

Political and Security Questions

CHAPTER I

QUESTIONS CONCERNING AFRICA

MATTERS CONCERNING THE SITUATION IN THE CONGO (LEOPOLDVILLE)

Political and Related Developments

The situation in the Congo (Leopoldville) during 1963 was marked by the completion of an important phase of the United Nations Operation in the Congo, (ONUC), as most of the aims of the Operation had been in large measure fulfilled. However, as the Secretary-General stated in a report to the Security Council on 17 September 1963, it was considered necessary for the United Nations to exercise vigilance and to continue its military assistance over a transitional period to assist the Congolese Government in maintaining law and order.

On 4 February 1963, the Secretary-General reported to the Security Council regarding the extent to which the mandates given to ONUC by the Council's resolutions had been fulfilled and indicated the tasks still to be completed.

With respect to the maintenance of the territorial integrity and the political independence of the Congo, he stated that it might reasonably be concluded that the secession of Katanga which threatened those objectives was now at an end. Moreover, he felt, there was no direct threat to the independence of the Congo from external sources. That part of ONUC's mandate had thus been largely fulfilled.

Assistance by ONUC to the Congolese Government in the maintenance of law and order was continuing. Vast improvements had been achieved in this regard, and a substantial reduction of the United Nations Force was therefore being made.

Similarly, the mandate to prevent civil war in the Congo, given to ONUC in February

1961, could be considered to have been substantially fulfilled—especially after the formation in August 1961 of a Government of National Unity—with the termination of secessionist activities in Katanga. However, the Secretary-General added, an alert and effective watch over the situation would be indispensable for some time.

As far as the removal of foreign military, paramilitary and advisory personnel and mercenaries was concerned, the Secretary-General reported that ONUC's mandate was for all practical purposes completed.

In view of these accomplishments, the phase of active involvement of United Nations troops had been concluded, and a new phase of the Operation was beginning, which would give greater emphasis to civilian operations and technical assistance. Already, ONUC civilian operations, involving collaboration between the United Nations and the specialized agencies, had helped to provide essential public services.

On 2 March 1963, the Government of the USSR expressed its views on the Secretary-General's report of 4 February. After emphasizing that the role of ONUC in the Congo was to protect its territory from acts of aggression and not to perform police functions, the USSR stated that it believed that the Central Government of the Republic of the Congo was entitled to send its troops into Katanga Province, which would make it pointless for the United Nations Force to remain in that province and in the remainder of Congolese terri-

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tory. It urged the removal of ONUC troops from the Congo without delay.

On 16 March, the Prime Minister of the Congo, Cyrille Adoula, in a letter to the Secretary-General stated that the Soviet Government's statement constituted evidence of its intention to infringe on the Congo's sovereignty. In exercise of its sovereign rights, the Congolese Government considered it necessary for the United Nations Force to remain in the Congo for some time and expressed the hope that the United Nations Force would continue to give the Republic technical assistance of a military nature to help the national Army maintain order in the Republic.

On 4 March 1963, the Permanent Representative of Ghana requested, on instructions of the President of Ghana, that a meeting of the Security Council be held to consider the report of the Commission of Investigation into the deaths of Patrice Lumumba and his colleagues.¹

In this connexion, the Minister of Foreign Affairs of the Congo informed the President of the Security Council on 7 March that in the opinion of the Congolese Government the question raised by Ghana fell strictly within Congolese jurisdiction and that Ghana's action constituted a violation of Congolese sovereignty. Subsequently, on 11 March, the Permanent Representative of Ghana, referring to special representations made to his Government by the Congolese Government, asked the President of the Council to suspend action for the time being on his request of 4 March.

On 20 December 1962, Prime Minister Adoula had informed the Secretary-General of his Government's wish to put into effect a programme for the modernization and training of the Congolese armed forces. On 26 February 1963, he announced that his Government had decided to apply to Canada, Italy, Norway, Israel and Belgium for assistance in various technical fields and to the United States for the supply of the necessary equipment. He also requested the United Nations to organize the programme of assistance, mainly through a co-ordinating committee composed of members from the participating countries with the addition of Ethiopia, Nigeria and Tunisia.

The Secretary-General, however, had misgivings about the United Nations assuming sponsorship over what was essentially a bilateral programme of military assistance by a particular group of States. In February 1962, he had signified his willingness to assist by having the United Nations recruit and make available officers from African and other countries for the training of Congolese National Army (ANC) officers. The Prime Minister accepted this idea, but the scheme was not acted upon by the Congolese Government, apparently owing to disagreement about it within that Government.

On 20 March 1963, the Secretary-General informed the Congo Advisory Committee of developments in this connexion and of his view that the composition of the proposed international technical assistance missions should be broadened. All members of the Congo Advisory Committee were in full accord on the need and urgency of a programme for training the ANC, but the view was widely held that such training could most appropriately be given by those States which had provided contingents to the United Nations Force.

On 28 March 1963, the Congolese Foreign Minister, in a memorandum to the Secretary-General, explained that his Government had not made a final and restrictive choice and that any other offers meeting the same considerations of efficiency and absence of financial liability to the Congo would be studied with equal interest. The Republic of the Congo, as a sovereign State, indisputably had, however, the right of choice and initiative in a sphere so closely related to the maintenance of public order, the memorandum added.

On 16 April 1963, Prime Minister Adoula questioned the validity of the chief objection raised against the Congolese Government's plan by most of the African members of the Congo Advisory Committee. According to their views, the procedure used by the Congolese Government was not in keeping with resolution 1474 (ES-IV),² adopted in September 1960, and, in particular, with its sixth operative paragraph,

¹ See Y.U.N., 1961, p. 65.

² See Y.U.N., 1960, p. 99, for text of resolution.

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which called upon all States to refrain from the provision of military assistance to the Congo during the period of military assistance through the United Nations.

Prime Minister Adoula noted that the paragraph of this resolution in question was now unrealistic and inapplicable; it had been formulated at a time of extraordinary crisis, but there was now a sovereign and fully responsible Government in the Congo. Any attempt to invoke that provision with a view to contesting the legality of the Central Government's decision would constitute an unjustifiable and intolerable restriction on its freedom of action. Moreover, the resolution in question referred to "military assistance," whereas what was now requested was technical assistance relating to the instruction of troops. In the Central Government's opinion, the reason given by the United Nations for withholding its co-operation was inadequate. The Congolese Government had therefore decided to proceed forthwith with the reorganization of the national army and to appeal for bilateral assistance from countries which would be willing to assist it, while still wishing that the United Nations could be associated with the reorganization of its army.

On 18 May 1963, Prime Minister Adoula informed the Secretary-General that the Nigerian Government had responded favourably to his request for technical assistance in connexion with the reconstruction of the Congolese police force.

The Secretary-General subsequently stated in a report on 17 September 1963 that he had no official knowledge of later developments in respect of the training plans for the ANC and that there would appear to be little basis for optimism about the prospects for significant progress in the training and modernization of the ANC by June 1964. It was a matter of great regret to him that United Nations participation in ANC training programmes had not been possible, since stability in the Congo greatly depended on the discipline and effectiveness of its armed forces, and much remained to be done in that regard.

The Secretary-General's report of 17 September, while devoted primarily to the ques-

tion of United Nations military disengagement in the Congo, also dealt with related matters. The Secretary-General emphasized that, although marked progress had been realized towards restoration of law and order, the situation was still far from reassuring. From many parts of the country had come reports of incidents, abusive treatment, criminal assault, robbery and pillaging, and occasional murders, attributable to unruly elements of the ANC, and in Katanga also to the ex-Katangese gendarmerie, as well as to the activities of the Jeunesse groups (organized youth elements of several political parties).

Some serious uncertainties and imponderables were still present in the Congo situation, the report added. The plan to re-integrate the ex-Katangese gendarmerie into the ANC had been a conspicuous failure. The possibility of a resurgence of secessionist or other dissident activities could not be ruled out. Fears also persisted in some quarters about the possibility of a recrudescence of mercenary activity in Katanga, especially after the withdrawal of the United Nations Force.

The Secretary-General noted that economic conditions generally were not good; and there was anxiety about the possibility that the national election scheduled for early in 1964 might be attended by serious tribal clashes.

The Secretary-General's report of 17 September dealt in addition with the introduction of ANC units into South Katanga, and said that, as anticipated, it had proved to be a most delicate operation. During the first phase of the operation, ANC units in South Katanga were placed under the operational control of ONUC, and precautions were taken to avoid or at least reduce incidents between ANC troops and the local population, European as well as African. But under arrangements being worked out, the ANC was shortly to assume full responsibility for law and order in southern Katanga, as elsewhere in the Congo; ONUC troops, while they remained, would stand by to assist the ANC when necessary and help to meet emergencies should they arise.

The Secretary-General also reported that in a letter dated 22 August 1963, Prime Minister

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Adoula, while agreeing with the substantial reduction of the United Nations Force already carried out, had seen a need for the continued presence of a small United Nations Force of about 3,000 officers and men through the first half of 1964.

According to the views of the senior United Nations military advisers, the Secretary-General said, a force of less strength than 5,000 to 6,000 officers and men would not only have little practical value in assisting in the maintenance of law and order, but would also be vulnerable through inability to protect itself. The military advisers further agreed, the Secretary-General noted, that the Congolese army and police still lacked the ability to assume full responsibility for law and order in the country and that therefore a case could be made for a need for outside military assistance beyond 1963.

Following the receipt of the letter of appeal from Prime Minister Adoula, the Secretary-General consulted many delegations, including all of the members of the Congo Advisory Committee. Most of the latter supported the Prime Minister's request, though not all of them unconditionally. No conclusive advice emerged from these consultations. In the Secretary-General's view, there were some serious risks involved in an early withdrawal of the Force, and cogent reasons in support of prolonging the stay of the Force. On the other hand, there were impressive reasons for a withdrawal of the Force, the most compelling of which was the Organization's already serious financial

plight. Moreover, it could not be doubted that the time must soon come when the Government of the Congo would have to assume full responsibility for security and law and order in the country. The Secretary-General did not feel it reasonable to expect the United Nations to underwrite for any country permanent insurance against internal disorders and disturbances when external threats had ended. Obviously, once the United Nations Force was withdrawn, certain countries might be willing to make some of their military units available to the Congo under bilateral agreements, and such arrangements would at that time, he felt, no longer be inconsistent with the position of the Security Council.

Acting upon the request made by the Congolese Government for reduced military assistance up to 30 June 1964, the General Assembly decided on 18 October 1963, with the adoption of resolution 1885(XVIII) (for text, see DOCUMENTARY REFERENCES, p. 578), to continue the ad hoc account for the United Nations Operation in the Congo until 30 June 1964 and authorized expenditures of up to \$18.2 million to that effect. In the light of this resolution, the Secretary-General continued the phasing out schedule for the Force, a schedule which looked towards the complete withdrawal from the Congo of United Nations troops by 30 June 1964.

As at 27 December 1963, the strength of the United Nations Force had been brought down to a total of 5,474 officers and men.

DOCUMENTARY REFERENCES

S/5240 and Add.1. Report by Secretary-General on implementation of Security Council resolutions of 14 July 1960, 21 and 24 November 1961, with annexed letter of 20 December 1962 from Prime Minister of Republic of Congo to Secretary-General and reply of 27 December.

S/5240/Add.2. Note issued on 21 May 1963 transmitting communications exchanged between Prime Minister or Acting Prime Minister of Republic of Congo on one hand, and Secretary-General or Officer-in-Charge of United Nations Operation in Congo (ONUC) on other, concerning assistance in

modernization and training of Congolese armed forces.

S/5249. Letter of 2 March 1963 from USSR.

S/5253, S/5257. Letters of 4 and 11 March 1963 from Ghana.

S/5254, S/5277. Letters of 7 and 16 March 1963 from Congo (Leopoldville).

S/5428 and Add.1. Report by Secretary-General, issued 17 September 1963, on question of military disengagement in Congo.

A/5502. Report of Security Council to General Assembly, 16 July 1962-15 July 1963, Chapter 9.

United Nations Force in the Congo (Leopoldville)
(As at 27 December 1963)

| Country | Combat Troops | Supporting Forces (including staff, air and administrative personnel) | Country | Combat Troops | Supporting Forces (including staff, air and administrative personnel) |
|----------------------|---------------|--|-------------|---------------|--|
| Brazil | — | 51 | Iran | — | 8 |
| Canada | — | 250 | Italy | — | 57 |
| Congo (Leopoldville) | 781 | 2 | Netherlands | — | 1 |
| Denmark | — | 83 | Nigeria | 613 | 11 |
| Ethiopia | 1,699 | 19 | Norway | — | 88 |
| India | — | 271 | Pakistan | — | 782 |
| Indonesia | 3 | 2 | Sweden | 302 | 96 |
| Ireland | 333 | 22 | Total | 3,731 | 1,743 |

United Nations Civilian Operations in the Congo (Leopoldville)

Through its programme of civilian operations in the Congo (Leopoldville) the United Nations continued to provide in 1963 the largest programme of technical assistance for any one country in the history of the world organization.

About 600 experts, drawn from 48 nationalities, were made available by the United Nations and its specialized agencies during 1963 to work in the following fields: finance and economics, transport, health, public administration, agriculture, civil aviation, public works, mining and natural resources, postal services, judicature, meteorology, telecommunications, labour, education, social welfare, youth training and community development. In addition to these experts, 800 secondary school teachers—an increase of 240 over the previous year—were recruited with the assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The end of Katangese secession in January 1963 brought with it new responsibilities for the United Nations Civilian Operations Programme, since experts became urgently needed to help the Central Government authorities in the re-integration of services previously under Katangese rule.

Postal experts brought with them to Elisabethville almost a ton of Congolese stamps for introduction in the main post office in place of Katangese stamps. Measures were taken to end the censorship of the mail that had been established by the secessionist government. A customs adviser assisted in ensuring compli-

ance with the Central Government's instructions that all customs and tax receipts should be paid to the representative of the Monetary Council in Elisabethville. Immigration experts assisted in the establishment of Central Government Immigration Offices in Elisabethville and other key centres. Civil aviation, telecommunications and meteorological technicians worked side by side with Katangese staff to repair and replace damaged equipment and to improve installations and air safety measures. Radio Katanga was incorporated into the general broadcasting system of the Central Government. Training programmes for postal officials and customs personnel were started in Elisabethville. Civilian Operations personnel assisted the Monetary Council in assuming control of the "National Bank of Katanga," and United Nations planes brought in some seven tons of Congolese currency and were also used to collect Katangese currency from the branches of the "National Bank," as well as from some places outside the Congo. An expert mission was sent to survey the 40 rail and road bridges which had been destroyed or damaged. While repair of the railway bridges was mainly in the hands of the railway companies, United Nations public works consultants assisted the Central Government authorities in establishing an emergency programme to rebuild 15 essential road bridges.

To meet immediate needs caused by the destruction of the bridges, an airlift of food, medicines and basic consumer goods was arranged. Altogether, between November 1962 and March 1963, some 600 tons of foodstuffs and consumer

goods were carried in United Nations planes, as well as 285 tons of medicines, or approximately half the total medicines supplied to the interior of the Congo.

The United Nations assisted in the Government's programme of public works, which increased substantially in 1963 with the support of the United States and Federal Republic of Germany counterpart funds. This programme resulted in the employment of some 12,000 persons.

Training, closely geared to operational and advisory services, continued to constitute a major element of the United Nations Civilian Operations Programme. In particular, assistance was given to the National School of Law and Administration, the National Institute for Building and Public Works, the National Pedagogical Institute, the National Mining School, the Civil Aviation School, the National Postal School, the National Meteorological Institute, the Clerical Trades Training Centre, the permanent training centres for agricultural engineers and mechanics, and the training schools for social workers and public health officers. Under the United Nations Civilian Operations Programme, 1,345 fellowships were awarded within the Congo and 47 were awarded for overseas study during 1963.

As a result of these training activities, it became possible in 1963 to begin replacing some international personnel by qualified Congolese—for example, in certain areas of postal (including training), meteorological, telecommunications and civil aviation services. Another significant event was the return to the Congo in 1963 of the first 55 of the 130 medical assistants sent abroad in 1960-61 under WHO auspices for training as doctors at French and Swiss universities.

FINANCING OF THE PROGRAMME

In 1963, the financing of part of the Civilian Operations Programme was taken over by the United Nations Expanded Programme of Technical Assistance and the regular programmes of the United Nations and some of the specialized agencies. The United Nations Special Fund became responsible for the financing of the National Institute for Building and Public Works and, in January 1964, the National Min-

ing School and the National Pedagogical Institute.

The greater part of the Programme continued, however, to be financed from the following sources:

- | | |
|---|--------------|
| (a) Contributions made in 1963 to United Nations Fund for the Congo by Governments of Congo (Leopoldville), Cyprus, Denmark, Finland, Federal Republic of Germany, Netherlands, Norway, Philippines, Sweden, Switzerland, Tanganyika, United Kingdom, United States | \$5,344,605 |
| (6) Dollar equivalent of local cost payments made in Congolese francs by Congo (Leopoldville) | 5,847,283 |
| | \$11,191,888 |

AGRICULTURE

FAO experts working in the Congo numbered 26 and included agronomists, foresters, veterinarians and specialists in the growing and processing of tea and coffee.

The report³ of an FAO mission made in early 1963 formed the basis for the general policy for the long-range development of Congolese agriculture. As part of the general programme, the forestry service was re-organized in Ubangi, and a plantation of eucalyptus, for fuel purposes, was laid down in Ituri. Local planters were advised on the processing of the existing tea and coffee production and assistance was given to the fisheries industry and to cattle owners. Nurseries were started for afforestation projects, and measures were devised to control the exploitation of forests. Fruit cultivation was extended in Kongo Central and the propagation of cereal seeds undertaken. In North Katanga, Haut Congo and South Kasai, new enterprises for the production of maize, potatoes and vegetables were put into operation.

CIVIL AVIATION

The International Civil Aviation Organization (ICAO) mission continued to ensure the continuity of essential services, the safety of air traffic under all weather conditions, the main-

³ Report of FAO Mission on Rehabilitation of Food and Agricultural Production in the Congo, FAO, Rome (January 1963).

tenance of aeronautical radio facilities and radio aids to air navigation and to provide technical advice and training. At the end of 1963, there were 65 ICAO experts in the Congo as against 93 in 1962. For the nine principal airports in the country, United Nations-chartered aircraft movements were 28,036 in 1963 as against 41,636 in 1962, whereas commercial-chartered movements were 39,070 as against 24,636, an over-all increase as well as an increase in commercial movements.

Essential ground services to air navigation were provided by ICAO to the following airports: Leopoldville (N'Djili) for 24 hours a day, and during daylight operations at Coquilhatville, Luluabourg, Albertville, Stanleyville, Goma, Kindu (service ended in September) and Elisabethville.

The ICAO mission assisted the Government in recruiting 160 trainees from outside government ranks. Eighty were trained in 1963; the remainder to be trained in 1964.

METEOROLOGY

Meteorological services essential for the safe operation of civil aviation were maintained in the Congo throughout 1963 by the World Meteorological Organization (WMO). Attention was concentrated on the training of personnel to fulfil increasing demands and to replace foreign experts and technicians. Thirty-one WMO experts were in the Congo in 1963, as compared with 25 in 1962. The forecast office at Leopoldville airport continued to operate for 24 hours a day, and those at Stanleyville and Kamina airports for 18 hours a day.

In February, the meteorological service of Katanga was integrated into the service of the Central Government. In conjunction with the ICAO and the International Telecommunication Union (ITU) missions, a radio teletype line was installed which operated during the day between the airports of Leopoldville and Elisabethville.

POSTAL SERVICES

During 1963, 18 postal experts assisted the Congolese Government in putting the postal services on a sound operating and financial basis. The efforts of these experts were centred on the re-organization of the country's

postal services, including the integration of the postal services of Katanga into the general postal system of the Congo, and on the inspection of the operations of the subsidiary post offices. Rates of payment for international parcel post were established; and the postal rates were increased. Assistance to government training programmes was also provided during the year.

TELECOMMUNICATIONS

The International Telecommunication Union (ITU) mission continued to assist the Government in the installation, operation, maintenance and development of the telecommunications and broadcasting networks, with special emphasis on improved efficiency and on training. There were 33 telecommunications experts in the Congo in 1963, an increase of ten over 1962.

TRANSPORT

The United Nations has given two types of assistance to the Congo in the field of transport—advisory services to the Ministry of Transport and Communications, and technical assistance to the Office d'Exploitation des Transports au Congo (OTRACO) in the operation and maintenance of the country's major transport system. In 1963, there were 15 experts working for OTRACO.

The Civilian Operations Programme's Transport and Communications section was integrated with the Ministry of Transport and Communications of the Central Government towards the end of April 1963.

COMMUNITY DEVELOPMENT AND SOCIAL ADVISORY SERVICES

In addition to their work in an advisory capacity at the Ministry of Social Affairs and at the Ministry for Middle Classes and Community Development, social welfare experts assisted in the organization of various seminars in the provincial capitals and in Leopoldville, and in the formulation of a national community development programme comprising 24 projects, 17 of which were initiated in the course of the year.

Courses were given at the Ecole de Cadres and at the Institute for Social Training, including the first youth leadership course, and plans

were developed to strengthen the three provincial Ecoles de Cadres at Bukavu, Coquilhatville and Luluabourg.

ECONOMIC AND FINANCIAL MATTERS

MONETARY POLICIES AND

FOREIGN EXCHANGE CONTROL

One of the main tasks of the experts working in the Bureau of Economic Co-ordination of the Office of the Prime Minister, and of the President of the Monetary Council and the Controller of Public Finance, was to assist the Government in collaboration with the International Monetary Fund and the Institute of Economic and Social Research of Lovanium University, in the preparation of the plan of monetary reform which came into effect on 9 November 1963.

In September, the Congo joined the International Monetary Fund, the International Bank for Reconstruction and Development and the International Finance Corporation.

Programmes were approved for the allotment of foreign exchange for imports and concerning transfers of foreign exchange for invisibles.

In January 1963, the Vice-President of the Monetary Council was installed as administrator of the "National Bank of Katanga" in Elisabethville, with a view to re-integrating it into the Central Bank of the Congo.

During the latter part of the year action was taken by the Government, with the assistance of the President of the Monetary Council, to further monetary stability through the establishment of credit controls and the use of extraordinary receipts to meet the budget requirements of the Public Treasury.

PUBLIC FINANCE

The Controller of Public Finance formulated a programme for extended technical assistance in the field of public finance, aimed at the achievement and maintenance of financial stability through fiscal and budgetary measures and through the establishment of the proper administration of taxation and customs services. At the end of 1963, 30 experts had been assigned to the programme.

EDUCATION

Significant progress was made in secondary

education in 1963, and, in conformity with the development programme inaugurated by Presidential Ordinance on 17 July 1961, attendance rose to 85,000 at the beginning of the 1963-64 academic year, compared with 73,000 in 1962-63 and 28,900 in 1959-60.

To facilitate the import of text books and teaching materials for secondary education students the United Nations Educational, Scientific and Cultural Organization (UNESCO) had introduced a coupon system in 1961, which the United Nations supported by providing foreign currencies. Text books and educational material to the value of \$2.5 million were imported during the year.

An extensive programme of school building was put into operation by the Government, with assistance from UNESCO and counterpart funds of the United Nations, the United States Agency for International Development and the Federal Republic of Germany. In 1963, a total sum of 411,169,868 Congolese francs was thus made available for the construction of classrooms, laboratory buildings, student and faculty houses, both for secondary schools and for higher education establishments.

The National Pedagogical Institute, the National Institute for Building and Public Works and the National Institute of Mines, three specialized institutions which UNESCO had been instrumental in setting up, continued to expand their activities.

During 1963, four UNESCO experts in radio and the press helped to reorganize the Ministry of Information, drafted statutes to govern the operation of the Congo radio and a national news agency, and provided in-service training for reporters, editors and newscasters.

In science, UNESCO helped to maintain the Institute for Scientific Research in Central Africa and the Institute of National Parks in the Congo.

HEALTH

The World Health Organization (WHO) continued in 1963 its long-term programme for assisting in the maintenance and development of the health services of the Congo, emphasizing the training of Congolese personnel. The agency distributed significant quantities of food drawn from surplus United Nations military

stocks to hospitals in various parts of the country.

In 1963, WHO had 174 doctors and technicians working in 76 hospitals and nine other institutions in the Congo. Mobile teams of doctors and technicians were stationed in the key cities of the Congo with a view to preventing any outbreaks of disease from reaching epidemic proportions. Under WHO guidance, maternal and child health centres began to operate effectively in Coquilhatville, Luluabourg and Stanleyville. WHO also participated in the organization of a training course on basic hygiene and maternal and child care.

JUDICIARY

Forty-seven international jurists and magistrates, recruited by the United Nations, on the nomination of the President of the Republic, were occupying statutory positions in the judiciary of the Congo.

The Principal Legal Adviser and two other United Nations experts attached to the Ministry of Justice advised the Government on general problems of organization of the judiciary and its auxiliary services, and on the reform of the judicial, police and state prisons. Several important statutes were drawn up by the Ministry during the course of the year, including one for the creation of a Supreme Court and another creating a High Court of Justice. A complete revision of the legal code was undertaken, and assistance was given in the drawing up of a new Constitution to replace the *Loi fondamentale* in 1964.

When Katanga was re-integrated into the Republic early in 1963, the Government assigned magistrates provided under the Civilian Operations scheme to key positions in the judiciary of the province, as the magistrates occupying those posts held no mandate from the President of the Republic. Accordingly, five experts went to Elisabethville and took over the functions of Attorney General, State Attorney and Advocate General in the Court of Appeal, Presiding Judge and Judge in the Court of First Instance.

The magistrates provided adjudicated 2,105 cases in Leopoldville during the course of the year, and 1,709 cases in various other courts of the country.

LABOUR

The ILO team attached to the Ministry of Labour and Social Welfare assisted the Ministry in the drafting and revision of legislation in accordance with international labour standards, and in the enactment of measures for improving the structure and efficiency of the labour services. In addition, the members of the team gave in-service training to Ministry personnel, particularly labour inspectors.

ILO experts also assisted in drawing up legislation and regulations to provide the framework for a reform of Social Security administration.

An ILO co-operative development expert assigned to the Ministry of Planning and Industrial Development helped in reactivating co-operatives, many of which had lapsed in recent years for lack of managers, accountants and supervisory personnel.

MINING

Six United Nations mining experts collaborated with the Government in its efforts to bring the mining economy back to its 1959 peak and achieve a rate of expansion commensurate with the need to raise living standards.

The main programmes undertaken during 1963 included a study for the re-organization of the Department of Mines; a review of the existing mining legislation; periodic inspections in the mining provinces; and the development of training programmes. At the Ministry of Lands, Mines and Energy, work was begun, with United Nations assistance, in compiling a detailed inventory of the natural resources already developed, classifying mining reserves according to assured tonnage, probable tonnage and possible tonnage. Studies were also conducted throughout the country by experts of the Civilian Operations Programme with a view to expanding the country's mining industry. Some of the studies dealt with the prospects of exploiting more deposits of potassium, petroleum, phosphates, copper (in Bas-Congo), uranium and aluminum. Other studies contained analyses of the prospects of finding diamonds in areas hitherto unexploited (North Katanga, Kwango, Lomami and Uele) and of finding tin and pegmatite in unexploited regions of Maniema.

In assisting the Ministry with its day-to-day problems, United Nations experts gave technical advice to some of the mining companies and helped them to obtain the quotas of foreign exchange necessary for their normal operation and development. A draft mining code was presented to the Government for ratification.

POLICE TRAINING

Practical training has been given to units of the Congolese police force since late in 1960 by the Nigerian police contingents of the United Nations stationed in Leopoldville, Bukavu, Luluabourg and Stanleyville.

Early in 1963, in response to a request from the Central Government, the United Nations provided an expert to help plan the establishment of police colleges for officer training.

PUBLIC ADMINISTRATION

Proposals were presented by United Nations experts to the Minister of Fonction Publique for re-establishing the authority of the Central Government vis-à-vis the provincial administrations.

United Nations experts were called upon to study the Bureau Central des Traitements, which is responsible for the payment of all civil service personnel, with the exception of school teachers, foreign technicians and officials recruited directly by the provinces. The Bureau itself was found to be adequately administered; it was discovered, however, that the number of persons employed in government service, which had been 25,000 at the time of the last census, had risen to 140,000—or one official for every 100 persons of the population.

With the assistance of United Nations experts, new legislation governing the terms of employment of civil service and technical assistance personnel was drawn up in 1963.

PUBLIC WORKS

Twenty-nine United Nations experts, most of whom were engineers, continued to assist the Congolese Government in the maintenance of its public works and utility services and to initiate projects for the relief of unemployment. Urban water and electricity supplies were maintained, and in some cases extended, the major trunk roads of the country were kept in oper-

able condition, and projects were undertaken for the repair of many secondary roads and bridges. In addition, the 13,000 or so kilometers of waterways were kept open for the free movement of traffic. Work was done on the construction and extension and development of public buildings, schools and hospitals. This helped to absorb some of the unemployed labour force.

Special attention was given by the Ministry to the question of distributing Public Works operations equitably among the different provinces. The Katanga region was exceptional, however, as extensive restoration had to be carried out to repair the damage caused by the then Katangese authorities during the six-week period at the end of 1962 and the beginning of 1963.

The repair of the Lubilash Bridge was completed by June, thus reactivating the railway line from Kamina to Port Francqui, and when the Bukama Bridge was rebuilt by September, it meant the re-opening of the national route from Elisabethville to Port Francqui. With the exception of the Kongolo Bridge, all bridges, ferries and most of the roads and railways in the region had been repaired before the end of the year and it was possible to re-open, at least provisionally, all the important communication routes. In addition, the road from Elisabethville to Katanga, on the Rhodesian border, was made serviceable again.

In order to combat the damage caused by the flooding of Lake Tanganyika, the bed of the only natural outflow of the lake, the river Lukuga, was dredged. The result was a 5 per cent increase in the outflow from the lake.

ASSISTANCE FROM UNITED NATIONS CHILDREN'S FUND

The United Nations Children's Fund (UNICEF) gave two types of assistance to the Congolese Government: emergency aid, and long-term assistance in the organization and development of social, health and education services. In 1963, the emphasis was on the latter type of help, with a variety of programmes being supported by UNICEF for the direct or indirect benefit of the Congolese children.

UNICEF, in co-operation with UNESCO, contributed to a programme in primary edu-

cation. Teams of instructors, recruited by UNESCO, gave intensive training courses for primary school teachers in the vicinity of the chief provincial towns, and UNICEF provided the vehicles necessary to this operation. During 1963, four-week courses were given at 14 different towns for the benefit of 1,600 teachers. These mobile teams also operated a school inspection system, and they gave instruction to

Congolese personnel in both teaching and inspection.

The joint milk and food distribution programme of UNICEF and the League of Red Cross Societies continued in 1963, with an increase in the number of beneficiaries from 350,000 to 500,000. Nearly 6,000 tons of milk powder, donated by the United States Agency for International Development, were distributed.

DOCUMENTARY REFERENCES

LEO/PROG/3. United Nations Operation in Congo. Report on civilian operations in 1963.
S/5053/Add.15. Report to Secretary-General from Officer-in-Charge of United Nations Operation in

Congo on developments relating to application of Security Council resolutions of 21 February and 24 November 1961. Events in Katanga from 5 to 23 January 1963.

QUESTIONS CONCERNING SOUTH AFRICA'S APARTHEID POLICIES

The South African Government's apartheid policies were discussed during 1963 by both the General Assembly and the Security Council, on the basis of reports from the Special Committee on the South African Government's Policies of Apartheid, set up by the General Assembly on 6 November 1962.⁴

In establishing this Special Committee, it may be recalled, the Assembly also asked United Nations Member States to take various measures, separately or collectively, in conformity with the United Nations Charter, to bring about the abandonment of the South African Government's racial policies. The following were among the measures recommended: breaking off diplomatic relations with South Africa or refraining from establishing such relations; closing ports to all vessels flying the South African flag; enacting legislation to prohibit their ships from entering South African ports; boycotting all South African goods and refraining from exporting goods, including all arms and ammunition, to South Africa; and refusing landing and passage facilities to all aircraft belonging to the South African Government and companies registered under the laws of South Africa.

The Assembly also asked the Security Council to take appropriate measures, including sanctions, to secure South Africa's compliance with Assembly and Security Council resolutions on the matter and, if necessary, to consider action under Article 6 of the United Nations Charter (which states that a United Nations Member

which has persistently violated the principles of the Charter may be expelled from the Organization by the General Assembly on the Security Council's recommendation).

THE SPECIAL COMMITTEE

The Special Committee set up by the Assembly on 6 November 1962 was charged with keeping the South African Government's racial policies under review when the Assembly was not in session and to report either to the Assembly or to the Security Council or to both, as might be appropriate. On 18 February 1963, the President of the General Assembly appointed the following 11 Member States to serve on the Special Committee: Algeria, Costa Rica, the Federation of Malaya, Ghana, Guinea, Haiti, Hungary, Nepal, Nigeria, the Philippines and Somalia.

It submitted three reports in the course of 1963, as described below.

At its opening meeting, on 2 April 1963, the Special Committee was addressed by the Secretary-General, who said that he shared the increasing concern of Member States at the South African Government's lack of response to the repeated recommendations and decisions of United Nations organs. The attitudes of the South African Government and its leaders, as disclosed in recent statements concerning the role of the United Nations, he added, were also a matter of serious concern.

⁴ See Y.U.N., 1962, p. 100.

FIRST INTERIM REPORT
OF SPECIAL COMMITTEE

The Special Committee's first interim report, submitted on 6 May 1963, reported the South African Government's refusal to co-operate with the Committee. Recent statements and actions by the South African Government revealed no desire or willingness on its part to adjust its racial policies in accordance with the Assembly's recommendations. It had continued to pursue its policies of apartheid, enacting further discriminatory and repressive measures, backed by greatly expanded military and police forces. The discriminatory and repressive policies, if continued, were likely to aggravate racial tensions and precipitate a conflict with serious repercussions on international peace and security. These policies, instead of stifling opposition, seemed to have turned it into clandestine and violent channels. The Special Committee expressed concern over the arrest of many active opponents of apartheid. The groups which had been prepared to use every means of legitimate and peaceful protest had been left no opportunity for action within the framework of legal restraints. The rapid expansion of the South African military and police forces, the Special Committee considered, not only reflected the gravity of the situation within the country but also was likely to have serious international repercussions. The Special Committee also drew the attention of the General Assembly and the Security Council to "the persecution of South African political refugees in neighbouring countries" and demanded that colonial powers should forthwith end any collusion with or assistance to the South African Government in its repressive measures.

Unable to accept the military build-up in South Africa as a normal security measure, the Special Committee felt that the General Assembly and Security Council should call on the States concerned to halt forthwith all aid to the South African Government in strengthening its armed forces.

The recent discriminatory and repressive measures, and the expansion of military and police forces, had further aggravated the serious danger to international peace and security arising from South Africa's apartheid policies.

While noting with satisfaction that a number of United Nations Members had taken such steps as breaking or refraining from establishing diplomatic and commercial relations with the South African Government, the Special Committee regretted that nearly 20 United Nations Members still maintained diplomatic relations with that Government. It deemed it essential that all States having diplomatic, consular, commercial and other economic relations with the South African Government should take the various measures to sever such relations as advocated by the General Assembly on 6 November 1962 (in its resolution 1761(XVIII)).⁵

The Special Committee also felt that a special appeal should be addressed to the Governments of the States with traditional relations with South Africa to take measures to dissuade the South African Government from its present policies. The few States which accounted for most of South Africa's foreign trade and foreign investments in the Republic, and which were its principal suppliers of arms and equipment, the Special Committee considered, were indirectly providing encouragement to the South African Government in perpetuating its policy of racial segregation and should be urged to end all such encouragement.

The colonial powers responsible for the administration of territories neighbouring South Africa, should be urged to take appropriate measures to fulfil the objectives of General Assembly resolution 1761(XVIII) of 6 November 1962.

The Special Committee also deemed it essential that, in the light of recent trends in South Africa, the Security Council (which on 1 April 1960⁶ had adopted a resolution on the developments in South Africa) should: re-examine the situation; remind the South African Government of its obligations under Article 25 of the Charter (whereby United Nations Members agree to accept and carry out Security Council decisions in accordance with the Charter); and take "immediate and effective steps to halt the dangerous drift of events in South Africa."

⁵ See Y.U.N., 1962, p. 100.

⁶ See Y.U.N., 1960, p. 147.

SECOND INTERIM REPORT
OF SPECIAL COMMITTEE

A second interim report was submitted specifically and urgently to the Security Council on 17 July 1963. It reported a series of new apartheid measures in South Africa, the banning of organizations opposed to the policies of apartheid, and the imprisonment of thousands of persons. South Africa continued to defy resolutions of the United Nations Organs and its policies made a conflict within the country inevitable. The Special Committee therefore recommended that the Council affirm its support of Assembly resolution 1761 (XVII) of 6 November 1962 which asked Member States to press South Africa, separately or collectively, to change its racial policies. South Africa should be urged by the Council to abandon its policies of racial discrimination. The Committee asked the Council to condemn the repressive measures taken against opponents of apartheid, demand the release of all political prisoners and emphasize the importance of the General Assembly recommendation that Member States stop supplying arms and ammunition to South Africa. It also requested the Council to invite the Secretary-General and the specialized agencies and other United Nations bodies to continue to cooperate with the Committee in implementing the Assembly resolutions.

CONSIDERATION BY
SECURITY COUNCIL

On 11 July 1963, 32 African States requested an early meeting of the Security Council to consider "the explosive situation existing in the Republic of South Africa, which constitutes a serious threat to international peace and security." In an explanatory memorandum, they drew the attention of the Security Council to a resolution adopted by the Addis Ababa Conference of Independent African States condemning racial discrimination in the Republic of South Africa and appealing to all Governments still having diplomatic, consular and economic relations with South Africa to break those relations and to cease any other form of encouragement for the policy of apartheid. In addition, the Emperor of Ethiopia, on 19 July, and the President of Ghana, on 22 July, appealed to

the Security Council to take strong action and sanction measures against the Republic of South Africa whose policies of apartheid they considered to be a threat to international peace and security.

The Security Council discussed the question between 31 July and 7 August 1963, with the participation of the Ministers of Foreign Affairs of Liberia, Tunisia and Sierra Leone, and the Minister of Finance of Madagascar, who had been delegated by the Addis Ababa Conference to speak on behalf of all the Member States of the Organization of African Unity. South Africa, which was also invited by the Security Council to participate, informed the Council in a letter dated 31 July of its decision, not to participate in the discussion as the Council would be discussing matters which fell solely within the domestic jurisdiction of a Member State.

South Africa insisted that the allegation that it was a threat to international peace and security was totally unfounded. On the contrary, some of the African States had threatened peace and order in southern Africa and had initiated preparations for the use of force against South Africa. It was because of active incitement from abroad and systematic encouragement and subsidization of the small groups of subversive Bantu, supported by communist elements and fellow travelers in South Africa, that the Government had been obliged to take increased legislative powers for the maintenance of order and stability.

On 6 August, Ghana, Morocco and the Philippines submitted a joint draft resolution by which the Council would: (1) strongly deprecate the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a Member State; (2) call upon the Government of South Africa to abandon the policies of apartheid and discrimination, as called for in the Council's resolution of 1 April 1960, and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid; (3) call upon all States to boycott all South African goods and to refrain from exporting to South

Africa strategic materials of direct military value; (4) solemnly call upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa; and (5) request the Secretary-General to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963.

The Security Council voted on the joint draft resolution on 7 August. At the request of the United States a separate vote was taken on the paragraph calling for a boycott of South African goods and the prohibition of the export of strategic materials to South Africa. This paragraph failed of adoption by a vote of 5 in favour, 0 against, and 6 abstentions. The remainder of the draft resolution was then adopted by 9 votes in favour, 0 against, and 2 abstentions. (For text, see p. 20.)

SPECIAL COMMITTEE'S REPORT OF 16 SEPTEMBER 1963

On 16 September 1963, the Special Committee submitted its report to the Assembly. It noted South Africa's negative response to the demands of the United Nations for the abandonment of the policies of apartheid, and directed particular attention to new moves on the part of the South African Government designed to implement even more fully its apartheid policies. The Committee expressed its deep concern at the introduction and implementation of new apartheid measures, such as the residential segregation measures, the pass laws and influx control measures, the discrimination in employment and denial of trade unions rights, and other similar measures, especially in the cultural and educational fields.

The Committee denounced the creation of Bantustans as a means designed to reinforce white supremacy in the Republic by strengthening the position of tribal chiefs, dividing the African people through the offer of opportunities for a limited number of Africans and deceiving public opinion.

The Special Committee also reported that repressive legislation had been greatly strengthened in 1962 and 1963. Despite the Security Council resolution of 7 August 1963, which strongly deprecated the policies of South Africa

in its perpetuation of racial discrimination as being inconsistent with the principles of the Charter and contrary to its obligations as a Member State of the United Nations, the Government of South Africa continued to implement all apartheid legislation and refused to negotiate the grievances of non-whites with their leaders and organizations. The report also gave a detailed account of the build-up of military and police forces in South Africa. It noted that, during the period between 1960-61 and 1963-64, South Africa's defence budget had nearly quadrupled and the expenditures on police had increased by over one-third. It mentioned the United Kingdom as being the main supplier of arms to South Africa and noted, too, that the South African Government also made substantial purchases from other countries.

The Committee attached 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. It emphasized that, in the context of the historic developments in Asia and Africa since the establishment of the United Nations, South African policies and actions had had increasingly serious international repercussions. They had obliged many States to break relations with South Africa or to refrain from establishing relations. Finally, they constituted a serious threat to the maintenance of international peace and security.

The Special Committee reiterated its view that the question of apartheid in South Africa was not an aspect of the cold war. Yet it felt that the small number of States on whose co-operation South Africa counted had a special responsibility. In this connexion, the Special Committee recalled its earlier recommendation that a special appeal be addressed to the Governments of the States with traditional relations with South Africa; the small number of States which accounted for most of the foreign trade of, and foreign investment in, South Africa and which were the principal suppliers of arms and equipment to that country; and the powers responsible for the administration of territories neighbouring South Africa.

In its conclusions, the Special Committee in-

sisted, as it had in its first interim report, that the problem was 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 obligation of the Government of the Republic of South Africa under the United Nations Charter." It rejected as unfounded South Africa's claim that the choice in that country was between white domination and the end of the white community.

Finally, the Special Committee recommended that the General Assembly and the Security Council consider, without further delay, possible new measures—in accordance with the Charter—which would provide for stronger political diplomatic and economic sanctions, suspension of the rights and privileges of South Africa as a Member State, and expulsion from the United Nations and its specialized agencies.

CONSIDERATION BY GENERAL ASSEMBLY

The Assembly's Special Political Committee considered the policies of apartheid of the South African Government between 8 and 30 October 1963, during the Assembly's eighteenth session. It discussed the two interim reports and the final report of the Special Committee and took note of communications received from 20 Member States on the measures they had taken pursuant to the Assembly's resolution of 6 November 1962 by which Member States were called upon, among other things, to break off diplomatic relations with South Africa, to boycott all South African goods, and to refrain from exporting goods to South Africa.⁷

On 8 October, the Special Political Committee decided to hear Oliver Tambo, Deputy President of the African National Congress, who expressed the deep appreciation of the Africans in South Africa for the steps taken by various Governments but who stressed the sense of grievance felt towards those countries which were doing so much to make apartheid the "monstrous and ghastly reality" it was. Mr. Tambo also informed the Committee of the atmosphere of crisis that had come into being as a result of arbitrary trials and harsh sentences. He could not believe that the United

Nations could stand by calmly watching what he described as genocide masquerading under the guise of a civilized dispensation of justice.

On 18 October the Committee heard a statement by the Rt. Rev. Ambrose Reeves, former Bishop of Johannesburg. The Reverend Reeves denounced the intention of the Government of South Africa to partition the country. He warned the Committee of a worsening of the situation in South Africa and a probability of bloodshed on a vast scale if effective international action were not taken.

On 10 October, the Committee suspended its general debate in order to consider a draft resolution submitted as a matter of urgency by 55 delegations. By this, the Assembly would recall its previous resolutions on the subject and call upon the South African Government to abandon the arbitrary trial then in progress and to release unconditionally all political prisoners and all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid. The draft resolution was adopted by a roll-call vote of 87 to 1, with 9 abstentions. On 11 October, it was adopted at a plenary meeting of the Assembly as resolution 1881 (XVIII) by a roll-call vote of 106 to 1. (For full text of resolution and list of sponsors, see DOCUMENTARY REFERENCES, p. 21.)

Pursuant to this resolution and to the resolution adopted by the Security Council on 7 August, the Secretary-General submitted two reports to the General Assembly on 11 October and on 19 November 1963. They contained the substance of a reply from the Permanent Representative of South Africa to a note by the Secretary-General requesting to be informed of the steps that had been taken, and replies received to date from 26 Member States. Later, the substantive parts of the replies of additional Member States were circulated.

On 30 October, at the request of Guinea, the Special Political Committee decided to adjourn its consideration of the question in view of a request that had been made to the President of the Security Council by 32 African and Asian States on 23 October, that the Council be convened urgently to consider the Secretary-General's report of 11 October.

⁷ See Y.U.N., 1962, pp. 96-99.

FURTHER CONSIDERATION BY
SECURITY COUNCIL

The Security Council considered the item from 27 November to 4 December 1963, with the participation of India, Liberia, the Malagasy Republic, Tunisia and Sierra Leone. In the course of the discussion, Liberia, the Malagasy Republic, Tunisia and Sierra Leone were among those demanding further actions against the Republic. Liberia called on the Council to take firm and resolute action to prevent a "race war" in the Republic which would inevitably involve all Africa and the rest of the world. Tunisia appealed to all Member States to observe the arms embargo strictly and to consider additional measures, among them an embargo on strategic materials and economic sanctions. Sierra Leone, Liberia, India, the USSR and Venezuela also advocated more radical measures against the Republic, including total embargo, especially on oil.

The representative of the Philippines said that, if the Council's resolutions were to have effect, the members of the North Atlantic Treaty Organization (NATO) would have to take action.

On 31 December, Norway submitted a draft resolution whereby the Council would, among other things, appeal again to all States to comply with the resolution of 7 August; urgently request South Africa to cease forthwith its continued imposition of discriminatory and repressive measures; condemn South Africa's non-compliance with appeals contained in the resolutions of the General Assembly and the Security Council; call again upon the South African Government to release political prisoners and detainees; call upon all States to cease forthwith the sale and shipment of equipment and materials for the manufacture and maintenance of arms and ammunition in the Republic; request the Secretary-General to establish under his direction a group of 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, regardless of race, colour or creed, and to consider what part the United Nations might play in the achievement of that end; and further request the Secretary-General to continue to keep the

situation under observation and to report to the Security Council not later than 1 June 1964.

During the discussion, Ghana and the USSR questioned the usefulness of creating the group of experts. The United Kingdom and France expressed reservations regarding the renewed appeal for a total arms embargo, but affirmed their repugnance for apartheid and pledged their compliance with the draft resolution before the Council. However, they maintained that they would not interfere with the sale and shipment of equipment to be used by South Africa in making and maintaining arms against external attack and reserved their right to fulfil existing contracts with South Africa. The United States, after referring to the paragraph of the resolution which would ban the sale of armament materials, stated that in its view multi-purpose products, such as petroleum products, did not fall within that provision.

The Norwegian draft resolution was adopted unanimously on 4 December 1963. The Secretary-General subsequently announced that he had appointed the following persons to form the group of experts: Mrs. Alva Myrdal; Sir Edward Asafu-Adjaye; Josip Djerdja; Sir Hugh Foot; and Dey Ould Sidi Baba.

RESUMPTION OF CONSIDERATION
BY GENERAL ASSEMBLY

On 9 December, the Special Political Committee resumed its consideration of the question of race conflict in South Africa. The representative of Guinea referred to new developments which had taken place at meetings of various United Nations bodies since the last meeting of the Committee on 30 October and introduced two joint draft resolutions. The first of these was sponsored by 49 States (for sponsors, see p. 23, under Document A/SPC/L.102 and Add.1 and 2); the second one was proposed by 47 States (for sponsors, see p. 23, under Document A/SPC/L.103 and Add.1 and 2).

By the first draft, the General Assembly would appeal to all States to take appropriate measures and intensify their efforts, separately and collectively, with a view to dissuading South Africa from pursuing its policies of apartheid, and request them, in particular, to implement fully the Security Council resolution of 4 December 1963. This draft resolution was adopted

unanimously by the Special Political Committee on 10 December.

By the second draft, the General Assembly would, among other things, request 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 in South Africa for their opposition to the policies of apartheid, and invite Member States and organizations to contribute generously to such relief and assistance. This draft resolution was adopted by the Special Political Committee without any negative vote and with one abstention, also on 10 December.

Both draft resolutions were taken up by the General Assembly at a plenary meeting on 16 December 1963.

Before the vote, the representative of South Africa informed the Committee that his delegation considered the first draft resolution to be ultra vires the Charter, as the matters raised therein concerned the domestic policies of a Member State. The matters contained in the second draft resolution also constituted a flagrant violation of the Charter and of the sovereignty of a Member State, and no form of rationalization could possibly justify its adoption. Endeavours to present it as a humanitarian action could not be regarded as legitimate. South Africa would reject such a contention and would regard the adoption of this draft resolution as wholly unconstitutional and an absolute denial of the fundamental concept of law. As far as the humanitarian aspect of the case was concerned, arrangements already existed for granting assistance to dependents, wherever necessary, and the South African Government had already extended an invitation to the International Red Cross to visit any of the detainees in question at any time to satisfy itself with regard to conditions under which they were being held. The actions of the South African Government in all those matters followed the highest standards of administration of justice. In those circumstances, the adoption of the present draft resolution would set a precedent

which would be open to the widest possible abuses and could be used in the future against other Member States.

The Secretary-General, who also made a statement before the vote, said he was prepared to do everything within his power to seek ways and means of providing relief and assistance to the families of persons persecuted for their opposition to the policies of apartheid. He understood, however, that it was not envisaged that he should provide direct relief, since no funds had been made available for that purpose.

The first draft resolution as recommended by the Special Political Committee was then adopted as resolution 1978 A (XVIII), by 100 votes to 2, with 1 abstention, and the second as resolution 1978 B (XVIII) by 99 votes to 2, with 0 abstentions. (For full texts of these resolutions, See DOCUMENTARY REFERENCES below.)

QUESTIONS CONCERNING SOUTH AFRICA'S MEMBERSHIP IN INTERNATIONAL BODIES

During 1963, a number of United Nations bodies and specialized agencies considered the question of whether or not to permit South Africa to continue to participate in their work. On 23 May 1963, the World Health Assembly called upon South Africa to renounce the policy of apartheid in the interests of the physical, mental and social well-being of the population. (See p. 615.) The Governing Body of the International Labour Organisation (ILO) decided, on 29 June 1963, that South Africa be excluded from the meetings of the ILO, the membership of which is determined by the Governing Body. (See p. 598.) By a resolution of 30 July 1963, the Economic and Social Council decided that South Africa should not take part in the work of the Economic Commission for Africa (ECA). (See p. 275.) The Conference of the Food and Agriculture Organization (FAO) decided on 5 December 1963 to exclude South Africa from the work of FAO and on 18 December South Africa gave notice of withdrawal from that organization. (See p. 604.)

DOCUMENTARY REFERENCES

- SECURITY COUNCIL, meetings 1040, 1041, 1050-1056.
- S/5235. Letter of 14 January 1963 from Secretary-General transmitting text of resolution 1761 (XVII) adopted by General Assembly on 6 November 1962, meeting 1165.
- S/5310. Letter of 6 May 1963 from Chairman of Special Committee on Policies of Apartheid of Government of Republic of South Africa transmitting interim report of Special Committee (A/5418).
- S/5348. Letter of 11 July 1963 from Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta.
- S/5352, S/5354, S/5357, S/5359. Letters of 15, 17, 18 and 20 July 1963 from Tunisia, Liberia, Sierra Leone and Madagascar respectively concerning participation in Council debate.
- S/5353. Letter of 17 July 1963 from Chairman of Special Committee on Policies of Apartheid of Government of Republic of South Africa transmitting second interim report of Committee (A/5453).
- S/5358. Telegram of 19 July 1963 from Ethiopia.
- S/5360, S/5362-S/5364, S/5370. Reports by Secretary-General concerning credentials (Liberia, Madagascar, Sierra Leone, Tunisia).
- S/5366. Letter of 22 July 1963 from Ghana.
- S/5376. Cable of 28 July 1963 from President of Conference of Heads of African and Malagasy States.
- S/5381. Letter of 31 July 1963 from South Africa.
- S/5384. Ghana, Morocco, Philippines: draft resolution.
- RESOLUTION (S/5386), as submitted by 3 powers, S/5384, adopted by Council on 7 August 1963, meeting 1056, by 9 votes to 0, with 2 abstentions (France, United Kingdom).
- "The Security Council,
"Having considered the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa, as submitted by the thirty-two African Member states,
"Recalling Security Council resolution S/4300 of 1 April 1960,
"Taking into account that world public opinion has been reflected in General Assembly resolution 1761 (XVII) and particularly in its paragraphs 4 and 8,
"Noting with appreciation the two interim reports of the Special Committee on the policies of apartheid of the Government of South Africa contained in documents S/5310 of 9 May and S/5353 of 17 July 1963,
"Noting with concern the recent arms build-up by the Government of South Africa, some of which arms are being used in furtherance of that Government's racial policies,
"Regretting that some States are indirectly provid-
- ing encouragement in various ways to the Government of South Africa to perpetuate, by force, its policy of apartheid,
"Regretting the failure of the Government of South Africa to accept the invitation of the Security Council to delegate a representative to appear before it,
"Being convinced that the situation in South Africa is seriously disturbing international peace and security,
"1. Strongly deprecates the policies of South Africa in its perpetuation of racial discrimination as being inconsistent with the principles contained in the Charter of the United Nations and contrary to its obligations as a Member State of the United Nations;
"2. Calls upon the Government of South Africa to abandon the policies of apartheid and discrimination as called for in the previous Security Council resolution of 1 April 1960, and to liberate all persons imprisoned, interned or subjected to other restrictions for having opposed the policy of apartheid;
"3. Solemnly calls upon all States to cease forthwith the sale and shipment of arms, ammunition of all types and military vehicles to South Africa;
"4. Requests the Secretary-General to keep the situation in South Africa under observation and to report to the Security Council by 30 October 1963."
- GENERAL ASSEMBLY—18TH SESSION
General Committee, meetings 153, 154.
Special Political Committee, meetings 378-396.
Plenary Meetings 1210, 1238.
- A/5405. Letter of 19 March 1963 from USSR.
- A/5413. Note verbale of 29 April 1963 from Algeria.
- A/5414. Letter of 30 April 1963 from Nigeria.
- A/5418. Interim report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.
- A/5422. Note verbale of 24 May 1963 from Ghana.
- A/5424. Note verbale of 30 May 1963 from Ukrainian SSR.
- A/5425. Letter of 14 May 1963 from Costa Rica.
- A/5427. Letter of 6 June 1963 from Byelorussian SSR.
- A/5439. Letter of 11 July 1963 from Poland.
- A/5449. Letter of 12 July 1963 from Cameroon.
- A/5451. Letter of 17 July 1963 from Czechoslovakia.
- A/5452. Note verbale of 18 July 1963 from India.
- A/5453. Second interim report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.
- A/5454. Note by Secretary-General circulating communication by International Labour Organization on participation of Republic of South Africa in activities of ILO.
- A/5457. Note verbale of 24 July 1963 from Nepal.
- A/5458. Letter of 25 July 1963 from Yugoslavia.
- A/5472. Letter of 2 August 1963 from Guinea.
- A/5474. Letter of 25 July 1963 from Mali.
- A/5497 (S/5426) and Add.1, 2. Report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.
- A/5502. Report of Security Council to General Assembly, 16 July 1962-15 July 1963, Chapter 14.

A/5554. Note verbale of 17 September 1963 from Chad.

A/5563. Letter of 3 October 1963 from United Arab Republic.

A/SPC/80. Statement by Deputy President of African National Congress on 8 October 1963, meeting 379.

A/SPC/81. Statement by representatives of Guinea on 8 October 1963, meeting 379.

A/SPC/82. Statement by representative of Denmark on 9 October 1963, meeting 380.

A/SPC/L.95. Note by Secretariat on documents relating to item.

A/SPC/L.96. Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen: draft resolution, as revised by sponsors, adopted by Special Political Committee on 10 October 1963, meeting 381, by roll-call vote of 87 to 1, with 9 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Austria, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Niger, Nigeria, Norway, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Portugal.

Abstaining: Australia, Belgium, Canada, France, Netherlands, New Zealand, Panama, United Kingdom, United States.

A/5565. Report of Special Political Committee, Part I. RESOLUTION 1881(XVIII), as proposed by Special Political Committee, A/5565, adopted by Assembly on 11 October 1963, meeting 1238, by roll-call vote of 106 to 1, as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba,

Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: South Africa.

"The General Assembly,

"Recalling its resolution 1761 (XVII) of 6 November 1962,

"Recalling the Security Council resolution of 7 August 1963, which called 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,

"Taking note of the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, which stress the fact that the harsh repressive measures instituted by the Government of South Africa frustrate the possibilities for peaceful settlement, increase hostility among the racial groups and precipitate violent conflict,

"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 paragraphs 2 above are put into effect immediately;

"4. Requests the Secretary-General to report to the General Assembly and the Security Council, as soon as possible during the eighteenth session, on the implementation of the present resolution."

SECURITY COUNCIL, meetings 1073-1078.

S/5426 (A/5497) and Add.1, 2. Report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.

S/5438 and Add.1-6. Report by Secretary-General in pursuance of resolution adopted by Security Council at its 1056th meeting on 7 August 1963 (S/5386).

S/5444 and Add.1. Letter of 23 October 1963 from Algeria, Central African Republic, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Ivory Coast, Liberia, Madagascar, Malaysia, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta.

S/5457 (A/5614) and Add.1-3. Report of Secretary-General (pursuant to Assembly resolution 1881 (XVIII) of 11 October 1963).

S/5458. Report by Secretary-General on credentials (India).

S/5459, S/5462, S/5465, S/5466. Letters of 20, 26 and 27 November 1963 from India, Liberia, Tunisia and Sierra Leone. Requests to participate in Council discussion.

S/5469. Norway: draft resolution.

RESOLUTION (S/5471), as proposed by Norway, S/5469, adopted unanimously by Council on 4 December 1963, meeting 1078.

"The Security Council,

"Having considered the race conflict in South Africa resulting from the policies of apartheid of the Government of the Republic of South Africa,

"Recalling previous resolutions of the Security Council and of the General Assembly which have dealt with the racial policies of the Government of the Republic of South Africa, and in particular the Security Council resolution S/5386 of 7 August 1963,

"Having considered the Secretary-General's reports contained in S/5438 and Addenda,

"Deploing the refusal of the Government of the Republic of South Africa as confirmed in the reply of the Minister of Foreign Affairs of the Republic of South Africa to the Secretary-General received on 11 October 1963, to comply with Security Council resolution S/5386 of 7 August 1963, and to accept the repeated recommendations of other United Nations organs,

"Noting with appreciation the replies to the Secretary-General's communication to the Member States on the action taken and proposed to be taken by their Governments in the context of that resolution's operative paragraph 3, and hoping that all the Member States as soon as possible will inform the Secretary-General about their willingness to carry out the provisions of that paragraph,

"Taking note of the reports of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa contained in

document A/5497,

"Noting with deep satisfaction the overwhelming support for the resolution A/RES/1881(XVIII) adopted by the General Assembly on 11 October 1963,

"Taking into account the serious concern of the Member States with regard to the policy of apartheid as expressed in the general debate in the General Assembly as well as in the discussions in the Special Political Committee,

"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 State 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 S/5386 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 of the General Assembly and the Security Council;

"4. Again calls upon the Government 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;

"8. Requests the Secretary-General to continue to keep the situation under observation and to report to the Security Council such new developments as may occur, and in any case not later than 1 June 1964, on the implementation of this resolution."

GENERAL ASSEMBLY—18TH SESSION

Special Political Committee, meetings 421, 423.
Plenary Meeting 1283.

A/5577. Note verbale of 15 October from Libya.

A/5583. Letter of 25 October 1963 from Trinidad and Tobago.

A/5588. Letter of 30 October 1963 from Niger.

A/5614 (S/5457) and Add.1-3. Report of Secretary-General under Assembly resolution 1881 (XVIII) of 11 October 1963.

A/SPC/83. Statement by Rt. Rev. Ambrose Reeves, former Bishop of Johannesburg, on 18 October 1963, meeting 387.

A/SPC/84. Statement by Deputy President of African National Congress on 29 October 1963, meeting 395.

A/SPC/86/Rev.1, A/SPC/95. Statements by representative of Guinea on 30 October 1963, meeting 396 and on 9 December 1963, meeting 421.

A/SPC/94. Note by Secretariat on measures taken by Member States in pursuance of General Assembly resolution 1761 (XVII) and Security Council resolution of 7 August 1963.

A/SPC/L.102 and Add.1, 2. Afghanistan, Algeria, Bolivia, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Dahomey, Ethiopia, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ivory Coast, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta, Yugoslavia: draft resolution, as orally revised, adopted unanimously by Special Political Committee on 10 December 1963, meeting 423.

A/5565/Add.1. Report of Special Political Committee, Part II, draft resolution A.

RESOLUTION 1978 A (XVIII), as recommended by Special Political Committee, A/5565/Add.1, adopted by Assembly on 16 December 1963, meeting 1283, by 100 votes to 2, with 1 abstention.

"The General Assembly,

"Having considered the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa,

"Recalling its resolution 1761 (XVII) of 6 November 1962 and 1881 (XVIII) of 11 October 1963,

"Taking note of the Security Council resolutions of 7 August and 4 December 1963,

"1. Appeals to all States to take appropriate meas-

ures and intensify their efforts, separately and collectively, with a view to dissuading the Government of the Republic of South Africa from pursuing its policies of apartheid, and requests them, in particular, to implement fully the Security Council resolution of 4 December 1963;

"2. Notes with appreciation the reports of the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa, and requests it to continue to follow constantly the various aspects of this question and to submit reports to the General Assembly and to the Security Council whenever necessary;

"3. Requests the Secretary-General to furnish the Special Committee with all the necessary means for the effective accomplishment of its task;

"4. Invites the specialized agencies and all Member States to give to the Special Committee their assistance and co-operation in the fulfilment of its mandate."

A/SPC/L.103 and Add.1, 2. Afghanistan, Algeria, Bolivia, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Dahomey, Ethiopia, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Ivory Coast, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta: draft resolution, as orally revised, adopted by Special Political Committee on 10 December 1963, meeting 423, without any negative vote, and with Mexico abstaining.

A/5565/Add.1. Report of Special Political Committee, Part II, draft resolution B.

RESOLUTION 1978 B (XVIII), as recommended by Special Political Committee, A/5565/Add.1, adopted by Assembly on 16 December 1963, meeting 1283, by roll-call vote of 99 votes to 2, with 0 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Romania, Senegal, Sierra Leone, Somalia, Spain, Sweden, Syria, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR,

United Arab Republic, United Kingdom, United States, Upper Volta, Uruguay, Venezuela, Yugoslavia.

Against; Portugal, South Africa.

"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;

"3. Invites the Secretary-General to report to the General Assembly at its nineteenth session on the implementation of the present resolution."

CREDENTIALS

GENERAL ASSEMBLY—18TH SESSION

Credentials Committee, meeting of 12 December 1963. Plenary Meeting 1283.

A/5676/Rev.1. Report of Credentials Committee. RESOLUTION 1977(XVIII), as submitted by Credentials Committee, A/5676/Rev.1, approving Committee's report, adopted by Assembly on 16 December 1963, meeting 1283, by 91 votes to 0, with 11 abstentions.

COMPLAINT BY SENEGAL CONCERNING PORTUGAL

On 10 April 1963, Senegal informed the Security Council that on 8 April 1963 four Portuguese aircraft had violated Senegalese airspace and had dropped four grenades on the village of Bougniack. In view of that incident and other violations of its territory and airspace which had taken place in December 1961, Senegal requested that a meeting of the Security Council be convened to discuss the matter.

On the same day, Portugal stated that a careful investigation had shown that the Senegalese charges had no foundation. On the day in question, no Portuguese military aircraft had overflown the area referred to in the Senegalese complaint or any other area along the border of Senegal. With regard to Senegal's charges concerning alleged earlier violations, Portugal said it had already replied to them in a letter of 9 January 1962.⁸

On 12 April, the Security Council included the item in its agenda and invited the representatives of Senegal and Portugal to participate without vote in the discussion. On the following day, the Council also agreed to the participation of the representatives of the Congo (Brazzaville) and Gabon in the discussion of the item at the appropriate time. The Council considered the item at seven meetings between 17 and 24 April 1963.

During the debate in the Council, the representative of Senegal said that the 8 April in-

cident in the village of Bougniack was not the first time that such a violation of its territory had taken place, and he referred to incidents which he charged had taken place in December 1961. Senegal had requested the Security Council to consider those incidents at the time but had been advised to seek a direct arrangement with Portugal. Even though Senegal had followed that procedure, it had produced no effect and more incidents had taken place.

On 8 April 1963, he went on, four aircraft of the Portuguese Colonial Army had bombarded the Senegalese village of Bougniack. Tailpieces of rockets and machine gun cartridges had been found, and a person was wounded and had to be hospitalized. The Portuguese authorities at Bissau had admitted that on 8 April combined air and land manoeuvres had been carried out in the Bougniack area. The tension on the Senegalese border could also be laid to a systematic policy of division of population carried out by Portugal in respect of the Portuguese nationals on the one side and those situated on the Senegalese side. Also contributing to that tension was Portugal's general policy in Africa. Senegal hoped that the Security Council would help it to re-establish peace and tranquillity on its borders.

⁸ See Y.U.N., 1961, pp. 117, 118.

In reply, Portugal's representative said it would have been more appropriate if Senegal had sought a solution of its complaint through direct negotiations, as provided for in Article 33 of the United Nations Charter. An inquiry by the Portuguese Government had revealed that on 9 April 1963 no Portuguese aircraft could have overflown the village of Bougniack.

Senegal had later alleged that the incident had taken place not on 9 April but on the previous day. It was not quite clear why Senegal had waited for seven days to correct such an important point. An inquiry had shown clearly that on 9 April no military planes had taken to the air in Portuguese Guinea and that on 8 April there had been only small-scale military exercises, but no bombs or grenades had been used by the planes and all operations had taken place strictly within Portuguese territory. It appeared that the Senegalese authorities were not certain of the date of the incident or of the damage that was alleged to have been done. However, as there were conflicting versions of the alleged incident, Portugal suggested that a small commission consisting of an equal number of competent technicians, named by each party to the dispute and presided over by a neutral, should be established to carry out an investigation in loco of the Senegalese complaint.

On 23 April, Morocco and Ghana submitted a draft resolution whereby the Security Council would, among other things: (1) deplore any incursion by Portuguese military forces into Senegalese territory, as well as the incident which occurred at Bougniack on 8 April; (2) request the Government of Portugal, in accordance with its declared intentions, to take whatever action might be necessary to prevent any violation of Senegal's sovereignty and territorial integrity; and (3) request the Secretary-General to keep the development of the situation under review.

In introducing the draft resolution, the sponsors said they recognized that it fell far short of adequately expressing the feelings and sentiments of the African States regarding Portuguese policy in Africa and that it did not measure up to the seriousness of Senegal's complaint. They had tried, however, to secure a spirit of co-operation and unanimity among the Council

Members regarding a fundamental principle of the Charter. The clause asking the Secretary-General to keep the situation under review was a substitute for a suggestion made by the representative of Ghana that a Security Council committee be appointed to visit the area to make an on-the-spot investigation and report back to the Council with recommendations for measures to prevent the recurrence of similar incidents.

The USSR said that the draft, as the sponsors had themselves pointed out, was indeed very weak. Its principal shortcoming lay in the fact that it did not reflect the whole essence of the situation that had been brought about by Portugal's numerous aggressive actions against Senegal. There was no direct condemnation of those actions, despite the fact that Senegal had furnished convincing evidence about them. The USSR was supporting the draft because of the desire of the African members of the Council to reach a generally acceptable solution.

Other Council members took the view that, while the underlying cause of the tension between Senegal and Portugal was the latter's African policy, the Council was for the moment considering only one specific incident. According to the Senegalese statements and the information available to some of them, it was established that on 8 April a minor incident had taken place in the Senegalese village of Bougniack. They thought that it was indeed a matter in which greater use could be made of the procedures outlined in Article 33 of the Charter, and in that respect some of them welcomed the Portuguese offer of a bilateral commission. However, since the relations between the two countries had not made such an arrangement possible, they would support the draft resolution, which sought to ease the present tension, since a request to the Secretary-General to keep the situation under review would be likely to have a beneficial effect.

Brazil, while supporting the draft resolution, requested a separate vote on the clause to deplore incursions and the 8 April incident, contending that its wording could be interpreted as taking a stand on the substance of the Senegalese complaint, which could not be made without an impartial international verification of facts. In response to an appeal by

Morocco, Brazil did not press its request for a separate vote. unanimously adopted the joint draft resolution submitted by Ghana and Morocco. (For full text, see DOCUMENTARY REFERENCES below.)

On 24 April 1963, the Security Council

DOCUMENTARY REFERENCES

SECURITY COUNCIL, meetings 1027-1033.

S/5279, S/5283. Letter of 10 April 1963 and telegram of 16 April 1963 from Senegal.

S/5281, S/5284. Letters of 10 and 16 April 1963 from Portugal.

S/5285. Report of Secretary-General concerning credentials (Portugal).

S/5286, S/5288. Telegram of 17 April 1963 from Congo (Brazzaville) and letter of 17 April 1963 from Gabon.

S/5287. Text of documents transmitted on 18 April 1963 by Senegal.

S/5290. Letter of 22 April 1963 from Chad.

S/5292. Ghana and Morocco: draft resolution.

RESOLUTION, (S/5293), as submitted by Ghana and Morocco (S/5292), adopted unanimously by Council on 24 April 1963, meeting 1033.

"The Security Council,

"Having heard the statements of the representatives of Senegal and Portugal concerning violations of Senegalese territory by the Portuguese military forces,

"Deploring the incidents that have occurred near the frontier between Senegal and Portuguese Guinea,

"Noting with concern that the state of relations in this area between the two parties concerned may lead to tension on the occasion of any incident, and expressing the hope that such tension will be eliminated in accordance with the provisions of the Charter,

"Taking note of the declared intention of the Portuguese Government scrupulously to respect the sovereignty and territorial integrity of Senegal,

"1. Deplores any incursion by Portuguese forces into Senegalese territory as well as the incident which occurred at Bougniak on 8 April;

"2. Requests the Government of Portugal, in accordance with its declared intentions, to take whatever action may be necessary to prevent any violation of Senegal's sovereignty and territorial integrity;

"3. Requests the Secretary-General to keep the development of the situation under review."

A/5502. Report by Security Council to General Assembly, 16 July 1962-15 July 1963, Chapter II.