

tion. In South Africa anyone who opposed *apartheid* was accused of being a terrorist or communist. South African legislation was therefore different from that of other countries, and he asked the delegations that had expressed reservations concerning the draft resolution to bear that fact in mind.

69. Mr. ARNAUD (Argentina) thanked the Somali representative for the changes made in the draft resolution and requested the Secretary of the Committee to read out the new text.

70. Mr. KHANACHET (Kuwait), supported by Mr. AHMAD (India), observed that the draft resolution under consideration was urgent and proposed putting it to the vote without further delay.

71. The CHAIRMAN recalled that the Uruguayan representative had just proposed, for the purpose of drafting resolutions based on the recommendations of the Special Committee on *Apartheid*, that a working group should be established in which the various groups of countries would be represented.

72. Mr. PAYSSE REYES (Uruguay) explained that his proposal did not relate to the draft resolution under consideration but only to subsequent draft resolutions, since the Special Committee on *Apartheid* had also made 13 recommendations in its report.

73. Mr. HERNDL (Secretary of the Committee) read out the text of draft resolution A/SPC/L.205/Rev.1, as amended.¹

74. Mr. BANGO BANGO (Zaire) announced that Zaire wished to become a sponsor of the draft resolution.

75. The CHAIRMAN observed that 55 countries were now listed as sponsors of the draft resolution.

76. Mr. PINHEIRO DA SILVA (Portugal) announced that in view of the provisions of Article 2, paragraph 7, of the United Nations Charter, he would vote against the draft resolution.

77. Mr. GRIGG (United States of America) announced that his delegation would vote for the draft resolution. It regarded that opponents of *apartheid* should not be persecuted for their opposition. The fact that South Africans would be imprisoned under the terms of harsh security legislation for long periods with no right to communicate either with counsel or with their families and would be subjected to inhumane conditions while in prison contradicted claims of belief in the rule of law. His delegation found it disturbing that the South African Government was unwilling to permit a judicial inquiry into the deaths while in detention of certain persons, such as Mr. Timol. The United States Government had publicly and frequently spoken out against the imposition of harsh security legislation in South Africa, such as the Terrorism Act. The United States stood firmly for the principles of fundamental human rights, racial equality and self-determination in Southern Africa. That position had not changed,

¹ Subsequently circulated as document A/SPC/146.

and his country would continue to make known through peaceful means its opposition to *apartheid*.

78. Mr. PAMBOU (People's Republic of the Congo) said that, while he had taken note of the Portuguese representative's statement, he believed that Portugal should be regarded as an enemy of the African homeland.

79. The CHAIRMAN invited the Committee to proceed to the vote on draft resolution A/SPC/L.205/Rev.1.

At the request of the Indian and Hungarian representatives, a vote was taken by roll-call.

The People's Republic of China, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, People's Republic of the Congo, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, 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, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chile.

Against: Portugal.

Abstaining: Malawi, Brazil.

The draft resolution, as amended, was adopted by 98 votes to 1, with 2 abstentions.

80. Mr. DE SOUZA E SILVA (Brazil) said that his country believed in equality between men and between races and that it had always condemned *apartheid*. It also condemned the steps recently taken in South Africa in application of the policy of *apartheid*. Nevertheless, Brazil had not been able to vote for the draft resolution, since it contained points which did not concern *apartheid*.

81. Mr. FERNANDEZ LONGORIA (Spain) said that Spain, true to the Christian principles of human dignity and equality, was opposed to *apartheid*. That was why it had voted for the draft resolution, although it would have preferred a more delicately worded text. He wished to state his reservations on the operative part. In voting for the draft resolution, he wished only to demonstrate his opposition to *apartheid*.

82. Mr. BLANC (France) said that, although his delegation had voted for the draft resolution, he had certain reserva-

55. His delegation firmly supported the draft resolution and appealed to the delegations which had expressed reservations not to give South Africa another opportunity to claim that it was not unanimously condemned. In not attending the debate, South Africa sought to protest against what it considered to be interference in its domestic affairs, but it was the bounden duty of every State to concern itself with a problem which was a disgrace to the United Nations and involved the life, security and future of an entire section of the African continent.

56. Mr. FARAH (Somalia) also appealed to the delegations that had expressed reservations to change their position or else support it with arguments strong enough to persuade the sponsors of the draft resolution to reconsider their own position.

57. Mr. EDREMODA (Nigeria) expressed his sympathy to the Indian representative, whose country had just been ravaged by a cyclone.

58. On behalf of the Nigerian delegation, he thanked the Nordic countries for the support they had given not only to draft resolution A/SPC/L.205/Rev.1 but also to the people of South Africa.

59. He found it hard to understand the basis for the reservations expressed by certain delegations, since at the twenty-third session, as the Somali representative had just pointed out, they had voted for a similarly worded resolution. He did not doubt their good faith but felt that a distinction should be made between the spirit and the letter. The spirit was what mattered, and operative paragraph 2, attacking the repressive laws which enabled the South African régime to implement its policy of *apartheid*, should not create any serious difficulties. His delegation was prepared to consider any suggestion concerning the text that did not alter its spirit.

60. Mr. BANGO BANGO (Zaire) asked why the two laws cited in operative paragraph 2 had been chosen, whether the choice was intentional or not, and what the reasons for it were. Logically, either there should be no mention of any particular law or else all laws should be mentioned, which would make the text very cumbersome. His questions were motivated not by any disagreement with the adoption of a similar resolution in 1969, at the twenty-third session, but by a concern for clarity; the same was true of his delegation's proposal to reverse the order of operative paragraphs 5 and 6.

61. Mr. ARNAUD (Argentina) said that Argentina's position on the question of *apartheid* had not changed: his country had never known any form of discrimination and had always spoken out against the racial discrimination and segregation on which *apartheid* was based.

62. It was true that his delegation had voted for General Assembly resolution 2440 (XXIII), and it now agreed with the spirit of draft resolution A/SPC/L.205/Rev.1 and was prepared to vote for it; however, out of respect for the principle of the internal sovereignty of States, it would ask for a separate vote on operative paragraph 2 unless the sponsors reworded it.

63. Mr. FARAH (Somalia) explained that the two laws cited in operative paragraph 2 had been selected because criminal convictions in South Africa today were for the most part based on those laws, but it was obvious that the paragraph also referred to all laws which served to strengthen *apartheid*. The Committee would have no reason for a debate on *apartheid*, which was an internal matter, if the problem did not involve the collective responsibility of States.

64. In a spirit of co-operation and in the hope that the draft resolution would be adopted unanimously, its sponsors proposed, after consultation, to amend it as follows:

First, in operative paragraph 1, the expression "over the maltreatment and torture" should be changed to read "over any and every act of maltreatment and torture" so as to agree with the wording of General Assembly resolution 2440 (XXIII).

Secondly, operative paragraph 2 should be amended to read as follows:

"2. *Again calls upon* all States to do everything 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:

"(a) The repeal of all legislation designed to give effect to the oppressive policies of *apartheid* and all legislation designed to persecute and suppress the rights of those who are opposed to such policies;

"(b) The liberation of all persons imprisoned or detained for their opposition to *apartheid*;

"(c) The removal of orders against those banned or banished for their opposition to *apartheid*."

Thirdly, in operative paragraph 6, the word "Governments" should be deleted.

65. Mr. HERRERA (Costa Rica) said in reply to the Somali representative that the reservations raised by Costa Rica were essentially legal ones. Countries which had legislation directed against terrorism and communism found it somewhat difficult to call upon another country to repeal its anti-terrorist and anti-communist laws. Nevertheless, Costa Rica endorsed the spirit of the draft resolution.

66. Mr. BOMBA (Central African Republic) recalled that his country had always condemned *apartheid* and supported any measure aimed at its abolition. In view of the changes made in operative paragraph 2, the Central African Republic would support the draft resolution.

67. Mr. BANGO BANGO (Zaire) expressed the view that the more concise a text, the more vigorous and effective it was. Unfortunately, the Somali representative's proposal made the paragraph in question longer. His delegation was, however, prepared to accept the new text.

68. Mr. SIMUCHIMBA (Zambia) believed that some delegations misunderstood the meaning of the words "terrorism" and "communism" as used in South African legisla-

tions because the preamble contained references to resolutions for which his delegation had not voted; and to organs whose establishment it had not approved. It welcomed the consultations which had taken place between the co-sponsors, but feared that the haste with which the draft resolution had been drawn up and modified might jeopardize its clarity and effectiveness. In addition, it was concerned that the real nature of the United Nations was to some extent being lost sight of. The United Nations was an organization composed of States and concerned with States. His delegation thought that the Organization should not interfere in matters of private interest. It condemned the establishment of anything which could be interpreted as a proscriptive list.

85. Mr. PESMAZOGLU (Greece) thanked the representative of Somalia for having made changes to the draft resolution which had allowed the Greek delegation to vote for it, as it now referred only to the South African Government's policy of *apartheid*.

86. Mr. AHMAD (India) thanked the delegations which had expressed sympathy for the natural disasters that had struck his country.

87. Mr. SIMUCHIMBA (Zambia) thanked the delegations that had voted for the draft resolution despite their reservations.

88. Mr. FARAH (Somalia) proposed that the Rapporteur should present to the General Assembly an interim report² on the draft resolution which the Committee had adopted, as it concerned a high-priority question.

89. The CHAIRMAN said that the almost unanimous support that the draft resolution had received gave it particular importance and encouraged hopes that it would have an effect on the South African Government, which might come to modify or abrogate the laws and practices that the draft resolution condemned. The most recent acts of the South African Government, in particular the premature death of Mr. Ahmed Timol and the conviction of the Very Reverend G. A. French-Beytagh, the Anglican Dean of Johannesburg, had dominated the debates, and the majority of delegations had expressed their indignation at South Africa's policy of repression. It was those events which had actually given rise to the draft resolution, and that fact should be recorded. It was clear that in adopting the draft resolution the Committee wished to call the attention of world opinion to those events.

The meeting rose at 6.40 p.m.

² Subsequently circulated as document A/8504.

83. Mr. PETRIE (United Kingdom) felt that the text of the resolution called for certain observations. The proposals in operative paragraph 7 must be regarded with some reserve, at a time of financial stringency for the Organization. The wording of the fifth preambular paragraph and of operative paragraph 2 could have expressed more clearly the fact that the action taken against the people concerned was—formally at any rate—taken on the grounds that they were accused of breaches of law and not because of an abstract or philosophical opposition to *apartheid*. It was important to take care that the wording should not prejudice the interests of those whose cases were on appeal or *sub judice*. Otherwise, his delegation appreciated the efforts of the co-sponsors, particularly the representatives of Somalia and India, to obtain the best compromise result in the time available. The purpose of the draft resolution was clear: to register universal indignation and concern at unjustifiable treatment of those who suffered for their legitimate opposition to an abhorrent system. His Government had always associated itself with that sentiment and for that reason had voted for draft resolution A/SPC/L.205/Rev.1, as amended.

84. His delegation expressed sympathy to the representative of India on the natural disasters which had struck his country.

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