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President: Mr. Adam MALIK (Indonesia).

AGENDA ITEMS 37 AND 12

The policies of <i>apartheid</i> of the Government of South Africa; (a) Report of the Special Committee on <i>Apartheid</i> ; (b) Reports of the Secretary-General	
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Report of the Economic and Social Council
[chapter XVII, (section C)]

REPORT OF THE SPECIAL POLITICAL COMMITTEE
(PART I) (A/8504)

1. Mr. MOHAJER (Iran), Rapporteur of the Special Political Committee: It is a great honour for me to present the report of the Special Political Committee on agenda item 37, contained in document A/8504. This report, representing a part or phase of the work of the Committee on agenda item 37, pertaining to the policies of *apartheid* of the Government of South Africa, was allocated to the Special Political Committee by the General Assembly on 25 September 1971.

2. It is not unprecedented to present a report on an item while the general debate on it is still under way. In fact, that was the case last year when the Special Political Committee submitted a similar report before the end of the debate on the policies of *apartheid* in South Africa. However, it should be borne in mind that this year what prompted the Committee to act, apart from the importance of the problem in general, was mainly the recent tragic events in South Africa, which, among other things, brought about the death of a detainee and the conviction of the Anglican Dean of Johannesburg.

3. As the Chairman of the Special Political Committee observed in his statement, "The recent events have in a very real sense been the source of the resolution, and it is appropriate to have this in mind."¹ The draft resolution

¹ This statement was made at the 766th meeting of the Special Political Committee, the official records of which are published in primary form.

contained in paragraph 12 of this report, while basically a reaction to those events, is in no way limited in scope. On the one hand, it reflects the great indignation of the Committee over the maltreatment of the opponents of *apartheid* and, on the other, it deals with the roots of the present events.

4. The draft resolution calls *inter alia* for repealing the legislation designed to give effect to the policies of *apartheid*, requests the Special Committee on *Apartheid* to prepare a special report on all known cases of maltreatment and torture of prisoners in South Africa and requests the Secretary-General to publicize all available information on this matter.

5. In order to achieve the objectives of the Special Political Committee, which are to draw the attention of world public opinion to those events, it is my earnest hope that the General Assembly will act in the same spirit and with the same concern that prevailed during the discussion of this item in the Committee.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Special Political Committee.

6. The PRESIDENT: I shall now call upon representatives who wish to speak in explanation of vote.

7. Mr. FARAH (Somalia): This month in South Africa the world witnessed another series of nation-wide police raids on organizations and individuals connected with the churches, with student organizations and with other bodies, and that has put an end to any doubt that a police state has been established in that country. These raids and the spate of deportations, passport and visa refusals and termination of residence permits of church workers and their families are important indications of how far the South African Government is prepared to go to stifle opposition to its clearly unjust policies.

8. An apparently significant proportion of the membership of the various churches in South Africa is facing up to the contradictions between *apartheid* and its religious beliefs. Some, but not enough, have been stirred to action and are now experiencing the kind of oppression and injustice the non-white people of South Africa have had to contend with at the hands of the South African racist authorities for the past 23 years.

9. Apart from the savage repression of their social, political and economic rights, what has this campaign involved in terms of personal freedom? Each day more than 2,000 Africans are imprisoned for infringements of the work, residence and pass laws. Half the world's judicial

executions take place in Pretoria's Central Prison, where an average of 100 blacks are hanged each year. To ensure the permanence of the *apartheid* system there has been a steady corrosion of the political and legal rights of Africans and other non-white members of South Africa's community—a corrosion so pervasive that it has even affected the rights of the white citizens of South Africa. The small minority of white people who oppose *apartheid* there is also being crushed by the system. This we have seen from the latest incident involving the imposition of a five-year prison sentence on the Anglican Dean of Johannesburg for affording humanitarian aid to the families of political prisoners.

10. Let us reflect: he was convicted for distributing money to people in need. As the Dean's counsel pleaded at the trial:

"Whatever the source may be, whatever the motive of such acts of charity, the fact that it must lead to a prison sentence produces a sense of shock and stupefaction far beyond the confines of the court. If there ever was a case for the minimum sentence, it is this one."

We might ask ourselves—and many people the world over are asking themselves—is charitable work of the kind the Dean performed terrorism? It should be part of the normal work of a clergyman or priest in an oppressive society.

11. As the London *Guardian* of last week put it,

"Over the past two decades the South African Government has stifled all normal channels for contact with Africans and all legitimate forms of active dissent. Now the net is tightening on the church, which was the last white organization left with regular access to Africans and, equally important, access to the world outside South Africa."

12. Time and again one hears mention of the Suppression of Communism Act, and we must ask ourselves what that Act really means. First, I think it must be borne in mind that it is not directed so much against communism as against the struggle of the African and other non-white people of South Africa for equality. In enacting that law in 1950, the South African Government felt that the title would attract the sympathy of Western countries which were involved in the cold war. One of the first effects of the Act was to expel a member of Parliament elected by the African voters, on the ground that he was a communist. The liberation movement in South Africa recognizes the significance of this Act. The African National Congress and the South African Indian Congress organized mass protests against it on 26 June 1950. That day is observed in South Africa as Freedom Day. The South African Government indicated at that time that it considered the Act as one of the pillars of *apartheid*. Those subjected to restrictions under it include numerous people who are well-known non-communists, such as the late Chief Luthuli, Helen Joseph, Father Cosmas Desmond, Mrs. Winnie Mandela, and hundreds of others.

13. As regards the Terrorism Act, one must relate here the reactions of international legal associations on the content and substance of that law. Learning of the General Law

Amendment Act of 1963, the Johannesburg Bar Council protested "at those provisions which, in its view, have as their consequence the virtual abrogation of the rule of law in South Africa". The Association of the Bar of the City of New York, representing professional men in the greatest metropolitan complex in the world, saw fit to adopt a resolution condemning the Terrorism Act and the first trial under it. This is the resolution that that legal association adopted:

"Resolved:

"That the Association of the Bar of the City of New York hereby records its deep concern over and its protest against the actions of the Republic of South Africa in prosecuting 35 South West Africans under the Republic of South Africa's Terrorism Act of 1967, in that:

"The Terrorism Act of 1967 offends general principles of law recognized by civilized nations, accepted standards of due process of law and the rule of law, and violates the Universal Declaration of Human Rights . . ."²

14. I need not go any further with regard to these two laws except to say that during the course of the debate in the Special Political Committee some members felt that it would be wrong to mention the legislation of a particular country, on the ground that it would constitute interference in the internal affairs of that country. Now, in so far as it relates to the policies of *apartheid* of the Government of South Africa, the United Nations, without dissent apart from that of South Africa itself, has felt it necessary to declare that the United Nations has an interest, a continuing interest, a deep interest, in what is going on in South Africa as a result of the application of the *apartheid* system, and that any laws that are enacted to enforce those policies must of necessity be the concern of this Organization.

15. The draft resolution in paragraph 12 of document A/8504 which is now being recommended for adoption by the General Assembly is quite clear. In its preambular part it takes note of the mass arrests, the recent deportations, detentions and trials of people in South Africa because of their opposition to *apartheid*; it takes note of the fact that this Organization has condemned unanimously the policy of *apartheid* as one constituting a crime against the conscience and dignity of mankind. In the operative paragraphs, it expresses grave indignation and concern over any and every act of maltreatment and torture of opponents of *apartheid* in South Africa; and it again calls on all States to do all that is in their power to promote the cause of justice for all people in South Africa and, to that end, to exert their influence to secure the repeal of all such obnoxious legislation as the Terrorism Act, the Suppression of Communism Act and other laws designed to persecute and suppress the rights of those who are opposed to the policies of *apartheid*. It also asks all States to use whatever influence they possess to secure the liberation of all persons imprisoned or detained for their opposition to *apartheid*.

16. A vote for this draft resolution will be a vote in fulfilment of what the General Assembly has already

² See *The Record of the Association of the Bar of the City of New York*, April 1968, vol. 23, No. 4, p. 214.

affirmed: that this Organization cannot stand indifferent to what is going on in South Africa; that the acts which are being perpetrated under the banner of *apartheid* are acts against humanity, and that they are offensive to all who believe in human equality and in human dignity. I trust that this draft resolution will be adopted unanimously.

17. Mr. ÅLGÅRD (Norway): It is our firm belief that the principles of international law and morality, as defined in the Charter of the United Nations, in the Universal Declaration of Human Rights and in the Declaration on the Granting of Independence to Colonial Countries and Peoples, are essential to the freedom and dignity of man and to the development of friendly relations among nations. The policy of *apartheid* represents a total rejection of those very principles. The Government of South Africa has made racial discrimination the guiding principle for the development of South African society, in open violation of the most fundamental principles of equality, justice and freedom. Not only are force and violence employed to implement *apartheid* and suppress its opponents, but violence also is inherent in the theory of *apartheid* and in the system itself.

18. We hope and trust that the General Assembly will give its massive and active support to the draft resolution adopted by the Special Political Committee concerning the repressive policies of the South African Government and the maltreatment and torture of prisoners in South Africa, and thereby give renewed emphasis to the deeply-felt concern of the world community over the present reprehensible system of racial persecution and suppression in South Africa.

19. Mr. SIMUCHIMBA (Zambia): The English people say one good turn deserves another. In the Second World War, when Hitler and Mussolini were pouncing on small and big nations of Europe, black men all over Africa stood up and fought side by side with their anguished counterparts. Now the black man is calling on the international community to help him; he deserves a good turn. The black man has suffered for too long. During the slave trade he was a victim of exploitation, and during imperialism and colonialism he was again a victim of exploitation. Now, although he fought with you during the 1939-1945 war and was prepared to sacrifice his blood so that your own people could enjoy the fundamental freedoms, so that your own people could run their homes and maintain their families, today we who are architects of freedom say, "Oh, he is not entitled to these rights".

20. The time has come when the international community must take this seriously; this is a challenge; this is a moral issue for the international community. Therefore, the international community must rise to this challenge.

21. I need not go into the details of the atrocities which South Africa is committing in South Africa itself; those are very familiar to all representatives. But we need to play the role of a good surgeon. A good surgeon amputates a limb that is septic, a limb which cannot be repaired, one which no penicillin or other medicine can cure. A good surgeon amputates such a limb. And our sick "limb" is South Africa; it is beyond repair.

22. Those of you who have not lived under the system of *apartheid* begin to question my sincerity when I say this. It is becoming septic; and, not only that, it is even spreading its roots. Like cancer, once it begins to touch everywhere, the time will come when it will be beyond repair—beyond any curative measures. So we call upon the international community to support this cause. It is a worth-while cause.

23. If we do not take action immediately, what is happening in South Africa today will happen in America and in Europe. These mad men have set a precedent in life, and even among ourselves where we enjoy freedom we may have a few mad men who want to implement the same system. The victims today are black men; tomorrow it might be you.

24. That is how Hitler was let loose: you all said, "Oh, those are internal affairs. Don't worry about Germany; those are internal affairs. Don't you worry about what Mussolini is doing; those are internal affairs." Now some of you know better; and how you suffered during those bitter years of the Second World War.

25. This is a call, a genuine call. We are not talking in terms of racialism; we are talking in terms of the truth. Everybody is entitled to life, whether he be black or yellow, and therefore this is a challenge to all men of goodwill.

26. Some of our people are labouring under a delusion that a dialogue with South Africa is attainable. This is not true. In fact what they call a dialogue is a monologue. They simply explain to you how good *apartheid* is and then put you on a plane to go back to your home. Or, if you are as black as I am, they take you to a hotel where there are no Afrikaaner elements—they cannot put you in a hotel which is predominantly Afrikaaner—and then when you go back home you shut your mouth. So for those advocates of dialogue I shall read what Vorster told one of our black leaders, not a long time ago but in June of this year. He said:

"In the light of the resolution adopted by the Organization of African Unity in June, a visit by a representative delegation such as you suggest would be construed in my country as an interference in our internal affairs and would, for that reason, be unacceptable. We would no doubt eventually be prepared to receive a representative delegation, but at this stage we feel it would be more appropriate for the visit to be made by yourself."

Now that is the dialogue those advocates of dialogue want.

27. Therefore, we very humbly say to all those major trading partners of South Africa that there are only three mad men in South Africa whom you can punish, by not giving them military power and by not giving them any economic assistance. There is no need even to fire a bullet at South Africa. It is a question of squeezing it militarily and economically.

28. I hope that after the draft resolution which is contained in this report has been adopted the trading partners of South Africa will search their hearts, and that when we come back next year, in 1972, they will tell us a

- different story: that they have stopped trading with South Africa and that they have stopped giving arms to South Africa. We humbly beg all those trading partners of South Africa to take this matter seriously and to institute immediate and positive action so that their fellow-men in South Africa shall live as they do.
29. Mr. SEN (India): A fortnight ago South African police carried out nation-wide raids, searching at least 115 persons. On the same day the Reverend Bernard Wrangmore broke his 66-day fast after attracting world attention to the death of a Moslem religious leader, Imam Haron, while he was still under detention.
30. Those searched on 24 October included two bishops, five officials of the University Christian Movement, six journalists, 62 university students, 12 university professors and lecturers, five teachers and members of the newly revived Indian Congress. Soon after the search at least 19 people were taken into custody.
31. A few days later, on 27 October, Ahmed Timol, one of the persons detained, fell or jumped to his death from a window on the tenth floor of Johannesburg Police Headquarters. He was the seventeenth person to die while in police detention and the tenth alleged to have committed suicide. Meanwhile, another youth of 21, also in detention, is believed to have suffered severe head and chest injuries in what they call "interrogation".
32. On 1 November, the Anglican Dean of Johannesburg, the Very Reverend Gonville Aubrey French-Beytagh, was convicted under the Terrorism Act and sentenced to five years' imprisonment.
33. That is the Pretoria régime's reply to the United Nations which, in its Special Political Committee and the Third Committee, is currently discussing once again the racial policies of South Africa. No other Member of the United Nations has treated this Organization with so much contempt and with such complete impunity.
34. The draft resolution which the Special Political Committee has sent to the General Assembly today is a warning to the Pretoria régime. This violence of despair of that régime indicates that it has reached the point of no return. After 23 years of authoritarian rule and police terror, it has failed to suppress the source of intellectual dissent in the country—the churches, the universities and the press.
35. Terror is the basic instrument of totalitarian régimes everywhere. Unlimited tyranny is considered the most important tool of all repressive Governments. But if torture and violence are meant to crush all of their victims forever, they tend at the same time to dehumanize their perpetrators. If the international community silently condones these evils, it cannot escape the severest criticism of its inaction. Should we remain passive and supine in the face of these provocations and violent abuse of a country's powers, the authority of the United Nations would disappear and it would make nonsense of the Universal Declaration of Human Rights. The Terrorism Act, the Suppression of Communism Act and the South African Bantu Administration Act offend against the basic concepts of justice and totally reject the rule of law.
36. We still continue to hope that the Governments friendly to the Pretoria régime will use their influence with that Government to move it towards sanity and wisdom so that the crimes it has already committed do not erupt into worse violence and widespread turmoil. There is a limit to the debasement of human dignity.
37. We would suggest that in addition to adopting this draft resolution unanimously, the Member States, in observing Human Rights Day in December 1971, may be invited to give special attention to the unspeakable violations of human rights in South Africa, condemning the torture of those detained and the persecution of religious and other leaders who oppose *apartheid*. Meanwhile, we would hope that the present draft resolution might bring some comfort to the victims, even if it failed to convince the South African régime that the time was long past when it could expect crumbs of comfort from the policies of any Government with any pretence to civilized behaviour.
38. Mr. MOUSSA (Tunisia) (*interpretation from French*): Fifty-six countries from all the continents, and with them Tunisia, were at the origin of the proposal which has now been presented to the General Assembly [A/8504, para. 12] after having been adopted by an overwhelming majority by the Special Political Committee. This has been done in the midst of the twenty-sixth session of the General Assembly of the United Nations and, while *apartheid* was the subject of a debate here in the United Nations, the racist Government of South Africa, as if once again to hurl a further challenge to us, has given further proof of its stubbornness in pursuing against the oppressed people of Africa, blind and senseless repression. A young teacher died at police headquarters; a man of God, the Anglican Dean of Johannesburg, has been condemned by a court which is a shame to justice.
39. This present draft resolution has no need to be supported by long speeches, as is usually done with traditional resolutions. It is indeed the expression of our indignation and our opposition to the hateful policy of *apartheid*. This indignation and this opposition must come from us spontaneously and without any reservations whatsoever. This indignation and this opposition should also be unanimous.
40. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) (*translation from Russian*): The delegation of the Ukrainian SSR agrees with the many representatives who, in the Special Political Committee and also here at the plenary meetings of the General Assembly, have strongly condemned both the cruel and inhuman persecution by the South African racist authorities of those who are fighting against the barbarous policy of *apartheid* and the lawless attitude of the racists in South Africa towards any person who speaks in defence of freedom and human dignity.
41. At this time, while the United Nations is condemning the criminal policy of *apartheid*, a new wave of repression is sweeping South Africa. The racist Government of South Africa is thus challenging the United Nations and world public opinion. Its irresponsible and inhuman laws, whose very existence in our age is a disgrace to mankind, are being used to suppress any resistance or opposition to *apartheid* and to punish all those who sympathize with the victims of *apartheid* and support them.

42. We strongly condemn the racist arbitrary attitude of the rulers of South Africa towards those fighting against *apartheid* and those honest and courageous people—black, coloured and white—whose conscience and convictions do not allow them to reconcile themselves with the Fascist ideology of Vorster's racists.

43. The delegation of the Ukrainian SSR calls for the unanimous approval of the draft resolution submitted for our consideration and thereby for the condemnation of the crimes of the South African racists; it also calls on all States to exert all their influence in order to put an end to the crimes of the South African racists.

44. Mr. KARAMAGI (Uganda): My delegation is a sponsor of the draft resolution contained in paragraph 12 of document A/8504.

45. The report of the Special Committee on *Apartheid* contained in document A/8422 and Corr.1 has rightly come to the conclusion that from the dawn raids carried out on 25 February 1971 a purge of the Church had begun. The South African régime has been caught in a web of fear created by its own violence and it has now started to persecute white as well as black people.

46. The draft resolution now under discussion, which was overwhelmingly adopted by the Special Political Committee, was prompted by the recurrent ruthless measures representing intensified repression being carried out by the Pretoria régime against the opponents of *apartheid*. The security forces of the Fascist régime of Pretoria are now hounding some churchmen and expelling others, while torturing detainees.

47. This new form of oppression and persecution of churchmen is the result of many churches becoming increasingly effective witnesses against the inhumanity of *apartheid*. We cannot expect the neo-Fascist Government which is based on such hideous and vicious doctrines to tolerate such effective opponents. My delegation therefore strongly supports the adoption by the present session of the General Assembly of the draft resolution before us in order to demonstrate to the whole world that this Organization, as well as the whole of world public opinion, is strongly opposed to the repressive and oppressive legislation and other atrocious measures being employed by the Pretoria régime to silence the opponents of its vicious policies.

48. Mr. JAISEY (Ghana): It is very significant that with the single exception of the Government of South Africa, to which *apartheid* is a national philosophy, no other Member State of this Organization supports the evil doctrine of *apartheid*. And yet when we come to take steps to try to eliminate this evil practice, then a few of us try to look around for excuses of all kinds, including the argument that we might be interfering in the domestic affairs of South Africa if we did such and such a thing.

49. But South Africa has consistently maintained that *apartheid* is a domestic issue, and for that reason it tries to quote one of the provisions of the United Nations Charter that the subject should not be discussed. The General Assembly and other organs of the United Nations very rightly ignore the South African claim, and they do so for

two main reasons: first, *apartheid* is against international law and morality, and it is against the Universal Declaration of Human Rights; secondly, *apartheid* is a possible cause for world conflict, or conflagration, if you like.

50. These, in my delegation's view, are some of the reasons that the General Assembly and other organs of the United Nations very rightly reject the South African Government's claim. I am saying this because it was not possible in the Special Political Committee for one or two delegations to vote in favour of the draft resolution because they claim that we are interfering in the internal affairs of South Africa. All that we are doing is showing concern and taking measures to eliminate a doctrine that we all reject flatly.

51. My delegation joined in sponsoring this draft resolution simply because, first of all, it is very much concerned about what is happening in South Africa. The laws—against which the draft resolution is seeking the support of the Organization to have them repealed—have been introduced by the South African Government to maintain and perpetuate *apartheid*.

52. South Africa also consistently gives us the impression that it does not care about international opinion on *apartheid*. Those of us who have read the 1 November issue of *Time* magazine may have seen an article in which it is shown that *apartheid* is being gradually pierced through. In any case, the stand of South Africa on multiracial sports is another indication that it does take note of what is happening on the international scene.

53. My delegation would, therefore, like to appeal to all delegations here to vote massively for the draft resolution before the General Assembly and would also like to appeal to those delegations which for one reason or the other could not come out in favour of the draft resolution in the Special Political Committee, to reconsider the matter and to give it a favourable vote.

54. The PRESIDENT: We shall now take a decision on the draft resolution recommended by the Special Political Committee in paragraph 12 of its report [A/8504].

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Ceylon, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Panama, People's Democratic Republic of Yemen, People's Republic of the Congo, Philippines, Poland, Romania, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago,

Tunisia, Turkey, Uganda, Ukrainian SSR, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal, South Africa.

The draft resolution was adopted by 109 votes to 2 [resolution 2764 (XXVI)].³

The meeting rose at 4.10 p.m.

³ The delegation of Guatemala, Nicaragua, Rwanda and Saudi Arabia subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution.