandela as its leader, which action has subsequently led to his being sentenced to five years' imprisonment. During this time he had become one of the prominent leaders of the African National Congress and recognized by his colleagues as an expert on the problems of the Reserves, the so-called Bantustans.

At the beginning of 1962 he was arrested and detained for five months on a charge of sabotage. The case was however withdrawn and he was released to be arrested again this last time at Rivonia. If he hangs he will leave behind his wife, whom he married in 1939, three sons and a daughter; the two boys at school in Basutoland, their mother and sister still in South Africa and myself in my second year at the University of Sussex in this country.

It has been necessary that this introduction be made so as to explain the calibre of one of the men whom the South African Government seeks to hang today. I believe that the years of his political activity have derived their inspiration from his love for his people. During these years, as his older associates would testify, he has earned the respect of his people and his colleagues. Not a single one of the many South African courts has found him guilty of a petty or indictable crime. Yet today he stands accused, and his accusers, who only yesterday found glory in Nazi Germany, stand in full twilight of their cynical and inhuman power. For decades he, together with the rest of the African people, has appealed to the white Governments of South Africa, not for the exaltation of the African people to a position of dominance over the white, but for equality among the peoples. The only reward he has earned, that we have all earned, is the brutal might of South

African law which has sought to bend human reason and feeling to the barbarity of madmen. By the profane and demented reasoning of the Government, Dr. Percy Yutar, well-known for the murderers and thieves that he has sent to prison or to the gallows, is now prosecuting in the Rivonia Trial.

Though much has been said on this subject I should also like to add my testimony about the character of the men that the South African Government would have the world believe are criminals. They are not only men of the greatest integrity that responsibility to their families and friends would demand, men who could be welcomed by any civilized country, but also men who would grace any Government in which they served. Activated by the noblest of motives, they have acquired through the years an understanding of leadership that would be a valuable contribution to the common human experience.

Today these men stand accused of treason, of plotting to overthrow the Government by violent means. If it is so, they have acted in defence of the people that the Government has sought to silence and subjugate with a whip and the instruments of war. The fact is inescapable that the trial is not only their trial as individuals, but it is a trial of all that they have stood for, which was not and is not war but peace among free and equal men. The Government has replied with more brutality, sentencing only last month three respected African National Congress leaders to death. By so doing that Government has declared freedom from poverty, from suffering and from degradation, and human equality without discrimination on grounds of colour or race, to be illegal and criminal in its eyes. And by the Rivonia Trial, the Government intends to make ten times more its case that freedom is illegal.

The crimes that the South African Government has committed are of a magnitude that baffles the human mind. The continued existence of apartheid with the support of the Governments of, particularly, the United Kingdom, the United States, France and West Germany, cannot but be seen as an act of violence, not only against the whole African people but also against that portion of humanity which is trying so hard to remove racialism in the intercourse between men. Anybody therefore who, having the power to stop the decapitation of the men on trial in Pretoria, fails to use that power to the fullest extent, is by omission an accomplice in the act.

Having said so much, Mr. Chairman, I wish again to thank you and your colleagues for giving me this audience. If, Sir, I may be so presumptuous as to seize the opportunity, I beg to ask you humbly, and in awareness of the immodesty of the request, to be so kind as to take this message to the nations of the world from one who may be about to lose a noble father and a noble leader.

He acted in defence of the principles on which the civilized human community so firmly stands, and to did his brothers who stand together under the sinister noose of the hangman. They were spurred on by the inspiration of the victorious struggles to their North, no less sacred among these the

Algerian revolution. They drew strength from the respect accorded them by their people and the example that their forefathers had set them. For our part, if the butchers will have their way, we shall draw strength even from the little crosses that the kind may put at the head of their graves. In that process we shall learn. We shall learn to hate evil even more, and in the same intensity we shall seek to destroy it. We shall learn to be brave and unconscious of anything but this noblest of struggles. Today we might be but weak children, spurred on by nothing other than the fear and grief of losing our fathers. In time yet we shall learn to die both for ourselves and for the millions. Mr. Chairman, through you and through the esteemed members of your Committee, I wish, in the name of my mother, my brothers, my sister and myself, in the name of Mandela's Sisulu's Mhlaba's, Goldberg's and the others' families, and in the name of the South African people, to make this appeal to the world.

In the name of humanity the South African Government must be stopped. That Government has criminally taken up arms against my people. Was any gang of butchers so powerful as to defy the whole world? The leaders at the Rivonia Trial cannot be allowed to die at the hands of the South African Government.

Document 36

Security Council resolution: Question relating to the policies of Apartheid of the Government of the Republic of South Africa.

S/RES/191 (1964), 18 June 1964

The Security Council,

...

Taking note with appreciation of the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa and the report of the Group of Experts appointed by the Secretary-General pursuant to Security Council resolution 182 (1963) of 4 December 1963,

...

3. Notes the recommendations and the conclusions in the report of the Group of Experts;

4. Urgently appeals to the Government of the Republic of South Africa;

(a) To renounce the execution of any persons sentenced to death for their opposition to the policy of apartheid;

(b) To grant immediate amnesty to all persons detained or on trial, as well as clemency to all persons sentenced, for their opposition to the Government's racial policies;

(c) To abolish the practice of imprisonment without charges, without access to counsel or without the right of prompt trial;

5. Endorses and subscribes in particular to the main conclusion of the Group of Experts that "all the people of South Africa should be brought into consultation and should thus be enabled to decide the future of their country at the national level";

6. Requests the Secretary-General to consider what assistance the United Nations may offer to facilitate such consultations among representatives of all elements of the population in South Africa;

7. Invites the Government of the Republic of South Africa to accept the main conclusion of the Group of Experts referred to in paragraph 5 above, to cooperate with the Secretary-General and to submit its views to him with respect to such consultations by 30 November 1964;

8. Decides to establish an expert committee, composed of representatives of each present member of the Security Council, to undertake a technical and practical study and report to the Council as to the feasibility, effectiveness and implications of measures which could, as appropriate, be taken by the Council under the Charter of the United Nations;

...

11. Invites the Secretary-General, in consultation with appropriate United Nations specialized agencies, to establish an educational and training programme for the purpose of arranging for education and training abroad for South Africans;

...

Document 37

Statement by Secretary-General U Thant at the Assembly of Heads of State and Government of the Organization of African Unity.

UN Press Release SG/112, 17 July 1964

I may perhaps say a few words on two questions in which the African States have shown great concern: colonialism and racial discrimination. The attitude of the United Nations on these matters -- laid down in the Charter and elaborated by the historic Declarations on Human Rights, Colonialism and Racial Discrimination -- is unequivocal. The United Nations stands for the self-government and independence of all peoples, and the abolition of racial discrimination without reservations. It can never afford to compromise on these basic principles.

The United Nations has been acutely concerned with these problems since its inception. Today, respect for the right of peoples to self-determination and

affirmation of racial equality are not only the principles of the Charter but are embodied in the very composition of the United Nations, half of whose member are newly-independent States from Asia and Africa. The United Nations may be proud of its contribution however modest or seemingly hesitant at times to the progress which has been made. We can feel gratified at the evolution of the attitudes of all but one or two of the colonial Powers. The colonial Powers and remaining defenders of racial discrimination are increasingly isolated and can less and less count on the acquiescence and patience of other States. This isolation of the colonists has itself contributed to the fulfillment of the desire of African States to keep the colonial and racial problems out of the cold war. We can only hope that good sense and realism prevail so that resistance to change by a few die-hards will not lead to dangerous conflict on this continent.

I must emphasize that universality is an essential, although implicit, goal of the United Nations. The Organization cannot have full authority and cannot achieve maximum effectiveness until all the peoples who subscribe to its purposes and principles are represented in it. The independence of African States was a source of strength for the United Nations. In my view, this goal of universality required an end to colonialism and an end to the denial of fundamental rights to persons on the grounds of race, religion, language or sex. Thus, the problems that I have referred to are not only problems of which the United Nations is seized, but problems which affect the status of the Organization itself.

Document 38

Appeal to Member States by the Special Committee against Apartheid For contributions to assist families persecuted by the South African Government for their opposition to apartheid.

GA/AP/42, 26 October 1964

"The Special Committee on the Policies of apartheid of the Government of the Republic of South Africa has been concerned for some time with the urgent need for relief and legal assistance to persons persecuted in the Republic of South Africa for acts arising from their opposition to the Government's racial policies which have been repeatedly condemned by competent organs of the United Nations.

"The Special Committee felt that these victims of persecution are entitled to assistance by the peoples of the world, not only because of humanitarian reasons, but also because they have faced persecution in struggle for racial equality which is enshrined in the United Nations Charter as a fundamental purpose of the Organization. Indeed, assistance by the peoples of the world would be an effective means to express solidarity with the opponents of racial discrimination and to counter growth of racial bitterness in South Africa.

"It may be recalled that, on the recommendation of the Special Committee,

the General Assembly adopted resolution 1978 B (XVIII) on 16 December 1963 requesting the Secretary-General to seek ways and means of providing relief and assistance, through the appropriate international agencies, to the families of all persons persecuted by the Government of the Republic of South Africa for their opposition to the policies of apartheid.

"In view of the acute and urgent need for assistance, and after consultation with the Secretary-General, the Special Committee has decided that an appeal should immediately be addressed to Member States and organizations to contribute urgently and generously to existing relief organizations pending the conclusion of other appropriate arrangements.

"In spite of all Security Council and General Assembly resolutions demanding the abandonment of the policies of apartheid, the Government of the Republic of South Africa has continued to implement its repressive laws providing extremely harsh penalties for belonging to or furthering the aims of the major African political organizations and for acts of protest and resistance against the Government's racial policies. The implementation of these laws has resulted in the detention of thousands of persons, many of whom are being tried or awaiting trial, thus facing long periods in prison or life imprisonment or even death sentences.

"Hundreds of persons have been imprisoned under Section 17 of the General Law Amendment Act of 1963, which provides for the detention of persons without trial for periods of 90 days at a time. Numerous persons have been subjected to banishment, house arrest, banning orders and other restrictions which often prevent them from pursuing their occupations. The distress and misery caused by these repressive actions to the families may easily be imagined. Numerous families have been deprived of their breadwinners. Children have been separated from one or both of their parents.

"When brought to trial, many an opponent of the policies of apartheid faces financial difficulties and has to rely on benevolent organizations for legal assistance, support of families and payment of bail.

"It appears from communications received by the Special Committee from organizations concerned with relief and assistance to the victims of repression in South Africa that they are in urgent need of funds to provide even minimum legal assistance and relief to numerous persons who have been gaoled or brought to trial under repressive laws.

"The Special Committee is attaching herewith communications received by it from three organizations--Amnesty International, Defence and Aid Fund (International) and Joint Committee on the High Commission Territories--which have been engaged in relief and assistance for the victims of persecution by the Republic of South Africa and which offer their services in implementing the purposes of General Assembly resolution 1978 B (XVIII).

"The Special Committee notes that the Amnesty International, sponsored by

eminent personalities from many countries, 'adopts' prisoners and detainees in South Africa who do not advocate violence and also assists refugees from South Africa. The Defence and Aid Fund, established in the United Kingdom in 1956, with Canon L. John Collins as Chairman, has so far contributed about £300,000 to the victims of the policies of apartheid and maintains contact with South Africa through local committees. Its efforts have been appreciated by prominent South African opponents of apartheid, including Chief Albert Luthuli, winner of the Nobel Peace Prize. The Joint Committee on the High Commission Territories, representative of a number of voluntary organizations, is concerned with the relief and assistance of South African refugees in the High Commission Territories and in Northern Rhodesia.

"The Special Committee also notes that the World Council of Churches has, in July 1964, earmarked \$60,000 for legal aid for political prisoners in South Africa and for assistance to their dependents, and is seeking further contributions for this purpose.

"The Special Committee wishes to make an urgent appeal to Member States to contribute generously to the fulfilment of the purposes of General Assembly resolution 1978 B (XVIII) through these voluntary organizations or through other appropriate channels of their choice, and to give the widest publicity to this appeal in order to encourage charitable foundations, organizations and individuals in their countries to make generous contributions."

Document 39

Report of the Expert Committee established in pursuance of Security Council resolution 191 (1964)

S/6210, 2 March 1965

REPORT OF THE EXPERT COMMITTEE

1. On 18 June 1964, the Security Council adopted resolution S/5773(17) in connexion with the question of race conflict in South Africa resulting from the policies of apartheid of the Government of South Africa, brought to the attention of the Security Council by fifty-eight Member States.
2. The Security Council, in operative paragraph 8 of the above resolution, decided "to establish an Expert Committee, composed of representatives of each present member of the Security Council as to the feasibility, effectiveness and implications of measures which could, as appropriate, be taken by the Security Council under the United Nations Charter".
3. The Expert Committee held its first meeting on 21 July 1964 and decided that the Chairmanship of the Committee should rotate among its members(18) on a monthly basis in alphabetical order beginning with Bolivia. The representative of Bolivia was also elected Rapporteur of the Committee.
4. At its second meeting on 10 August 1964, the Committee agreed that in

regard to decisions of the Committee, every effort should be made to achieve unanimity but if unanimity could not be achieved, decisions of the Committee would be taken by a majority of the members present and voting, on the understanding that the opinion of the minority would be recorded in the report.

5. At the same meeting, the Committee took up the question of the publicity of its meetings and decided that the meetings should normally be held in closed session. The representative of the USSR felt that the Committee should adhere to the usual procedure of the other United Nations bodies of meeting in public and should meet in private only if it decided to do so at the request of one of its members. The representative of Czechoslovakia felt that the Committee would work more effectively if it met in public so that other delegations could also attend. However, the representatives of the USSR and Czechoslovakia explained that they would not oppose the majority view in favour of private meetings.

6. In conformity with its mandate under operative paragraph 10 of Security Council resolution S/5773, the Chairman of the Expert Committee wrote to all Member States on 20 August 1964,(19) informing them of the establishment of the Committee and expressing the hope that Member States would let the Committee "have the benefit of their views on issues which it will refer to the Governments of Member States in the course of its work". Fourteen replies were received from Member States.(20) The Committee followed up this letter by a more specific request in a communication from the Chairman to Member States dated 30 October 1964.(21) To this letter was attached a questionnaire to which in some respects cast doubt on the effectiveness of sanctions against South Africa and also because the majority of States had furnished such information in replies to earlier inquiries in connexion with previous resolutions of the Security Council and of the General Assembly. Subsequently, the Committee also decided to send that letter, as well as the questionnaire, to those non-Member States with whom the Secretary-General had been in communication in carrying out his functions under Security Council resolution S/5471 of 4 December 1963. Thirty-four replies were received to this communication.(22)

7. The Expert Committee had before it a list of measures referred to in previous resolutions of the Security Council and of the General Assembly, in the various reports of the Special Committee on the Policies of Apartheid of the Government of South Africa, as well as in the resolutions adopted by the Organization of African Unity and the Conference of Non-Aligned Countries.(23) In addition, the Expert Committee had before it documents prepared by the Secretariat containing various statistical and other information relevant to the work of the Committee.(24)

8. In all, the Expert Committee held thirty-eight meetings between 21 July 1964 and 27 February 1965. The summary records of the meetings are annexed to this report.(25)

9. At the 33rd meeting of the Committee on 24 February 1965, the following

three sets of draft conclusions were submitted:

- a. Draft conclusions, jointly sponsored by Czechoslovakia and the USSR.(26)
- b. Draft conclusions, jointly submitted by the Ivory Coast and Morocco.(27)
- c. Draft conclusions submitted by the United States of America.(28)

10. At the 35th meeting of the Committee on 25 February 1965, the representatives of Bolivia and Brazil jointly submitted draft conclusions.(29)

11. At the 37th meeting of the Committee on 26 February 1965, the representative of the United States of America indicated that he would not press the draft conclusions submitted by his delegation to a vote.

12. At the same meeting, the Committee voted upon the three draft resolutions before it:

- a. The draft conclusions submitted by Czechoslovakia and the USSR were rejected by 4 votes in favour (Czechoslovakia, Ivory Coast, Morocco, USSR), and 6 votes against (Bolivia, Brazil, China, Norway, United Kingdom, United States of America), with no abstentions.
- b. The draft conclusions submitted by the Ivory Coast and Morocco were rejected by 4 votes in favour (Czechoslovakia, Ivory Coast, Morocco, USSR), 5 votes against (Bolivia, Brazil, Norway, United Kingdom, United States of America) and 1 abstention (China).
- c. The draft conclusions submitted by Bolivia and Brazil were adopted by 6 votes in favour (Bolivia, Brazil, China, Norway, United Kingdom, United States of America) and 4 votes against (Czechoslovakia, Ivory Coast, Morocco and USSR) with no abstentions.

13. The Committee, therefore, submits to the Security Council, the following conclusions:

Pursuant to resolution S/5773 of the Security Council, the Expert Committee undertook a technical and practical study of the feasibility, effectiveness and implications of measures which could, as appropriate, be taken under the United Nations Charter against the Republic of South Africa.

The Expert Committee is of the view that while it is the prerogative of the Security Council to decide on the imposition of measures against the Republic of South Africa, it is essential that the Committee assist the Council by making available a study of the question under the provisions of its mandate.

The Committee had before it detailed information regarding the economy of the Republic of South Africa, as well as the information provided by a number of States concerning their economic relations with South Africa, special attention being given to possible implications of economic measures

upon their own economies. Emphasis was also given by the Committee to the recommendations made in the past by the United Nations as well as by regional and other organizations and conferences on the question of economic and other measures against the Republic of South Africa.

Taking into account this detailed information, the Expert Committee reached the following general conclusions as to South Africa's economy and the effectiveness, feasibility and implications of economic measures against South Africa.

The Committee agreed that South Africa's economic strength, diversity and prosperity have been due in large part to: (a) its varied and abundant natural resources (both agricultural and mineral, with the exception of oil); (b) its rapidly developing industrial base; (c) the high degree of technical and managerial skill available; (d) foreign trade and investment; and (e) the exploitation of non-White labourers. Although it was pointed out that South Africa would not be readily susceptible to economic measures, the Committee agreed that South Africa was not immune to damages from such measures.

On the question of effectiveness of economic measures, it became apparent to the Committee that the degree of effectiveness of such measures would directly depend on the universality of their application and on the manner and the duration of their enforcement. While some members of the Committee disagreed on the degree of severity of the effects that such measures might have on the economy of South Africa, the Committee agreed that there were several areas of vulnerability in the economy of that country. In fact, from the discussions in the Committee, it became apparent that South Africa's economy would be susceptible to the effects of a total blocking of trade, both exports and imports, and to an interdiction of communications. Among other measures which could have appreciable effects, particular emphasis was given in the Committee to an embargo on petroleum, petroleum products and to a cessation of emigration into South Africa. Furthermore, some members considered that appreciable effects would also be caused by a banning of financial transactions. Similarly, it was also noted in the Committee that some means of alleviation, such as substitution, rationing and redeployment of resources could have significant results and that it was not possible to draw precise conclusions as to the degree to which these measures or a combination of them might affect South Africa's economic activity, or as to the length of time it would take for their effects to be felt. The susceptibility of the South African economy to measures would vary from case to case, effectiveness being largely dependent upon the availability of measures of alleviation on the part of South Africa on the one side and an organized and co-operative effort, including present and potential suppliers, on the other. As for an embargo on arms and ammunition, although it might not be considered an economic measure, if universally applied, it could have an important effect within the framework of a trade embargo, since military industries would make demands on resources that would otherwise be used to alleviate the effects of a trade embargo.

The consideration of these measures raised the problem of an adequate international machinery which could be set up under the aegis of the United Nations in order to prevent the circumvention of the measures by States and individuals, as well as problems arising from the non-co-operation of any State.

The Expert Committee is of the view that, while many measures are feasible, their effectiveness depends to a great extent on the degree of collective willingness, universality of application and genuine desire from those imposing measures, special attentions being given to the States maintaining close economic relations with South Africa. Great emphasis was also given in the Committee to the psychological effects of these measures along with South Africa's present economic capacity to withstand such measures and the will of its people to do so.

In regard to implications, the Committee agreed that an international effort should be made to mitigate the hardships caused by such measures on economies of some Member States. There could be serious dislocations in world markets and in individual countries, varying with the type of measures chosen, for example, Basutoland, if an embargo on labour were in question, or the United Kingdom, if a general embargo were imposed by decision of the Security Council. While special consideration was given to the importance of these facts, they might not be of a nature, having regard to the possibility of mitigation, to prevent the application of measures against South Africa.

Taking into account the preceding considerations, emphasis was placed in the Committee on the importance of the following measures:

- a. total trade embargo;
- b. embargo on petroleum and petroleum products;
- c. embargo on arms, ammunition of all types, military vehicles and equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;
- d. Cessation of emigration of technicians and skilled manpower into South Africa;
- e. interdiction of communications with South Africa;
- f. political and diplomatic measures as referred to in the resolutions already adopted by the Security Council and the General Assembly.

Similarly, emphasis was placed by the Committee on the varying effects of such measures and on the necessity of solving certain problems of implementation in order to judge the practicability and the effectiveness of these measures. In this connexion, certain members pointed out the necessity of a total blockade to make such measures effective, as well as the great costliness of mounting such an operation. Consequently, in the event of a total blockade, consideration should be given to a proportionate sharing of costs. Other members, however, emphasized that measures affecting vulnerable sectors of the South African economy might constitute an effective action for their practical effects on the economy of that country, as well as for the political and psychological repercussions that they would entail on the

White minority. In this connexion, they pointed out the importance of a partial blockade. Furthermore, in taking a decision to apply measures against South Africa, it would be essential to set up a committee for the necessary co-ordination of action. The same committee should also co-ordinate action to mitigate proportionally the major hardships eventually caused on the economies of Member States.

Finally, it was emphasized that while these measures could prove feasible under conditions enumerated in the preceding paragraphs, the evaluation of their applicability and effectiveness in the political and psychological context lies solely within the province of the Security Council.

14. The delegations of Czechoslovakia and the USSR submitted the following dissenting note:

The representatives of the USSR and Czechoslovakia categorically opposed the above conclusions, which not only distort the true situation but may harm the cause of the struggle against apartheid in the Republic of South Africa. After a comprehensive and detailed examination of the question of application of economic and political sanctions against the Republic of South Africa, the Expert Committee had every ground for arriving at the following conclusions and recommendations.

Sanctions of an economic and political nature against the Republic of South Africa are undoubtedly feasible and their application will have the necessary effect on the authorities, legislative bodies and leading economic circles of the Republic of South Africa in inducing them to abandon the racist policy of apartheid.

The following set of measures, to be undertaken simultaneously on the basis of a decision of the Security Council, would be the most effective and fruitful:

- a. A total embargo on trade with the Republic of South Africa, including an embargo on the export to South Africa of goods and especially arms, ammunition, military equipment of all types and materials for their manufacture, and petroleum and petroleum products, and including also a boycott of South African goods.
- b. Cessation of all military and economic assistance to the Republic of South Africa and also of foreign investment in the Republic of South Africa and of loans to the South African authorities or to South African companies.
- c. Cessation of export of any qualified or specialized labour to the Republic of South Africa.
- d. Severance of diplomatic, consular and other relations with South Africa, including complete interruption of rail, sea, air, postal, telegraphic and radio communications.
- e. Prohibition on the establishment of new ties or agreements mentioned in sub-paragraphs (a), (b), (c) and (d).

As the representatives of the USSR and Czechoslovakia pointed out, the Expert Committee had every ground for saying that the implementation of the above-mentioned measures would be effective in inducing the South African authorities to abolish the racist policy of apartheid and comply with the decisions of various United Nations organs, it naturally being the prerogative of the Security Council to choose the best methods of implementing the above-mentioned sanctions.

These conclusions and recommendations of the representatives of the USSR and Czechoslovakia were fully supported in the Committee by the representatives of Morocco and the Ivory Coast.

The representatives of the USSR and Czechoslovakia pointed out that it was only because of the opposition of the Powers which are the principal economic and trading partners of the racist authorities of the Republic of South Africa that the Committee failed to carry out the task entrusted to it by the Security Council.

15. The views of the Ivory Coast and Morocco regarding the proper conclusions of the Committee are contained in the draft conclusions which they submitted to the Committee, the text of which reads as follows:

Pursuant to resolution S/5773 of the Security Council, the Expert Committee undertook a technical and practical study of the feasibility, effectiveness and implications of measures which could, as appropriate, be taken under the United Nations Charter against the Republic of South Africa.

The Expert Committee is of the view that while it is the prerogative of the Security Council to decide on the imposition of measures against the Republic of South Africa, it is essential that the Committee assist the Council by making available a study of the question under the provisions of its mandate.

The Committee had before it detailed information regarding the economy of the Republic of South Africa, as well as the information provided by a number of States concerning their economic relations with South Africa, special attention being given to the possible effects of economic measures on their own economies. Special attention was also given by the Committee to the recommendations made in the past by the United Nations as well as by regional organizations and conferences and other bodies on the question of economic and other measures against the Republic of South Africa.

Taking into account this detailed information, the Expert Committee reached the following general conclusions as to South Africa's economy and the feasibility, effectiveness and implications of economic measures against South Africa.

It is the view of the Committee that South Africa's economic prosperity has been due in large part to the following factors:

- a. its varied and abundant natural resources (both agricultural and mineral, with the exception of oil);
- b. the rapid development of its basic industries;
- c. the high degree of its technical capacity owing to intensive recruitment of skilled labour from certain countries;
- d. foreign trade and investment; and
- e. the exploitation of non-White labourers. Although it was pointed out that the application of economic measures against South Africa might not immediately paralyse its economy, the Committee felt that it could not be immune to the far-reaching repercussions which such measures were bound to have.

On the question of the effectiveness of economic measures, it became apparent to the Committee that the degree of effectiveness of such measures would be in direct proportion to the universality and to the manner and duration of their application. While some members of the Committee expressed different views as to the magnitude of the adverse effect that such measures might have on the economy of South Africa, the Committee was of the opinion that it contained several areas of vulnerability. What emerged from the Committee's discussions was that South Africa's economy would suffer from the effects of a total commercial blockade applying to both exports and imports, and from an interdiction of communications. Among other measures which could have appreciable effects, particular emphasis was given in the Committee to an embargo on petroleum and petroleum products and to a cessation of emigration to South Africa. Furthermore, some members considered that very appreciable effects would result from a ban on financial and monetary operations. It was also noted in the Committee that counter-measures aimed at mitigating the effects of the embargo, such as the replacement of certain products by others, rationing and redeployment of resources, might temporarily lessen the impact of the measures envisaged. The effects of those measures on the South African economy would vary from case to case, their effectiveness being largely dependent on the counter-measures which South Africa might take to deal with the situation and on the concerted effort made in a spirit of co-operation by present and potential suppliers. As regards an embargo on arms and ammunition, which might not be regarded as a strictly economic measure, if universally applied it could have considerable effect as part of a trade embargo, since the South African industries manufacturing military equipment would have to utilize resources that would otherwise be employed to lessen the effects of a trade embargo. The consideration of these measures raised the problem of establishing adequate international machinery, possibly under the auspices of the United Nations, to prevent circumvention of the measures by States or individuals, and to deal with difficulties resulting from lack of co-operation by any State.

The Expert Committee is of the view that, while measures are possible, the effectiveness of any Security Council decision along these lines will depend on the degree of sincere collective determination of those imposing the measures, and especially of the States which have close economic relations with South Africa. Great emphasis was also given in the Committee to the

importance of the psychological effect of such measures, stress being laid on the fact that the present leaders and the inhabitants of South Africa would find it difficult to withstand their effects.

With regard to economic implications, the Committee, while believing that a spirit of sacrifice should prevail in a matter so important to the international community as that of eliminating apartheid, was of the opinion that an international effort should be made to mitigate the hardships which such measures would impose on the economies of some Member States. These might take the form of dislocations in certain markets and in particular countries, depending on the kind of measures applied. While special importance was attached to these factors, they should not by their nature prevent the application of measures against South Africa.

Having regard to the foregoing considerations, the Committee recognized the importance to be given to the following measures:

- a. embargo on the supply of petroleum and petroleum products;
- b. embargo on the supply of arms, ammunition of all types, military vehicles, and strategic equipment and materials for the manufacture and maintenance of arms and ammunition in South Africa;
- c. embargo on trade with South Africa;
- d. cessation of the emigration of technicians and skilled labour to South Africa;
- e. interdiction of communications with South Africa;
- f. application of political and diplomatic measures as mentioned in the various resolutions already adopted by the Security Council and the General Assembly.

The Committee also stressed the necessity of solving certain problems of implementation in order to judge the practical scope and the effectiveness of the above measures. Emphasis was placed on the necessity of a total blockade to make the measures effective and on the considerable costs involved in mounting such an operation. At the same time, it was pointed out that measures affecting vulnerable sectors of the South African economy might constitute an effective undertaking both in their practical impact on the country's economy and in the political and psychological repercussions they would have on the white minority. The possible importance of a partial blockade in the cases mentioned in paragraph 9 (a) and (b) above was pointed out in this connexion. Furthermore, in a decision to apply measures against South Africa it would be useful to set up a committee to co-ordinate their implementation. The same committee could, if necessary, co-ordinate action to mitigate proportionally the hardships that might be suffered by the economies of Member States.

Finally, the Expert Committee is of the view that while these measures could prove effective and would be feasible under the conditions enumerated in the preceding paragraphs, it should be stressed that the imposition of such measures involves political and psychological considerations which are matters for the Security Council.

16. The Committee wishes to place on record its great appreciation of the co-operation and assistance it received from the Secretary and from his colleagues, who made a significant contribution to facilitating the Committee's work and understanding of the highly complex subject-matter under study.

Document 40

General Assembly resolution: The policies of apartheid of the Government of the Republic of South Africa.

A/RES/2054 B (XX), 15 December 1965

The General Assembly,

...

Deeply concerned at the plight of numerous persons persecuted by the Government of South Africa for their opposition to the policies of apartheid and repression, and at the plight of their families,

Considering that humanitarian assistance to such persons and their families is in keeping with the purposes of the United Nations,

1. Expresses its great appreciation to the Governments which have made contributions in response to General Assembly resolution 1978 B (XVIII) and to the appeal made on 26 October 1964 by the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa;

2. Requests the Secretary-General to establish a United Nations Trust Fund for South Africa, made up of voluntary contributions from States, organizations and individuals, to be used for grants to voluntary organizations, Governments of host countries of refugees from South Africa and other appropriate bodies, towards:

- a. Legal assistance to persons charged under discriminatory and repressive legislation in South Africa;
- b. Relief for dependants of persons persecuted by the Government of South Africa for acts arising from opposition to the policies of apartheid;
- c. Education of prisoners, their children and other dependants;
- d. Relief for refugees from South Africa;

3. Requests the President of the General Assembly to nominate five Member States, each of which should appoint a person to serve on a Committee of Trustees of the United Nations Trust Fund for South Africa, which will decide on the uses of the Fund;

4. Authorizes and requests the Committee of Trustees to take steps to promote contributions to the Fund, and to promote cooperation and

coordination in the activities of voluntary organizations concerned with relief and assistance to the victims of the policies of apartheid of the Government of South Africa.

Document 41

Report of the Special Committee on the Policies of Apartheid of The Government of the Republic of South Africa (extract from Conclusions and Recommendations)

A/6486-S/7585, 25 October 1966

A Programme of Action by the United Nations

Faithful to its mandate from the General Assembly the Special Committee has attempted to promote a comprehensive programme of action, under the auspices of the United Nations, to solve the problem of apartheid.

It has given primary importance to economic sanctions and related measures designed to secure the speedy eradication of apartheid and the development of a non-racial society in South Africa. It has suggested measures to persuade the main trading partners of South Africa to co-operate in facilitating universal economic sanctions.

It has suggested the arms embargo and various other partial steps to secure certain minimum but vital objectives.

It has emphasized the importance of public opinion in reinforcing and supporting United Nations action and suggested various measures to inform world opinion of the dangers of apartheid and of the United Nations efforts to solve the problem. In this connexion, it emphasized the particular importance of informing opinion in the countries which maintain close economic and other relations with South Africa and of counteracting the deceitful propaganda by the South African Government and by business and other interests collaborating with it

While constantly concerned with efforts to secure a solution, and without diverting attention from the need for urgent action for that purpose, the Special Committee has also given attention to various humanitarian, cultural and other programmes. It made it clear that these programmes should in no way be regarded as alternatives for action to solve the problem.

In this connexion, the Special Committee has been concerned with programmes and measures by which the international community can prevent serious aggravation of the situation and the growth of racial bitterness and hatred, and can help alleviate distress among the victims of apartheid. It encouraged various initiatives to save the lives of opponents of apartheid threatened with execution and to prevent the torture and brutal ill-treatment of prisoners. It encouraged programmes to provide for legal defence of persons accused under arbitrary laws, aid to families of

political prisoners and education of their dependants, and relief to refugees. By emphasizing the humanitarian nature of these programmes, and keeping them distinct from efforts to secure an end to apartheid, the Special Committee has sought to enable wide segments of the international community to demonstrate, by action, their concern for a peaceful solution of the problem in South Africa.

In the same spirit, the Special Committee commended the United Nations Programme for the Education and Training Abroad of South Africans designed to assist South Africans to receive higher education and technical training and enable them to contribute effectively to the progress of their country in accordance with the purpose of the Charter.

The Special Committee is awaiting a report, being prepared at its request by the United Nations Educational, Scientific and Cultural Organization, on the effects of the policies of apartheid in the fields of education, science, culture and information in South Africa. It feels that such a report will provide authoritative information to non-governmental organizations and interested individuals and enable them to provide appropriate assistance to the millions who are denied equal opportunities because of racial discrimination.

The Special Committee has commended the efforts of the International Labour Organisation in pursuance of its declaration on the policy of apartheid of the Republic of South Africa and its programme for the elimination of apartheid in labour matters in the Republic of South Africa.

The Special Committee has encouraged various ameliorative measures without diverting attention from the primary task of contributing to the eradication of apartheid. It has maintained contact with other United Nations organs, as well as specialized agencies and non-governmental organizations, in order to promote meaningful action at all levels. It has thus sought to play a helpful role in promoting a comprehensive approach to deal with various aspects of the apartheid policy and its ill-effects, with emphasis on action rather than mere condemnation of apartheid. It has been gratified by the endorsement of its recommendations by the General Assembly, as well as the Seminar on Apartheid held at Brasilia in 1966 and by the responses from States and numerous non-governmental organizations concerned with this problem.

These efforts of the Special Committee demonstrated its intense concern to do all in its power, in accordance with its mandate from the General Assembly and the needs of the situation, to promote all possible peaceful measures towards a solution of the problem of apartheid during a period when the actions of the South African Government were precipitating a conflict. While the Special Committee had no doubt that the hopes of the South African Government that an armed racist minority can for ever dominate the country would fail, and that non-racialism and justice would triumph, it was always anxious to promote the widest international support and understanding of the struggle against apartheid, especially in the predominantly "white" and

"Christian" nations, in order to promote the most peaceful transition and to mitigate the dangers of racial bitterness.

While the Special Committee respects the right of the oppressed people to liberate themselves by means of their own choice, and recognizes that avenues for peaceful change are increasingly closed by the Government, it may well be that the constant concern of the Special Committee, and the support it received from the Member States and public opinion, has helped to contribute toward mitigating violence and racial bitterness and hatred. It recognizes, however, that the danger of violent conflict cannot be eliminated unless decisive steps are taken to eradicate apartheid.

The Special Committee feels that, in view of the aggravation of the situation in South Africa and neighbouring territories, these many-sided efforts should be redoubled in a comprehensive international campaign against apartheid under the auspices of the United Nations. It has attempted to ensure that the Seminar on Apartheid would give particular attention to concrete measures for a programme of action and has noted with satisfaction that the Seminar has made a number of recommendations which deserve consideration and endorsement by the competent United Nations organs.

Document 42

General Assembly resolution on Elimination of all forms of racial discrimination.

A/RES/2142 (XXI), 26 October 1966

The General Assembly

...

8. Proclaims 21 March as International Day for the Elimination of Racial Discrimination;

...

Document 43

General Assembly resolution: Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories.

A/RES/2144 (XXI), 26 October 1966

The General Assembly,

...

Taking note of the conclusions and recommendations of the Seminar on Apartheid, organized under the programme of advisory services in the field of human rights and held at Brasilia in 1966,

...

7. Appeals to all States, governmental and non-governmental organizations, and individuals:

(a) To support the United Nations Trust Fund for South Africa and voluntary organizations engaged in providing relief and assistance to victims of colonialism and apartheid;

(b) To encourage judicial associations and other appropriate organizations, and the public in general, to provide such relief and assistance;

8. Urges Member States to take all necessary measures, in accordance with their domestic laws, against the operations of propaganda organizations of the Government of South Africa and of private organizations which advocate apartheid and policies of racial discrimination and domination;

...

13. Requests the Secretary-General to establish a unit within the Secretariat of the United Nations to deal exclusively with policies of apartheid, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, in order that maximum publicity may be given to the evils of those policies;

...

Document 44

General Assembly resolution: The policies of apartheid of the Government of the Republic of South Africa.

A/RES/2202 A (XXI), 16 December 1966

The General Assembly,

...

Taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and endorsing its proposals for an international campaign against apartheid under the auspices of the United Nations,

Taking note with satisfaction of the report of the Seminar on Apartheid, held at Brasilia from 23 August to 4 September 1966,

Gravely concerned at the intensification of the policies of apartheid in South Africa and the direct support given by the Government of South Africa to the colonialist and racist regimes on its borders, thus aggravating the situation in southern Africa,

Noting with concern that the policies of the Government of South Africa aim at perpetuating apartheid in South Africa, that they strengthen the colonialist and racist regimes on its borders and that they threaten the integrity and sovereignty of the neighbouring independent States,

1. Condemns the policies of apartheid practised by the Government of South Africa as a crime against humanity;

2. Reaffirms that the situation in South Africa and the resulting explosive situation in southern Africa continue to pose a grave threat to international peace and security;

3. Deplores the attitude of the main trading partners of South Africa, including three permanent members of the Security Council, which, by their failure to cooperate in implementing resolutions of the General Assembly, by their refusal to join the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and by their increasing collaboration with the Government of South Africa, have encouraged the latter to persist in its racial policies;

4. Draws the attention of the main trading partners of South Africa to the fact that their increasing collaboration with the Government of South Africa despite repeated appeals by the General Assembly has aggravated the danger of a violent conflict, and requests them to take urgent steps towards disengagement from South Africa and to facilitate effective action, under the auspices of the United Nations, to secure the elimination of apartheid;

5. Appeals to all States:

- a. To comply fully with the decisions duly taken by the Security Council which solemnly call on them to cease forthwith the sale and delivery to South Africa of arms, ammunition of all types, military vehicles and equipment and materials intended for their manufacture and maintenance;
- b. To discourage immediately the establishment of closer economic and financial relations with South Africa, particularly in investment and trade, and also to discourage loans by banks in their countries to the Government of South Africa or South African companies, and to submit reports to the Secretary-General on steps taken in this respect, such reports to be transmitted by the Secretary-General to the General Assembly and the Special Committee;
- c. To consider effective political, moral and material assistance to all those combating the policies of apartheid, in the light of the recommendations of the Seminar on Apartheid;
- d. To make adequate and generous contributions to humanitarian programmes designed to assist the victims of apartheid;

- e. To endeavour to grant asylum and extend travel facilities and educational and employment opportunities to refugees from South Africa;
6. Requests the Secretary-General:
 - a. To organize as soon as possible, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, an international conference or seminar on the problems of apartheid, racial discrimination and colonialism in southern Africa, and to transmit the report of that conference or seminar to the General Assembly at its twenty-second session;
 - b. To take steps, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, for the periodic publication of statistics on South Africa's international trade;
 - c. To provide all the necessary assistance to the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa in publicizing and reporting on any tightening of economic and financial relations between other States and South Africa;
 - d. To consult with the International Bank for Reconstruction and Development in order to obtain its compliance with the provisions of General Assembly resolutions 2105 (XX) of 20 December 1965 and 2107 (XX) of 21 December 1965 and with those of the present resolutions, and to report to the General Assembly at its twenty-second session;
 - e. To provide the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa with all the necessary means, including appropriate financial means, for the effective accomplishment of its task;
 7. Once again draws the attention of the Security Council to the fact that the situation in South Africa constitutes a threat to international peace and security, that action under Chapter VII of the Charter of the United Nations is essential in order to solve the problem of apartheid and that universally applied mandatory economic sanctions are the only means of achieving a peaceful solution;
 8. Invites the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa to continue to take all steps to discharge its mandate more effectively and, to that end, authorizes it:
 - a. To hold sessions away from Headquarters or to send a sub-committee on a mission to consult specialized agencies, regional organizations, States and non-governmental organizations on ways and means to promote the international campaign against apartheid and to investigate various aspects of the problem of apartheid;
 - b. To continue and to increase cooperation with the Special Committee on the Situation with regard to the Implementation of the Declaration on

the Granting of Independence to Colonial Countries and Peoples with a view to the consideration of the activities of foreign economic interests in southern Africa which impede the efforts to eliminate apartheid, racial discrimination and colonialism in the region;

9. Requests the Secretary-General and the specialized agencies to consider appropriate assistance for the employment in their secretariats and programmes of qualified South Africans who are victims of apartheid;

10. Invites the specialized agencies, regional organizations, States and non-governmental organizations to cooperation with the Secretary-General and the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa in the accomplishment of their tasks under the present resolution.

Document 45

Letter dated 3 February 1967 from the Chairman of the Special Committee against Apartheid, Mr. Achkar Marof, to the Secretary-General concerning the treatment of political prisoners in South Africa.

UN Press Release GA/AP/88, 3 February 1967

...

"I have the honour, on behalf of the Special Committee, to request you to draw the urgent attention of the Commission on human Rights to the continuing ill-treatment of prisoners, detainees and persons in police custody in the Republic of South Africa, particularly the numerous opponents of apartheid who have been imprisoned under arbitrary laws.

"The Special Committee has always been gravely concerned over this matter and has reported on it to the General Assembly and the Security Council. A number of documents of the Special Committee, a list of which is attached, contain alarming evidence of ill-treatment of such persons in prisons and police stations.

"In its reports of 30 November 1964, and 10 August 1965, the Special Committee suggested the establishment of an international commission composed of eminent jurists and prison officials to investigate the charges of torture and ill-treatment of prisoners in South Africa. The suggestion was not pressed in the General Assembly because it was hoped that the expression of international concern might persuade the South African Government to improve conditions so as to conform with civilized standards and the regulations in South Africa itself.

"However, evidence of the continuing ill-treatment of prisoners, detainees and persons in police custody is still being received. Those being subjected to this ill-treatment include not only acknowledged leaders of the people and opponents of apartheid who have been persecuted under legislation which

violates the fundamental principles of human rights, but also thousands who have been imprisoned for the infringement of apartheid laws.

"As the Special Committee observed in its report of 21 October 1966, the ruthless measures of the South African Government seem to be increasingly designed to wreak vengeance against the opponents of apartheid. In the view of the Special Committee, such measures contravene international standards of behaviour and the Universal Declaration of Human Rights.

"The Special Committee, therefore, hopes that the Commission on Human Rights will consider the matter urgently and take steps to secure an international investigation with a view to ameliorating the conditions of these victims."

Document 46

Statement by Mr. Dennis Brutus, Director of the Campaign for the release of political prisoners in South Africa, in the Special Committee against Apartheid.

A/AC.115.L.194

...

I am especially grateful for this opportunity since I am speaking also as the Director of a Campaign launched by the International Defence and Aid Fund, under the presidency of Canon L. John Collins, for the release of all political prisoners in South Africa.

I cannot claim any professional training or expertise which would specially fit me for the task of testifying on conditions under which political prisoners are kept in South Africa, but I can refer to a record of more than twenty years of sustained opposition to apartheid in various fields, especially those of housing, education and sport, as well as in broader political issues, which opposition culminated in my being subjected to a series of restrictions and bans and finally in my imprisonment and subsequent placing under house-arrest for five years.

It is of my twenty-two months in prison and my experiences there that I wish especially to speak, and of the conditions as they applied to other prisoners. It is my conviction and that of those associated with me in the current campaign, that if the world can be brought to the knowledge of these conditions, there would be a strong and sincere demand for the release of all political prisoners, and that this demand could be backed by the moral, political and other pressures which would make it a meaningful reality.

We are especially heartened by the knowledge that the demand of our Campaign for an investigation of prison conditions in South Africa is made also by this Special Committee, as well as by a host of other organizations. We are particularly encouraged by the knowledge that this Committee, in its February meeting, has renewed this demand in very explicit terms to the Commission

for human Rights, asking:

"that the Commission on Human Rights would consider this matter urgently and take steps to secure an international investigation with a view to ameliorating the conditions of these victims" (of apartheid).

I have had personal experience of prison conditions in South Africa, particularly at the Fort, Johannesburg, Leekop (Bryanston, Johannesburg) and Robben Island Prison. In addition, I spent some days in the prisons at Pollsmoor and Roeland Street, Capetown, and passed through the prisons at Kroonstad, Bloemfontein, Colesberg, George and Port Elizabeth. This is apart from the days spent in a Portuguese prison in Lourenzo Marques, Mozambique.

I propose to give some details of my experience in these prisons, and of what I observed of the treatment of others, and to refer briefly to the Red Cross Report on South African Prisons before going on to discuss our Campaign for the Release of Political Prisoners: its aims, methods and the manner in which it can, in conjunction with the Special Committee, contribute to the achievement of its purposes and the ultimate overthrow of apartheid which this implies.

I hope it is not necessary to stress that my ultimate aim can only be, as it is for the men who are imprisoned, the complete overthrow of apartheid and its replacement by a just social system.

Any campaign which does not set as its final goal the overthrow of apartheid can only be regarded as trifling, and as failing to come to grips with the realities of the South African situation.

The South African situation is one in which men are today being tried and imprisoned for their opposition to racist domination; it was this system which imprisoned me. In May of 1963, then under a ban, I was arrested at the offices of the South African Olympic Association and charged with attending a gathering. For this offence, and others related to it, I was eventually sentenced to eighteen months imprisonment with hard labour: sixteen months of this I served on Robben Island. In all I spent twenty-two months in various prisons.

I am still, to the best of my knowledge, the only prisoner who can come to you with firsthand information from Robben Island. I have also checked my information with those having served time in other prisons and who have left South Africa more recently than I (July 1966). These people have amply confirmed my facts, so that I am satisfied that the information which I place before this Committee is as up-to-date and accurate as it is possible to give at the present time.

...

After being sentenced to eighteen months imprisonment in Johannesburg, I was taken to the Fort, Johannesburg, and on the following day in chains to

Leeukop prison.

At Leeukop, after we had complained that we were not being given exercise for weeks, the group of about thirty-five in my cell were forced to run in circles in a quadrangle.

We were forced to run until we were exhausted, in the presence of a Lieutenant van Zyl. I had at that time not yet recovered completely from the effects of the bullet injury I had suffered when being shot by a member of the Security Police, and so asked that I be allowed to stop running. But this was refused me, and I was forced to run until at the point of collapse.

An even worse experience was had by a group of prisoners from Durban, who were made to run naked for almost an hour in a quadrangle -- being continuously beaten by warders as they ran, and many of them falling and being beaten and made to rise.

Two months later a group of 120 of us -- all political prisoners -- were removed, again in chains, at night in three large trucks. Half of us were left the next day in Kroonstad, at the prison there, and the rest of us were brought down to Robben Island, still in chains.

On the day after our arrival in Robben Island, in March 1964, we saw a large number of prisoners, including Andrew Masondo, being assaulted indiscriminately by a group of warders in what was known as a "carry-on". This was a command given by a Lieutenant Fraser which allowed the warders to hit the prisoners -- numbering perhaps sixty -- at will.

Later the same day my own outfit of about sixty was taken to work with the Masondo group carrying stones at a quarry or building site. Here we were all continuously assaulted and beaten by warders armed with sticks, batons, straps and builders planks. Most of us were covered with bruises, some were bleeding, and some collapsed but were made to rise and continue working.

On the Monday after our arrival, we were made to work in a quarry near the beach. Here we were again continuously assaulted and beaten throughout the day. In addition to being beaten by warders, I was also kicked in the stomach by one of the criminal boss-boys. It was a result of this injury that I was later placed in the prison hospital and subsequently sent in June of 1964 to Pollsmoor prison near Capetown for treatment at Victoria Hospital, Wynberg.

During my period on Robben Island I frequently saw prisoners, both political and criminal, being assaulted, and furthermore saw them exposed to additional punishments ranging from deprivation of three meals, to periods of spare diet or lashes given while strapped to a metal frame.

One instance I remember especially is of a young political prisoner who was beaten because he would not submit to the homosexual embraces of the criminals. For this he was repeatedly beaten and at the time I made contact

with him he was brought into the segregation section because he was alleged to be mad. It is true that his behaviour at this time suggested that he was deranged. He was subsequently taken out of segregation and I heard nothing more about him.

In addition to these incidents there were many others that I heard of by report, but since I did not have direct experience of these, I prefer to limit myself to those I know of: but I have not given all such instances here.

I am satisfied from my experience, however, that the two worst features of life in prison were:

- a. the harshness and barrenness of the life which prisoners had to live, particularly under the hostility of warders and some of the criminal prisoners;
- b. that men who had acted in conscience against an evil system should be punished by imprisonment -- in many instances life.

For the greater part of my sentence, I was kept in the segregation section -- also called, in one report, the "leadership" section, where I worked breaking stones alongside men like Nelson Mandela, Walter Sisulu, Ahmed Kathrada, Govan Mbeki, Andrew Mlangeni and Elias Matsoaledi -- all of them sentenced for life imprisonment after the Rivonia Trial. Also serving a life sentence was Jeff Mazemola; other prisoners with me were Andrew Masondo, George Peake, Lallo Chiba, Mac Maharaj, Eddie Daniels, Dr. Neville Alexander, Don Davis, Les van der Heyden and Zeph Mothupin.

Most of these men, at some time, broke stones with me in the enclosure of the segregated section, but the majority of them were later removed to the much harder work at the lime-pits -- going out each day from our section to dig blocks of lime in the quarry.

Shortly before I left a few of them had come in for brief periods because of some illness to work at breaking stones; these included Raymond Mhlaba and Billy Nair. Indres Naidoo and Jonas Mlambo were men I saw briefly when they had been brought into our section for a special purpose: both of them were tried on various charges and sentenced to lashes. I saw the scars thereafter, when the flesh was still cut open and raw. The scars will be with them for life.

...

This is only a brief and very sketchy account of what happened in prison in the time that I was there; I propose to provide your Committee with a much more detailed and full documented account as well.

This testimony, however, should be sufficient to indicate the conditions under which political prisoners are kept. I hope that it will be useful to strengthen the demand made by the Special Committee as well as by

International Defence and Aid and other organizations, that there should be an investigation into prison conditions in South Africa.

I should like to refer at this point to some attempts at investigation of prison conditions. While I was in prison, together with the rest of my group in the segregation section, one day we were given needles and thread and some old uniforms and told to mend them. We did this for a short time. Then a press photographer turned and we were photographed at work. The very next day we were again given a load of stones and a hammer and instructed to reduce the stones to gravel. This incident can be vouched for by a number of prisoners. The picture of us mending uniforms has since been widely published -- I have seen it -- but is a completely false and misleading image of what we were required to do.

In May of 1964 we heard of the visit of an investigator -- we believed from the United Nations. My personal knowledge of it came when it was decided to issue me with shoes -- in case I should be called for by the visitor. I had previously been given sandals, but for some time had been going barefoot with large blisters on my feet -- in addition to the cuts and sores I had sustained on the rocks while working in the quarry on the beach immediately after my arrival. At the time of this visit -- by Dr. Hoffman, as I learned later, I saw for the first time -- and it was a surprise also to criminals who had served many years -- the convicts in hospitals wearing brown pajamas. These they wore -- just as others who told Dr. Hoffman that they had been issued with new uniforms -- until the visit was over. The most dishonest thing I saw, however, was the sight of sick prisoners lying in beds in the prison hospital -- for the duration of this visit. Normally the beds were "for inspection only" -- I had myself lain on the floor while in the prison hospital -- and the sick prisoners were told to get back on the floor after the visit was over.

It should be understood that Dr. Hoffman did not know the extent to which he was being deceived -- indeed his visit had real value in that it led to a few small improvement in treatment for a short while -- but the Red Cross Report is misleading and gives no indication of the real hardship endured by the prisoners. Subsequent to the release of the Red Cross Report -- and some comments by the South African Government attempting to whitewash facts given in the Report which hint at how dreadful the real position is -- there has been a statement made on behalf of the Government which denies that there are any political prisoners at all, conceding only that there might "possibly" be one -- Mr. Robert Sobukwe.

...

Two things are certain: that there is a considerable amount of brutality and cruelty in the South African prisons where political prisoners are held, and that these man ought not to be in prison at all, for they have fought on the side of justice against injustice. These two points are the basis of the Campaign which has been launched by International Defence and Aid.

Originally called the Campaign for Release of Imprisoned Politicians in South Africa, the name has just been changed to the Campaign for the Release of Political Prisoners in South Africa, since it is now pooling resources with the World Campaign for the Release of Political Prisoners in South Africa -- a Committee initiated by the Anti-Apartheid Movement. These bodies work together for their common goal, along with several others.

Two major bodies supporting the Campaign are the African National Congress and the Pan-Africanist Congress of South Africa. In addition, the Campaign has the formal support of the Organization of African Unity, as expressed in a letter from its Secretary-General, Mr. Diallo Telli.

...

...the principal aims of the Campaign are to seek an investigating commission to go to South Africa to look into prison conditions, and to make a demand for the release of all political prisoners. We seek, as a subsidiary aim, the amelioration of conditions for the prisoners, and we also urge an investigation on behalf of those who are held as 180-day detainees, without charge or trial.

The above request for the release of the political prisoners is based on the resolution adopted by the United Nations in 1964, by 106 votes to one. I was in prison at the time but heard of the resolution: that all South African political prisoners should be released, and that all political trials should cease.

It is our hope, and the aim of this Campaign, that the United Nations will in time come to make this resolution not only meaningful, but a reality; we see the sending of an investigating commission as a preliminary step. It is quite possible that the South African Government will elect to defy the world and to refuse admission to such a commission. It is our hope that the world will be sufficiently resolute to impose its will against apartheid.

It is clear that mere resolutions are not likely to change the situation in my country. While conditions become increasingly intolerable, the prospect of peaceful change vanishes, and that of change by any means becomes increasingly distant. But it is imperative to create constantly fresh pressures for change as the prospect of disaster looms ever closer.

Ultimately there can be only one objective for all pressures against apartheid: the complete destruction of the system.

Notes:

17. Annex I.

18. The members of the Expert Committee were Bolivia, Brazil, China,

Czechoslovakia, France, Ivory Coast, Morocco, Norway, Union of Soviet Socialist Republic, United Kingdom and United States of America.

19. Annex II.

20. Annex III.

21. Annex IV.

22. Annex V.

23. Annex VI.

24. Annex VII.

25. Annex VIII.

26. Annex IX.

27. Annex X.

28. Annex XI.

29. Annex XII.