

CHAPTER VII

QUESTIONS RELATING TO AFRICA

MATTERS CONCERNING SOUTH AFRICA'S APARTHEID POLICIES

During 1968, the South African Government's apartheid policies continued to be examined by the General Assembly and by its 11-member Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. The question was also considered by the Economic and Social Council, by the Commission on Human Rights and by the International Conference on Human Rights (held at Teheran, Iran, from 22 April to 13 May 1968).

Reporting in 1968 to the twenty-third session of the General Assembly and to the Security Council, the Special Committee on Apartheid reviewed its special June session in Europe which was designed to give further impetus to the international campaign against apartheid. The Special Committee stated that the situation in South Africa was deteriorating, and that there was increased danger of a wider conflict arising from the extension of apartheid to neighbouring areas. It reaffirmed its conviction that the resolutions of the General Assembly and the Security Council provided an appropriate framework for international action, if fully implemented by all States, and that universally applied economic sanctions under Chapter VII¹ of the Charter were the most effective means for solving the problem of apartheid.

The General Assembly considered the Special Committee's report together with the report of the Secretary-General on the United Nations Trust Fund for South Africa and a note by the Secretary-General on the implementation of a previous resolution of the Assembly.

On 2 December 1968, the General Assembly adopted a resolution whereby it reiterated its condemnation of apartheid as a crime against humanity, reaffirmed the urgent necessity to eliminate the policies of apartheid so that the people of southern Africa could exercise their right to self-determination and majority rule based on universal suffrage, and requested the Security Council urgently to adopt, under Chapter VII of the Charter, measures ensuring full implementation of comprehensive mandatory

sanctions against South Africa. The Assembly also condemned the actions of those States, particularly the main trading partners of South Africa, and the activities of those foreign financial and other interests, which through their political, economic and military collaboration with the Government of South Africa encouraged it to persist in its racial policies. The Assembly appealed for greater moral, political and material assistance to the South African liberation movement in its legitimate struggle. It expressed grave concern, furthermore, over the ruthless persecution of opponents of apartheid under arbitrary laws, declared that freedom fighters should be treated as prisoners of war, condemned South Africa for its treatment of political prisoners, appealed for intensified efforts to induce the South African Government to release all such persons and to stop persecution of opponents of apartheid, and requested the Secretary-General to publicize registers of such persons and acts of brutality perpetrated against them. Commending the activities of anti-apartheid movements assisting victims of apartheid, the Assembly invited generous contributions for their support, urged official discouragement of any propaganda activities supporting racial discrimination and also discouragement of the flow of immigrants to South Africa, as well as suspension of cultural and sporting exchanges with the South African Government and organizations practicing apartheid. The Assembly also requested intensified dissemination of information on the evils of apartheid and establishment of national organizations for enlightening public opinion on those evils.

Other actions taken by the Assembly in regard to apartheid included the adoption of resolutions related to capital punishment in southern Africa, the United Nations Trust Fund for South Africa, the United Nations Educational and Training Programme for Southern Africa,

¹ Chapter VII of the Charter concerns action with respect to threats to the peace, breaches of the peace, and acts of aggression. For text, see APPENDIX ii.

combating racial discrimination and the policies of apartheid and segregation in southern Africa and to the report of the Ad Hoc Working Group of Experts on the treatment of political prisoners in South Africa. Apartheid was further dealt with in the context of other measures considered

by the Assembly, including, for example, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

These and other decisions of United Nations organs are described in the sections below.

POLITICAL AND RELATED DEVELOPMENTS

REPORT OF SPECIAL COMMITTEE ON APARTHEID

The General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa submitted its report to the Security Council and the General Assembly on 4 October 1968. The report included a review of the Special Committee's work during 1968 and new developments in South Africa since the previous report, submitted on 17 October 1967.² The Committee also submitted its conclusions and recommendations for consideration by the Assembly and the Council.

The Committee took note of the main points that had emerged from a special session which it had held in Stockholm, Sweden, in London, United Kingdom, and in Geneva, Switzerland, in June 1968. The situation in southern Africa had taken on a new dimension, the report stated, as a result of South Africa's intervention in Southern Rhodesia and the Portuguese territories, and of South Africa's continued illegal occupation of Namibia (South West Africa).³ Another factor cited which had changed the situation was the decision by the liberation movement in South Africa to engage in armed struggle as the only possible means of realizing its objectives. The Special Committee also noted that one of the main conclusions of the special session was that South Africa's involvement in the affairs of the region as a whole had made it necessary to view the South African situation in the context of developments in southern Africa as a whole.

Considering that the failure of the United Nations to solve the situation in South Africa was to be attributed largely to the fact that relevant United Nations resolutions had not been implemented by the main trading partners of South Africa, the Special Committee deemed it essential that the General Assembly and the Security Council should reaffirm their resolu-

tions on the question of apartheid, and draw the attention of the States concerned to the grave responsibility which they bore for the deteriorating situation. Those States, the Committee observed, should be called upon to implement the resolutions already adopted and to facilitate further effective measures.

The Special Committee recommended that urgent measures be taken to ensure the full implementation of the arms embargo against South Africa already decided upon by the Security Council in view of the fact that the South African Government was using its military power not only to impose its racial policies but also to defy the decisions of the United Nations with regard to Namibia (South West Africa) and Southern Rhodesia and to threaten independent African States. It considered that further mandatory measures should be taken, under Chapter VII of the United Nations Charter, to stop the flow of all capital investment and migrants, particularly skilled and technical personnel, to South Africa, as foreign capital and technical personnel continued to play a significant role in facilitating the development of the manufacture of arms and military equipment in South Africa and in preparations to resist international economic sanctions.⁴

The Special Committee stated that, although the people of South Africa had a primary role in the campaign to secure an end of apartheid and to resolve the situation in South Africa, it was the duty of the United Nations and the international community to assist, in appropriate

² See Y.U.N., 1967, pp. 81-83.

³ On 12 June 1968, with the adoption of resolution 2372 (XXII), the General Assembly proclaimed that South West Africa should henceforth be known as Namibia. As the proceedings of the Special Committee on Apartheid, referred to above, occurred prior to 12 June 1968, Namibia was then referred to as South West Africa.

⁴ For text of Chapter VII of the Charter, see APPENDIX II.

ways, its legitimate struggle. It therefore recommended that the General Assembly should strongly reaffirm its recognition of the legitimate struggle of the people of South Africa, and urge all States and organizations to provide greater moral, political and material assistance to them.

Describing as "intolerable" the situation in South Africa, where captured members of the national liberation movement were said to be classified as common criminals and tried under criminal laws, the Committee suggested that serious consideration be given to the protection of those prisoners in order to spare their lives and to prohibit summary executions, maltreatment, or reprisals. The Committee also stated that United Nations organs and Member States should continue, and intensify, efforts to secure the liberation of all political prisoners and persons subjected to various restrictions in South Africa, to end ill-treatment in prisons and to draw attention to the brutal repression against opponents of apartheid.

In addition, the Special Committee appealed for appropriate humanitarian and educational assistance to the victims of the policies of apartheid, while emphasizing that such assistance was not an alternative to effective action in attempting to resolve the situation in South Africa.

In the framework of the international campaign against apartheid, the Special Committee also called for the encouragement of anti-apartheid movements and non-governmental organizations in their activities against apartheid, the boycott of cultural, educational, sporting and other exchanges with South Africa and the commemoration on 21 March 1969 of the International Day for the Elimination of Racial Discrimination, in solidarity with the oppressed people of South Africa.

Finally, the Special Committee submitted for consideration by the General Assembly a number of recommendations for wider dissemination of information on the evils of apartheid.

INTERNATIONAL DAY FOR ELIMINATION OF RACIAL DISCRIMINATION

On 13 December 1967, the General Assembly had requested all States to commemorate, with appropriate solemnity, 21 March 1968 as the International Day for the Elimination of Racial

Discrimination, in solidarity with the oppressed people of South Africa.⁵ The Special Committee on the Policies of Apartheid observed the International Day with a special meeting at United Nations Headquarters, New York, which was attended by representatives of 97 Member States and by members of the Human Rights Commission.

After statements by the Secretary-General, the Prime Minister of Somalia, the Chairman of the Special Committee on Apartheid, the Acting Chairman of the Commission on Human Rights and by the Chairman of the Committee of Trustees of the United Nations Trust Fund for South Africa, the meeting observed a minute of silence in memory of all the victims of racism the world over.

A report prepared by the United Nations Secretariat described the wide range of activities at governmental and non-governmental levels to commemorate the International Day. Contributions to mark the occasion were made by Denmark (\$121,000), Norway (\$10,000) and Sweden (\$50,000) to the United Nations Trust Fund for South Africa and to the Defence and Aid Fund (London).

ACTION BY COMMISSION ON HUMAN RIGHTS

At its twenty-fourth session, held from 5 February to 12 March 1968 at United Nations Headquarters, New York, the Commission on Human Rights considered the report of a Special Rapporteur concerning apartheid and the report of the Ad Hoc Working Group of Experts on the treatment of political prisoners in South Africa.

The Special Rapporteur, Manouchehr Ganji, had been appointed by the Commission, which had requested on 16 March 1967 that he survey United Nations activities aimed at eliminating the policies and practices of apartheid in all its forms and manifestations, and that he study the legislation and practices in South Africa, Namibia (South West Africa) and Southern Rhodesia which had been instituted to establish and maintain apartheid and racial discrimination. The Special Rapporteur had been requested also to make recommendations to the Commission on appropriate measures that might be taken

⁵ See Y.U.N., 1967, pp. 94-95, for text of resolution 2307(XXII).

by the General Assembly effectively to combat racial discrimination and the policies of apartheid and discrimination. (For further details, see pp. 566-67.)

Among his conclusions and recommendations, the Special Rapporteur suggested measures to promote the widest public awareness of the evils of apartheid and support for the United Nations efforts to eradicate apartheid, to co-ordinate the work of the United Nations organs concerned with the racial problem in southern Africa, and to promote humanitarian assistance to the victims of apartheid.

On 16 February 1968, the Commission on Human Rights reaffirmed that the practice of apartheid was a crime against humanity and that the situation in southern Africa constituted a threat to international peace and security. It denounced the laws and practices instituted and imposed to oppress, dispossess and humiliate the non-white population in southern Africa and called upon all Governments which had diplomatic, commercial, military, cultural and other relations with South Africa to desist from such relations in accordance with resolutions of the General Assembly and of the Security Council.

The Commission endorsed the conclusions and recommendations of the Special Rapporteur and invited non-governmental organizations, trade unions, church, student and other organizations to intensify their efforts in focusing public opinion on the repressive legislation, arbitrary imprisonment and other inhuman acts by the Government of South Africa and the illegal régime of Southern Rhodesia against opponents of apartheid and racial discrimination. The Commission also requested the Secretary-General to take various measures for the widest dissemination of information on apartheid and racial discrimination in South Africa and Southern Rhodesia, and asked the Special Rapporteur to continue his task, undertaking additional studies concerning apartheid and racial discrimination in southern Africa.

The Ad Hoc Working Group of Experts was established by the Commission on 6 March 1967 to investigate treatment of political prisoners in South Africa. Reporting to the Commission's twenty-fourth session in 1968, the Ad Hoc Working Group made recommendations for the improvement of prison conditions in South

Africa and the repeal of all the principles embodied in the 180-day law and the Terrorism Act which included provisions for detention without charge or trial, as well as in the Suppression of Communism Act, the Sabotage Act, and in similar laws. On 16 February 1968, the Commission enlarged the mandate of the Ad Hoc Working Group to include the investigation of allegations of ill-treatment and torture of prisoners, detainees or persons in police custody in Namibia (South West Africa), Southern Rhodesia and African territories under Portuguese administration.

On 20 February 1968, the Commission adopted a resolution condemning the practice of torture and ill-treatment of prisoners and of persons in police custody in South Africa, and calling on the South African Government to conform to the international standard minimum rules for the treatment of prisoners approved by the Economic and Social Council in 1957.⁶ (For further details, see pp. 548-50.)

ACTION BY ECONOMIC AND SOCIAL COUNCIL

Apartheid and related policies and practices were also examined by the Economic and Social Council at its forty-fourth session, held at United Nations Headquarters, New York, from 6 to 31 May 1968. The Council approved four resolutions in connexion with its consideration of the issue.

By a preambular paragraph of resolution 1302(XLIV) adopted on 28 May 1968, the Council recalled that on 1 June 1967 it had authorized the Ad Hoc Working Group of Experts of the Commission on Human Rights to examine allegations regarding infringements of trade union rights in South Africa.⁷ Among provisions of the operative part of the resolution, the Council condemned the continuing infringements of trade union rights and the unlawful prosecution of trade union workers as a violation of the right to freedom of association and as "a manifestation of the criminal policy of apartheid." The Council also called upon South Africa to conform to generally accepted inter-

⁶ See Y.U.N., 1957, p. 254, for text of Economic and Social Council resolution 663 C I (XXIV).

⁷ See Y.U.N., 1967, p. 541, for text of Economic and Social Council resolution 1216(XLII).

national standards pertaining to the right to freedom of association, and the Council set forth a number of legal and legislative steps which should be taken towards that end. The Council requested the Ad Hoc Working Group of Experts to examine further the question of the infringements of trade union rights in South Africa, and in Namibia (South West Africa), and also to undertake a similar examination, in co-operation with the United Kingdom and the International Labour Organisation (ILO), of the denial and infringements of trade union rights by the illegal régime in Southern Rhodesia. (For details, see p. 586.)

On 31 May 1968, the Council took action on four other resolutions relating to apartheid. By resolution 1330(XLIV), the Council's Sub-Commission on Prevention of Discrimination and Protection of Minorities was authorized to initiate a study of the measures which might be employed to implement the various international conventions (as well as resolutions adopted by organs of the United Nations) on the abolition of slavery, institutions and practices similar to slavery and the slavery-like practices of apartheid and colonialism. Among other provisions in the resolution, the Council affirmed that the labour laws currently enforced in Southern Rhodesia, Namibia (South West Africa) and South Africa constituted clear manifestations of slavery and slave trade, and it requested all Governments to exert their full influence and resources to assist in the total eradication of the slavery-like practices of apartheid and colonialism as practised particularly in those three countries. (For details, see p. 584.)

By resolution 1332(XLIV) of 31 May 1968, the Council recommended that the General Assembly adopt a resolution by which it would, *inter alia*, express its grave concern at the evidence of inhuman practices by the Government of South Africa and by the minority régime in Southern Rhodesia against the non-white population of South Africa, Namibia and Southern Rhodesia; call upon the South African Government to repeal, amend and replace its various discriminatory laws; and also request the Secretary-General to establish a United Nations information centre in South Africa with a view to disseminating the aims and purposes of the United Nations. (For details, see p. 566.)

The General Assembly adopted this text as its resolution 2439(XXIII) on 19 December 1968. (See below, p. 113.)

By resolution 1333(XLIV) of 31 May 1968, the Council recommended that the General Assembly adopt a resolution by which, after reiterating its determination to protect human rights and fundamental freedoms and its desire to seek an urgent and immediate end to violations of those conditions in South Africa, it would reaffirm its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms, and would condemn all instances of torture, inhuman and degrading treatment meted out to detainees and prisoners in South African gaols and in police custody during interrogation and detention. The General Assembly would call upon the South African Government to initiate investigations into the violations of internationally accepted codes for the treatment of prisoners and detainees in order to determine the responsibility of its agents so as to punish them accordingly, and to afford the opportunity for all illegally wronged persons to receive indemnification. The Assembly, further, would call on South Africa to abolish the 180-day law, the Terrorism Act, the Suppression of Communism Act, the Sabotage Act and similar laws, and undertake the immediate release of all political prisoners, including Robert Sobukwe. (For details, see p. 550.)

The General Assembly adopted this text as resolution 2440(XXIII) on 19 December 1968. (See below, p. 113.)

By resolution 1335(XLIV), the Economic and Social Council recommended that the General Assembly adopt a resolution by which it would reaffirm that nazism and the ideology and policy of apartheid, which was similar to it, were incompatible with the objectives of the United Nations Charter, the Universal Declaration of Human Rights⁸ and of a number of other international instruments. The Council condemned nazism, racism, apartheid and all similar ideologies and practices which were based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of the principles of the United

⁸ For text of the Universal Declaration of Human Rights, see Y.U.N., 1948-49, p. 535.

Nations Charter, and as a threat to world peace and security of peoples. It called upon all peoples, as well as national and international organizations, to strive for the eradication, as soon as possible, and once and for all, of those practices and ideologies. This text was adopted by the Council on 31 May 1968. (For details, see p. 563.)

The General Assembly adopted this text on 19 December 1968 as its resolution 2438(XXIII). (See below, p. 114.)

INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

When the General Assembly decided on 20 December 1965 to convene an International Conference on Human Rights,⁹ the Assembly set forth as one of the specific purposes of the Conference the evaluation of the effectiveness of the methods used by the United Nations in the field of human rights, especially with regard to the elimination of all forms of racial discrimination and the practice of the policy of apartheid. The Conference was held at Teheran, Iran, from 22 April to 13 May 1968. (For further details, see p. 538.)

The Proclamation of Teheran, issued at the close of the Conference, declared that it was imperative for members of the international community to fulfil their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all, irrespective of any distinctions, such as race, color, sex, language, religion, and political or other opinions. The Conference also solemnly proclaimed that the gross denials of human rights under the repugnant policy of apartheid, already condemned as a crime against humanity, were a matter of the gravest concern to the international community and continued seriously to disturb international peace and security. Recognizing the struggle against apartheid as legitimate, the Conference called upon the international community to use every possible means to eradicate the evil.

Concern about apartheid was further reflected in various resolutions approved by the Conference on 11 May 1968. By the terms of one of these, the Conference deplored the South African Government's "continuous insult to humanity" and condemned that Government for its continued implementation of the policy of apart-

heid which was declared a threat to international peace and security. The Conference recommended that the Security Council resume consideration of the question of apartheid and take appropriate action against the Republic of South Africa under Chapter VII, and in particular under Article 41, of the United Nations Charter,¹⁰ including the imposition of strong economic sanctions. The Conference, further requested the United Nations and its specialized agencies to intensify their information and publicity activities in disseminating information on the evils of apartheid on a continuous basis, as well as to devise ways and means to ensure optimum effectiveness of these activities. The Conference also appealed to non-governmental organizations and all international and national information media to increase their activities publicizing the evils of apartheid and the efforts of the United Nations to combat these evils.

Another Conference resolution on "Treatment of persons who oppose racist régimes," included provisions that condemned the acts of the racist minority régimes all over southern Africa for their violation and disregard of international instruments concerning human rights and for their defiance of universally accepted minimum standards for the treatment of prisoners of war. The Conference called upon these régimes to put an end to their cruel, repressive and inhuman practices and to treat captured opponents of these régimes in conformity with the universally accepted standards applicable to prisoners of war.

By yet another resolution, the Teheran Conference, *inter alia*, firmly condemned racial discrimination and all ideologies based on racial intolerance as gross violations of the purposes and principles of the United Nations Charter and of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights.

The Conference, further, considered the establishment of a new programme which could assist the United Nations in its efforts to eradicate all kinds of racial discrimination. In this connexion, the Conference, among other things,

⁹ See Y.U.N., 1965, pp. 458-60, for text of resolution 2081 (XX).

¹⁰ For text of Chapter VII of the Charter which also contains Article 41, see APPENDIX ii.

urged particularly those States in which inequality and racial discrimination were practised, to take immediate steps to ratify and give practical effect to the International Convention on the Elimination of all Forms of Racial Discrimination and to stop racist excesses and arbitrary action against people opposing racism and racial discrimination. The Conference also recommended that the United Nations should develop constructive programmes designed to assist governments, organizations and individuals in their efforts to eliminate racial discrimination and to promote racial harmony and equality. In particular, the Conference recommended the provision of information about the results of research into the causes of racial discrimination and steps to eliminate them as well as to promote interracial understanding and harmony.

By a resolution dealing with the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples, the Conference condemned South Africa for its open assistance to, and collaboration with, the rebel minority régime of Southern Rhodesia and for its refusal to comply with General Assembly resolutions with regard to the international territory of Namibia (South West Africa).

On 13 May 1968, the International Conference on Human Rights adopted a resolution on "Measures to achieve rapid and total elimination of all forms of racial discrimination in general and of the policy of apartheid in particular." Thereby, among other things, the Conference endorsed the decision by which the International Olympic Committee disallowed South Africa's participation at the 1968 Mexico Olympic Games; expressed alarm at the fact that, in spite of numerous recommendations and appeals, various international federations and associations, particularly the International Lawn Tennis Association, still allowed South Africa to take part in their contests, and strongly recommended that these international sporting bodies, in particular the International Lawn Tennis Association, should exclude South Africa from their membership until the heinous policy of apartheid was ended in that country.

NOTE BY SECRETARY-GENERAL

The General Assembly, by its resolution of 13 December 1967, had invited all States to en-

courage the establishment of national organizations for the purpose of further enlightening public opinion on the evils of apartheid, and to report annually to the Secretary-General on the progress and activities of such organizations.¹¹ In a note to the Assembly dated 9 October 1968, the Secretary-General communicated reports received from six Member States indicating varying degrees of response to the Assembly's resolution.

CONSIDERATION BY GENERAL ASSEMBLY

GENERAL ASPECTS

The item relating to the policies of apartheid of the Government of the Republic of South Africa was included in the agenda of the twenty-third session of the General Assembly, in 1968, on the recommendation of the Assembly's General Committee. During discussion regarding the adoption of the agenda, the representative of South Africa expressed reservations on the item, stating that its inclusion in the agenda and its subsequent consideration would contravene Article 2, paragraph 7 of the United Nations Charter.¹² The General Committee, however, decided to allocate the item to the Special Political Committee, which devoted 17 meetings to its consideration between 23 October and 15 November 1958.

Introducing the report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, its Acting Chairman stated that developments in South Africa, since the Committee submitted its last report,¹³ pointed to the determination of the South African Government to persist in enforcing its racial policies. The South African Government had intensified the application of apartheid and the repressive measures against those opposing apartheid. Consequently, the sit-

¹¹ Sec Y.U.N., 1967, pp. 94-95, for text of resolution 2037(XXII), especially operative paragraph 9.

¹² Article 2, paragraph 7 states: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

¹³ See Y.U.N., 1967, pp. 82-83.

uation had deteriorated, and with it, a sharpening of the danger of violent conflict in the whole of southern Africa. He stated that South Africa had expanded its military and police forces and arms production, and was actively promoting a ship-building industry which would eventually be capable of constructing submarines and other ships for its navy. This concern with developing a military machine at the expense of its social obligations to the majority of its population appeared to have two objectives: first, to intimidate the opponents of apartheid and second, to terrorize neighbouring countries which joined international opinion in demanding the eradication of apartheid.

The Acting Chairman of the Special Committee on Apartheid went on to refer to new legislative measures enacted by the Government which, he stated, continued to erode the few remaining human rights of the majority of the population, and at the same time had the effect of freezing its national policies along racial lines of unprecedented harshness. He further stated that it was particularly disturbing to note South Africa's intention to export apartheid to neighbouring countries with its armed forces, and that the Prime Minister of South Africa had said his Government would fight so-called "terrorists" not only in Southern Rhodesia but also "wherever South Africa was allowed to fight them."

The Acting Chairman recalled that in response to the General Assembly's request of 15 December 1967—contained in resolution 2307 (XXIII)—that the Special Committee on Apartheid intensify its efforts to promote an international campaign against apartheid and that it report on measures which might be taken to ensure the widest dissemination of information on the evils of apartheid—the Special Committee had established on 12 January 1968 a Sub-Committee on Information on Apartheid. Since the Assembly had mandated the Special Committee to arouse the world's conscience to the evils of apartheid, however, the South African Government had considerably bolstered its own propaganda efforts, he stated.

Turning to the report of the Special Committee on Apartheid and a publication, prepared by the United Nations Secretariat, entitled "Foreign Investment in the Republic of South Africa," the Acting Chairman told the Special

Political Committee that these indicated a considerable increase in the volume of trade between South Africa and its major trading partners, with two of its major investors (the United Kingdom and the United States) maintaining the flow of private investment at a substantial level. New trading partners had emerged just as new ways had been found to circumvent United Nations decisions. A report issued by the International Labour Organisation (ILO) in June 1968, he stated, not only drew attention to a tightening of apartheid in labour matters but also confirmed the shameless exploitation of the non-white majority by the South African Government.

Recalling that the General Assembly had by a resolution of 13 December 1966 recognized the existence of an entente between the Governments of South Africa, Portugal and the illegal minority regime of Southern Rhodesia,¹⁴ the Acting Chairman of the Special Committee on Apartheid went on to say that the purpose of that entente was obviously to perpetuate white supremacy in southern Africa. Despite the mandatory sanctions, South Africa and Portugal had openly come to the aid of the illegal régime in Southern Rhodesia, thereby violating Article 25¹⁵ of the United Nations Charter. Some permanent members of the Security Council and major trading partners of South Africa had been unwilling to co-operate in upholding decisions of the Security Council. He added that this unwillingness had strengthened the view that South Africa had the tacit agreement of those powers in its determined pursuit of the policy of apartheid.

During the ensuing debate in the Special Political Committee, there was general condemnation of the policies of apartheid of the South African Government. A majority of delegations, endorsing the conclusions and recommendations of the Special Committee on Apartheid, stated that an international campaign under United Nations auspices should be intensified in order to combat the doctrine of apartheid.

¹⁴ See Y.U.N., 1966, pp. 558-60, for text of resolution 2189 (XXI).

¹⁵ Article 25 of the Charter states: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

A number of representatives, among them those of Algeria, Bulgaria, Cambodia, Chile, Cyprus, Ecuador, Morocco, Somalia, Southern Yemen and Sweden, held the view that the Security Council should resume consideration of apartheid. It was said that action should be taken and sanctions enforced under Chapter VII of the Charter.

Other Members, including the Byelorussian SSR, Bulgaria, Kenya, the United Arab Republic and the USSR, maintained that the United Nations should not only condemn categorically the Government of South Africa for its policies, but should also specifically condemn those Governments which through their political, economic, trade or military interests in South Africa encouraged and supported that Government's policies, directly or indirectly.

The representative of the USSR recalled that in February 1968 the Council of Ministers of the Organization of African Unity (OAU) had not only endorsed previous United Nations resolutions on apartheid but had also strongly condemned the actions of France, the Federal Republic of Germany, Japan, the United Kingdom and the United States. Resolutions on apartheid made it evident that the best means whereby the United Nations could secure its elimination was through application of sanctions against South Africa. But for sanctions to be successful, all countries must fully comply with relevant United Nations resolutions on that measure. The extremely advantageous terms for foreign capital investment in South Africa constituted the main determining policies of some Western Governments towards South Africa. In 1966, South Africa had paid out \$363 million as dividends on foreign investments, which amounted to more than \$5,300 million. The United Kingdom was still South Africa's chief trading partner in 1968, its volume of trade for the first quarter of the year totalling approximately \$600 million. The United States in strengthening its trade links with South Africa had purchased goods valued at \$123.7 million during the first five months of 1968. In the first four months of 1968, the volume of trade between the Federal Republic of Germany and South Africa amounted to \$193.4 million, a 10.5 per cent increase over the same period in 1967. Moreover, the Western powers were making ever greater use of South African

ports, particularly since the closure of the Suez Canal. Despite declarations to the contrary, the representative of the USSR added, the South African Government was receiving consignments of military supplies from countries of the North Atlantic Treaty Organization (NATO).

The representative of Italy held that all countries of the world had long since developed an extremely complex network of ties in all sectors of economic co-operation. The fabric of international trading patterns was so subtly woven that it was impossible to impose restrictions on one sector of a country's commerce without impairing other sectors, as well as hampering the trade and development of all countries with which it had economic connexions. Italy had doubts as to how effective an impact strong trade restrictions might have upon the South African economy, and it was concerned with the possible political consequences.

The representative of the United States said his Government had faithfully kept and would continue to keep its commitment to prohibit the sale and shipment of all forms of military equipment to South Africa. It was the United States' view that by maintaining normal diplomatic and economic relationships with South Africa the United States would be in a better position to urge South Africa's Government to reform its policy. Although the vast majority of his countrymen condemned the cruel policy of apartheid, yet there was a body of opinion in the United States which doubted the wisdom of a State, or even of the United Nations, intervening in the internal affairs of another State unless such intervention was justified under the conditions laid down in Chapter VII of the Charter. He added that it was a helpful sign that some elements in South Africa, particularly the religious community, were expressing increasing concern and disagreement with the inhumanity of apartheid. Even such small signs were welcome as they emphasized the necessity of showing the world and the people of South Africa the true face of apartheid. The United States representative went on to say that although there had been no express cause for coercive measures, one current opinion in the United States Congress held that the United States should disengage itself from South Africa in trade and investment. Because there were diverse views as to the best way to

deal with the problem and because a new administration would want to review the situation, the outcome of that current of opinion could not be predicted. The South African Government must, however, take account of the fact that the United States Government and the American people had not in the past ignored South Africa's continuing refusal to move with the rest of mankind towards equality, and would not do so in the future.

The representative of Japan maintained that, to be truly effective, proposals for the solution of the problem of apartheid must not only be practical and realistic but must also be supported by all States. If any substantial part of the world community did not support a particular measure, it was bound to fail. Japan had strictly observed the arms embargo, had extended no military or economic assistance to South Africa and had no diplomatic relations with it. Japan, he added, was willing to join in all United Nations efforts to find a solution to the problem. Despite allegations to the contrary, Japan had no capital investment in South Africa, he stated.

A number of representatives from African, Asian, Eastern European and Latin American States said that the racial policies of South Africa had not only developed into aggression against Namibia but also threatened the survival of neighbouring African States and figured in the entente between the minority régime in Southern Rhodesia and Portugal. They maintained that the situation posed a potential threat to peace in the whole of southern Africa. Unless apartheid in South Africa was eliminated through the concerted efforts of the world community, the problem might engulf the whole world in a racial conflict.

Several speakers, including spokesmen for Jordan, Southern Yemen and Syria, stated that there was a parallel between events in southern Africa and the situation in the Middle East. The representative of Syria said that Israel's prevention of the opening of the Suez Canal had diverted trade and communications routes to South Africa, improving that country's economy and its strategic position in the eyes of the NATO alliance. The representative of Syria also stated that there was close co-operation between Israel and South Africa in the economic and military

fields. The representative of Israel, speaking in reply, said that his Government would welcome the re-opening of the Suez Canal to the unhindered navigation of all States, in accordance with relevant United Nations resolutions. He denied that there was any military co-operation between Israel and South Africa.

The President of the International Defence and Aid Fund (London), the Reverend Canon L. John Collins, who was granted a hearing by the Special Political Committee on 25 October 1968, stated that humanitarian aid in southern Africa, and in South Africa in particular, inevitably had political overtones. The work of the Fund was essential as the need for aid increased daily in proportion to the deteriorating situation in that region. He added that the activities of the Fund had been expanded in accordance with the recommendations of the International Seminar on Apartheid held in Kitwe, Zambia, from 25 July to 4 August 1967,¹⁶ and now took in Southern Rhodesia, Portuguese territories, and refugees in independent African States.

The Special Political Committee had before it a 49-power draft resolution. By the preambular paragraphs of this text, the Assembly would, among other things: (a) note with concern that the Government of South Africa continued to intensify and extend beyond the borders of South Africa its inhuman and aggressive policies of apartheid and that these policies had led to a violent conflict, creating a situation in the whole of southern Africa which constituted a grave threat to international peace and security; (b) recognize that the policies and actions of the Government of South Africa constituted a serious obstacle to the exercise of the right of self-determination by the oppressed people of southern Africa; (c) express its conviction that the international campaign against apartheid must be intensified urgently in order to assist in securing the elimination of these inhuman policies; (d) consider that effective action for a solution of the situation in South Africa was imperative in order to eliminate the grave threat to peace in southern Africa as a whole; and (e) note that the Security Council had not considered the problem of apartheid since 1964.

¹⁶ See Y.U.N., 1967, pp. 119-23 for details concerning the International Seminar on Apartheid.

By the first three operative parts of this resolution, the Assembly would: (1) reiterate its condemnation of the policies of apartheid practised by the Government of South Africa as a crime against humanity; (2) condemn the Government of the Republic of South Africa for its illegal occupation of Namibia and its military intervention and for its assistance to the racist minority régime in Southern Rhodesia in violation of United Nations resolutions; and (3) reaffirm the urgent necessity of the elimination of the policies of apartheid so that the people of South Africa as a whole could exercise their right to self-determination and attain majority rule based on universal suffrage.

By the fourth operative paragraph, the Assembly would draw the attention of the Security Council to the grave situation in South Africa, and in southern Africa as a whole, and request the Council to resume urgently consideration of the question of apartheid with a view to adopting, under Chapter VII of the Charter, effective measures to ensure full implementation of comprehensive mandatory sanctions against South Africa. The fifth operative paragraph would have the Assembly condemn the action of those States, particularly the main trading partners of South Africa, and the activities of those foreign financial and other interests, all of which, through their political, economic and military collaboration with the Government of South Africa and contrary to relevant General Assembly and Security Council resolutions were encouraging that Government to persist in its racial policies.

By the sixth operative paragraph, the Assembly would reaffirm its recognition of the legitimacy of the struggle of the people of South Africa for all human rights and, in particular, political rights and fundamental freedoms for all the people of South Africa irrespective of race, colour or creed; and by the seventh operative paragraph, the Assembly would call upon all States and organizations to provide greater moral, political and material assistance to the South African liberation movement in its legitimate struggle.

By the eighth operative paragraph, the Assembly would express grave concern over the ruthless persecution of opponents of apartheid under arbitrary laws and the treatment of freedom

fighters taken prisoner during the legitimate struggle for liberation and: (a) condemn the Government of the Republic of South Africa for its cruel, inhuman and degrading treatment of political prisoners; (b) call once again for the release of all persons imprisoned or restricted for their opposition to apartheid and appeal to all Governments, organizations and individuals to intensify their efforts in order to induce the Government of South Africa to stop the persecution and ill treatment of opponents of apartheid; and (c) declare that such freedom fighters should be treated as prisoners of war under international law, particularly the Geneva Convention of 12 August 1949 concerning the treatment of prisoners of war.

The Assembly would, by the ninth operative paragraph, commend the activities of anti-apartheid movements and other organizations engaged in providing assistance to the victims of apartheid and in promoting their cause, and invite all States, organizations and individuals to make generous contributions in support of their endeavours. The tenth operative paragraph would have the Assembly urge the Governments of all Member States to discourage in their territories, by legislative or other acts, all activities and organizations which supported the policies of apartheid as well as any propaganda in favour of the policies of apartheid and racial discrimination. By the eleventh operative paragraph, the Assembly would request all States to discourage the flow of immigrants, particularly skilled and technical personnel, to South Africa. The twelfth operative paragraph would have the Assembly request all States and organizations to suspend cultural, educational, sporting and other exchanges with South Africa. By the thirteenth operative paragraph, the Assembly would invite all States and organizations to commemorate the International Day for the Elimination of Racial Discrimination in 1969 as widely as possible in order to express their solidarity with the oppressed people of South Africa.

By the remaining operative paragraphs (14-19) of the resolution, the Assembly would: (14) request the Special Committee on Apartheid, as a matter of priority, to study and report on the implementation of the United Nations resolutions on the question of apartheid, the effects of the measures taken and the means to secure

more effective international action; (15) request the Special Committee to intensify its efforts to promote the international campaign against apartheid, and, to this end, authorize it to hold consultations with specialized agencies, regional organizations, States, non-governmental organizations and experts and to arrange for special studies on various aspects of apartheid, in consultation with the Secretary-General and within the budgetary provision to be made for this purpose; (16) request all States, specialized agencies of the United Nations and other organizations to intensify dissemination of information on the evils of apartheid in the light of the report of the Special Committee, and, in this respect, reiterate its call upon those States which had not as yet done so urgently to encourage the establishment of national committees as provided by the General Assembly's resolution of 13 December 1967 (2307(XXII)) ; (17) request the Secretary-General, in the light of the proposals of the Special Committee asking for the widest dissemination of information on apartheid: (a) to ensure that the United Nations Secretariat's Unit on Apartheid discharge its increased functions in the light of those proposals and (b) to take other appropriate steps to assist all States, specialized agencies of the United Nations and other organizations to intensify dissemination of information; (18) request the Secretary-General to continue to provide the Special Committee with all the necessary means for the effective accomplishment of its task; and (19) invite States, specialized agencies of the United Nations, regional organizations and non-governmental organizations to co-operate with the Secretary-General and the Special Committee in the accomplishment of their tasks under the present resolution.

On 15 November, the United States submitted amendments which would have deleted operative paragraph 4 drawing the attention of the Security Council to the situation in South Africa and also operative paragraph 5 condemning the actions of those States, particularly the main trading partners of South Africa, which were encouraging that Government to persist in its racial policies. The amendment to delete operative paragraph 4 was rejected by a roll-call vote of 80 to 9, with 21 abstentions. The proposed

deletion of the fifth operative paragraph was rejected by a vote of 77 to 9, with 21 abstentions. On the same day, the representative of Mexico moved for a separate vote on operative paragraph 7, which would call upon all States to provide greater assistance to the South African liberation movement, and operative paragraph 8(c), which declared that freedom-fighters taken prisoner should be treated as prisoners of war under international law, particularly the Geneva Convention of 1949. He said the Latin American delegations felt that those paragraphs introduced legal considerations not applicable to the situation in South Africa. After the Special Political Committee voted to reject the Mexican motion, the representative of Mexico stated that, to protest the voting procedure adopted, his delegation would not take part in the vote.

The Special Political Committee, on 15 November, adopted the 49-power draft resolution as a whole by a roll-call vote of 95 to 1, with 15 abstentions.

Among the explanations of vote in the Special Political Committee, following adoption of the draft resolution, was that of the representative of the United Kingdom who stated that his delegation strongly wished to associate itself with those parts of the draft resolution which condemned the evil and inhuman practices of apartheid. The 49-power draft resolution, however, was so framed as to make it impossible for some Members to support it. The United Kingdom, he continued, did not believe that the situation in South Africa justified invoking the provisions of Chapter VII of the Charter, an action which was in any case a matter for the judgement of the Security Council. The United Kingdom could not and would not contemplate an "economic war" with South Africa. In addition, he stated that the United Kingdom did not believe that the resolution could or would be implemented, and it would therefore do no good to the people of South Africa and would only call into question the realism of the Special Political Committee's debates.

The representative of France expressed his Government's opposition to apartheid, adding that France had refrained from giving South Africa any military assistance that could be used for repression. In France's view, however, the

draft resolution—both in inspiration and in its main provisions—departed considerably from some of the fundamental provisions of the United Nations Charter.

Several Members, including Argentina, Brazil, Costa Rica and Uruguay, expressed reservations concerning operative paragraph 4 which dealt with drawing the Security Council's attention to the situation in South Africa with a view to adopting sanctions against that Government, and operative paragraph 8(c), concerning the treatment of captured freedom fighters as prisoners of war.

At a plenary meeting on 2 December 1968, the General Assembly approved the draft resolution by a vote of 85 to 2, with 14 abstentions, as resolution 2396(XXIII). (For text of resolution, see DOCUMENTARY REFERENCES **below**.)

The sponsors of the resolution in the Special Political Committee were: Afghanistan, Algeria, Burundi, Cambodia, Cameroon, the Congo (Brazzaville), the Democratic Republic of the Congo, Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Haiti, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, the United Arab Republic, the United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia.

Explaining the position of Malawi before the General Assembly vote was taken, its representative stated that although Malawi joined other Members in a whole-hearted disapproval of the inhuman system of apartheid, yet Malawi was unable to support the resolution and would abstain. While stating that the resolution had value as the Assembly's most vigorous expression of condemnation of the apartheid system, and contained useful suggestions for a more widespread programme for the dissemination of information on apartheid, the representative of Malawi believed that, nevertheless, the over-all impact of the resolution would be a negative one, impressing the world chiefly by its lack of realism. He suggested that delegations should consider the advantage a unanimously adopted but necessarily more modest resolution might have over the pres-

ent controversial text. Such a resolution would demonstrate to the white South Africans the unity of the United Nations membership on the issue of apartheid. He further stated that the primary concern of the General Assembly should be to concentrate on devising means to communicate with the white South Africans. It was only when they, the electorate, became convinced of the irrationality and fundamental injustice of their fear of the black man that they, in turn, could persuade their Government to change its policies by peaceful means in consonance with the Charter of the United Nations.

The representative of Chile stated that his delegation would vote in favour of the resolution because of its condemnation of apartheid. He regretted, however, that the resolution did not indicate a new approach which would have overcome the frustration that had vitiated measures adopted previously. Chile, he said, would like to record its abstention on operative paragraph 12 by which all nations would suspend cultural, educational, sporting and other types of exchanges with South Africa. He stated that continuation of such exchanges should be the very best way of finding that social solidarity which was necessary in South Africa in order to overcome its hateful racial policies. His delegation would have preferred a more open and understanding attitude on the part of the majority which had consistently supported resolutions on apartheid adopted by the Assembly in recent years. A broader and more direct discussion with other regional groups would have allowed the achievement of some universality, necessary for the application of the measures advanced in these resolutions.

DECLARATION ON GRANTING INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

On 20 December 1968, the General Assembly approved a resolution (2465(XXIII)) concerning "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples." The preamble of the resolution contained a statement that the continuation of colonialism and its manifestations, including racism and apartheid, and the attempts of some colonial powers to suppress national liberation movements were incompatible with the Charter

of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples.¹⁷ By the preamble of the resolution, the Assembly also indicated that: it deplored the attitude of certain States which continued to co-operate with the Governments of Portugal and South Africa and with the illegal racist minority régime in Southern Rhodesia. The Assembly further indicated its grave concern about the development of an entente between the Governments of Portugal and South Africa and the illegal régime in Southern Rhodesia.

Among provisions of the 19-part operative section of the resolution, the Assembly reiterated its declaration that the continuation of colonial rule threatened international peace and security, and that the practice of apartheid and all forms of racial discrimination constituted a crime against humanity. The Assembly also reaffirmed its recognition of the legitimacy of the struggle of colonial peoples to exercise their right to self-determination and independence, urging all States to provide them with moral and material assistance. Other provisions included a request to all States, as well as the specialized agencies and international institutions, to withhold assistance of any kind from the Governments of Portugal and South Africa and from the illegal racist minority régime in Southern Rhodesia until they renounced their policy of colonial domination and racial discrimination. (For further details, see pp. 715-22.)

CO-OPERATION OF SPECIALIZED AGENCIES

The General Assembly, on the recommendation of its Fourth Committee, adopted a resolution on "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by specialized agencies and the international institutions associated with the United Nations." By this resolution. (2426 (XXIII)) of 18 December 1968, the Assembly, among other things, recommended that the specialized agencies and international institutions concerned should work out, within the scope of their respective activities, concrete programmes for assisting the oppressed peoples of Southern Rhodesia, Namibia and the territories under Portuguese domination. The Assembly appealed

once again to all the specialized agencies and international institutions, and in particular to the International Bank for Reconstruction and Development and the International Monetary Fund, to take all necessary steps to withhold from the Governments of Portugal and South Africa financial, economic, technical and other assistance until they renounced their policies of racial discrimination and colonial domination. The Assembly further recommended that the Bank withdraw the loans and credits granted to those Governments since this assistance was being used to suppress the national liberation movements in the Portuguese colonies and in Namibia, and was being used against the African population of South Africa. (For further details, see pp. 719-22.)

CAPITAL PUNISHMENT IN SOUTHERN AFRICA

On 26 November 1968, the General Assembly, upon the recommendation of its Third (Economic, Social and Cultural) Committee, adopted a resolution (2394(XXIII)) on capital punishment in southern Africa. By this resolution, the Assembly after noting with concern the existence of the death penalty as a means of suppressing resistance to the policies of apartheid, racial discrimination and colonialism by the illegal régime in Southern Rhodesia, by the illegal South African régime in Namibia and by the racist Government in South Africa, condemned those Governments for resorting to the application of the death penalty and the threat or use of capital punishment, in their attempts to suppress the natural aspirations of the peoples of southern Africa to social and economic justice, civil rights and political freedom. The Assembly further called upon the Government of South Africa to renounce the execution of any persons sentenced to death for their opposition to apartheid. (For further details, see pp. 589-90.)

TREATMENT OF POLITICAL PRISONERS IN SOUTH AFRICA

On 19 December 1968, the General Assembly adopted resolution 2440(XXIII) concerning the treatment of political prisoners in South

¹⁷ For text of Declaration on granting of independence, see Y.U.N., 1960, pp. 49-50, resolution 1514 (XV).

Africa. By this resolution, the Assembly, having considered the Economic and Social Council's recommendations of 31 May 1968 (see above, p. 103), stated its concern at the evidence in the report of the Ad Hoc Working Group of Experts of the Commission on Human Rights about the intensification of inhuman practices by the South African Government against opponents of apartheid.

The Assembly reaffirmed its recognition of the legitimacy of the struggle by the opponents of apartheid to realize their human rights and fundamental freedoms and condemned any and every practice of torture, inhuman and degrading treatment of detainees and prisoners in South African prisons and in South African police custody during interrogation and detention. In addition, the Assembly called upon the Government of South Africa to initiate investigations into the violations mentioned in the report of the Ad Hoc Working Group of Experts with a view to establishing the degree of responsibility of and punishing certain persons listed in relevant sections of the report; to afford the opportunity to all persons who had suffered damage to receive indemnification; to abolish the 180-day law and the Terrorism Act, under which opponents of apartheid were detained without charge or trial, as well as the Sabotage Act and Suppression of Communism Act; and to release immediately Robert Sobukwe and all political prisoners, as well as all persons imprisoned or detained for their opposition to apartheid. The Assembly also called upon the South African Government to report to the Secretary-General on the measures taken or envisaged to obtain compliance with this resolution. (For further details, see p. 550.)

MEASURES TO COMBAT RACIAL DISCRIMINATION IN SOUTH AFRICA

Two resolutions on measures to combat racism and apartheid in all of southern Africa were also adopted at the twenty-third session of the General Assembly upon the recommendation of its Third Committee. By resolution 2439 (XXIII), adopted on 19 December 1968 on the recommendation of the Economic and Social Council (see above, p. 103) and entitled "Measures for effectively combating racial discrimination and the policies of apartheid and segregation in

southern Africa," the Assembly, among other things, expressed its grave concern at the evidence of inhuman practices undertaken by the Government of South Africa and by the minority régime in Southern Rhodesia against the non-white populations of South Africa, Namibia and Southern Rhodesia, and expressed its conviction that the flagrant violation of human rights in southern Africa were of serious international concern and required urgent and effective action by the United Nations. The Assembly endorsed the recommendations of the Special Rapporteur appointed by the Commission on Human Rights that the South African Government be requested to repeal, amend and replace various repressive and discriminatory laws, and called upon the South African Government to report to the Secretary-General on the measures it would take or envisage towards this end. The Assembly also urged all States to encourage information media within their territories to publicize the evils of apartheid and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as the aims and purposes of the United Nations and its efforts to eliminate these evils. The Assembly further requested the Secretary-General to take steps to draw the widest possible public attention to the evils of apartheid, racial discrimination and accompanying practices, and to establish a United Nations information centre in South Africa to disseminate information about the aims and purposes of the United Nations. (For further details, see p. 567.)

By resolution 2446 (XXIII) on "Measures to achieve the rapid and total elimination of all forms of racial discrimination in general and of the policy of apartheid in particular," also adopted on 19 December, the Assembly, after expressing its grave concern about the continuing eviction and detention, imprisonment and murder of nationalists and freedom fighters in southern Africa and colonial territories, condemned the Governments of South Africa and Portugal for their persistent defiance of the United Nations and world opinion in their policies of apartheid and colonialism. The Assembly censured those two Governments for their assistance to and collaboration with the illegal mi-

nority régime in Southern Rhodesia. Under other provisions, the Assembly confirmed the views of the International Conference on Human Rights (held at Teheran, 22 April-13 May 1968) recognizing and vigorously supporting the legitimacy of the struggle of the peoples and patriotic liberation movements in southern Africa and in colonial territories, further confirmed the decision of the Teheran Conference to recognize the right of freedom fighters in southern Africa and in colonial territories, when captured, to be treated as prisoners of war under the Geneva Conventions of 1949; appealed to all States and organizations dedicated to the ideals of freedom, independence and peace for their continued political, moral and material assistance to peoples struggling against all forms of racial discrimination and colonialism; and requested all States not only to sever all relations with South Africa, Portugal and Southern Rhodesia but also to refrain scrupulously from giving any military or economic assistance to those régimes. (See pp. 557-59 for further details.)

By resolution 2438 (XXIII), adopted on 19 December 1968 on the recommendation of the Economic and Social Council (see above, p. 103) and after consideration by the Third Committee, the General Assembly once again condemned racism, nazism, apartheid and all similar ideologies and practices which were based on racial intolerance and terror as a gross violation of human rights and fundamental freedoms and of the principles of the Charter of the United Nations, and as ideologies and practices which might jeopardize world peace and the security of peoples. By another provision of the resolution, the Assembly urgently called upon all States to take without delay, with due regard to the principles contained in the Universal Declaration of Human Rights, legislative and other positive measures to outlaw groups and organizations which were disseminating propaganda for racism, nazism, the policy of apartheid and other forms of racial intolerance, and to prosecute them in the courts. Among other provisions, the Assembly also called upon States and peoples to strive for the eradication, as soon as possible and once and for all, of ideologies and practices based on racial intolerance and terror. (For further details, see pp. 561-63.)

MEMBERSHIP OF SOUTH AFRICA IN UNCTAD

During the second session of the United Nations Conference on Trade and Development (UNCTAD) held in New Delhi, India, between 1 February and 29 March 1968, the question of the exclusion of South Africa from UNCTAD was raised on the opening day. A legal opinion furnished by the United Nations Legal Counsel, in a letter dispatched by the United Nations Secretary-General to the Conference, concluded that the Conference was not empowered to suspend or exclude any member from participation in its deliberations. The question of excluding South Africa from the second session was not pursued further. On 27 March 1968, however, the Conference adopted a resolution (26(II)) entitled "Suspension of South Africa." By the operative part of the resolution, the Conference recommended that the General Assembly amend the relevant section of its resolution (1995 (XIX)) of 30 December 1964 establishing UNCTAD¹⁸ so as to effect the suspension of South Africa from UNCTAD. (For further details of this decision, see p. 376.)

The issue was taken up by the Second (Economic and Financial) Committee of the General Assembly at its twenty-third session. On 2 December 1968, Upper Volta introduced a draft resolution which by its first operative paragraph would have the Assembly endorse the resolution (26(II)) of the New Delhi Conference of UNCTAD concerning the suspension of South Africa from the Conference. By the second operative paragraph the Assembly would decide that section II, paragraph 1 of its resolution of 30 December 1964 (1995 (XIX)) should be amended as follows: "The members of UNCTAD shall be those States which are Members of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, with the exception of the Republic of South Africa until it shall have terminated its policy of racial discrimination and

¹⁸ By resolution 1995 (XIX), the General Assembly had established UNCTAD as an organ of the General Assembly. Section II, paragraph 1 of that resolution stated that the members of UNCTAD would be those States which were Members of the United Nations or members of the specialized agencies or the International Atomic Energy Agency. See Y.U.N., 1964, pp. 210-14, for text of resolution 1995 (XIX).

until that fact has been duly confirmed by the General Assembly."

The draft resolution was eventually sponsored by the following 39 States: Afghanistan, Algeria, Barbados, Burundi, Cameroon, the Congo (Brazzaville), the Democratic Republic of the Congo, Dahomey, Ethiopia, Guinea, Guyana, India, Indonesia, Ivory Coast, Jamaica, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Southern Yemen, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Republic, the United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia and Zambia.

The United Nations Legal Counsel furnished the Second Committee, upon its request, with a legal opinion concerning the suspension of South Africa from UNCTAD. Having briefly reviewed the action taken on the matter by the Conference at its second session and having stated the legal arguments concerning the powers of the Conference to suspend or exclude any country from participation or membership, the Legal Counsel defined the issue by stating that while the General Assembly had the uncontested right, under Article 22 of the Charter,¹⁹ to create subsidiary organs of limited membership, this right was not relevant in the context in which the matter was being considered, which referred expressly to suspension from an organ already established. In the opinion of the Legal Counsel, the establishment of a subsidiary organ of all the membership of the United Nations less one or even a few such members excluded as a sanction would be tantamount to a suspension.

The Legal Counsel added that the Charter of the United Nations was a multilateral treaty which established an Organization aiming at universality. It also set up a legal order which defined on the basis of the principle of sovereign equality the rights and obligations of its members which, as in any other treaty, might be legally varied only in accordance with the procedures laid down in the treaty. The Charter, the Legal Counsel stated, was specific in matters relating to membership. Chapter II—Articles 5 and 6—dealt both with the qualifications and the procedures for acquiring membership and with the conditions and procedures under which rights of membership might be suspended or

lost. Article 19, under which a Member State would have no vote in the General Assembly if it was in arrears in its financial contributions, was the only other Article of the Charter that provided for a sanction depriving a Member State of certain membership rights. According to the Legal Counsel, had the drafters of the Charter intended to curtail membership rights in ways other than those provided for in Articles 5, 6 and 19 of the Charter, they would have so specified in the Charter. Procedures to suspend a Member State from any of the benefits, rights and privileges of membership which did not follow those laid down in Article 5 were not consonant with the legal order established by the Charter. He added that if, notwithstanding this legal position, procedures outside Article 5 were to be followed a precedent would be created by the General Assembly which would be dangerous in that its consequences would be unpredictable.

The Legal Counsel stated further that Article 5 of the Charter laid down the following requirements for the suspension of a Member State from the rights and privileges of membership: (a) preventive or enforcement action had to be taken by the Security Council against the Member State concerned; (b) the Security Council had to recommend to the General Assembly that the Member State concerned be suspended from the exercise of the rights and privileges of membership; (c) the General Assembly had to act affirmatively on the foregoing recommendation by a two-thirds vote, in accordance with paragraph 2 of Article 18 of the Charter, which listed the suspension of the rights and privileges of membership as an important question. The Legal Counsel noted that Article 5 referred in general terms to "the rights and privileges of membership" but indicated that it could, however, be envisaged that the Security Council could recommend that only certain, and not all of these rights and privileges be suspended, under the principle that the greater includes the lesser. He also expressed the view that while Article 5 required, *inter alia*, a recommendation of the Security Council before the Assembly might act to suspend certain

¹⁹For text of Article 22 and other Charter articles referred to in this section, see APPENDIX ii.

rights and privileges, there was nothing in the Charter which would preclude the Assembly, if it so wished, from recommending, under Article 10 of the Charter, to the Security Council, that it consider whether the conduct and policies of a Member State did not call for preventive or enforcement action and for the suspension of the rights and privileges of membership under Article 5. The Legal Counsel added that, alternatively, an amendment could be effected under Article 108 of the Charter providing new grounds and procedures for the suspension or expulsion of a Member State. The Legal Counsel cited in his statement a number of relevant precedents.

The opinion given by the Legal Counsel was contested by sponsors of the draft resolution who stated that the legal opinion seemed to assume that the aim of the 39-power draft resolution was to expel South Africa from membership in the United Nations. In their view, the draft simply proposed an amendment of a previous resolution of the General Assembly with regard to the membership of a subsidiary organ. Therefore, the reference to Article 5 of the Charter and the precedents mentioned by the Legal Counsel were considered to be irrelevant. Those who had doubts about the legal implications of the 39-power draft resolution, it was stated, should reflect on the fact that most of the members of UNCTAD had agreed to boycott trade with South Africa, and consequently it was inconsistent that South Africa should be a member of an organization which was primarily concerned with trade. The problem was not only a legal problem, but also a political and economic problem, and an ethical problem, a matter of conscience, honesty, human dignity and human rights.

Moreover, the draft resolution did not, in the opinion of its sponsors, propose the permanent exclusion of South Africa; the exclusion was to last only so long as that country followed its policy of racial discrimination. It was added that the General Assembly was completely free to determine the composition of any organ it established and that it was surprising that the Legal Counsel should consider it appropriate to state that the General Assembly's right under Article 22 of the Charter to create subsidiary organs of limited membership was not relevant

in that context. In support of this argument, it was noted that the General Assembly could proceed to dissolve UNCTAD and then to adopt a new resolution re-establishing it, but altering its membership so as to exclude South Africa. Another solution mentioned would have been to prolong UNCTAD, as now constituted, until 31 December 1969 and then alter its membership. Sponsors of the resolution stated that the title of the draft resolution was misleading in that it gave the impression that the intention was to suspend or expel South Africa pursuant to Articles 5 and 6 of the Charter and they decided to change the title to "Membership of the United Nations Conference on Trade and Development."

The representative of Lesotho said that his country, being a small enclave within the Republic of South Africa, faced the same problems as Botswana and Swaziland, which were heavily dependent on South Africa for transit rights of their goods. Consequently, he stated, the 39-power draft resolution was likely to have even more serious repercussions for them than for South Africa itself, and whatever measures were taken by the United Nations against South Africa, there was no reason why other countries should be sacrificed.

The representative of South Africa said the draft resolution introduced a process of restriction and exclusion which could not be reconciled with the principles and purposes of the United Nations. South Africa was prepared to play a responsible role in international trade and finance, with a view towards enabling the developing countries to achieve their objectives of greater economic progress. South Africa, he added, had played a constructive role in the negotiation of international commodity agreements. In his view, the draft resolution was not only illegal, but it was also diametrically opposed to the spirit and objectives of the United Nations Charter and of UNCTAD.

Representatives of developed market economy countries who participated in the debate supported the legal position as set out in the statement by the Legal Counsel and elaborated on the consequences that the adoption of the draft resolution could have. Thus, the representative of the United States stated that his Government's position was not intended as a defence

of the heinous policies of South Africa but was meant to preserve the integrity of the Charter and the effectiveness of the United Nations. He referred also to Article 2 of the Charter according to which the Organization was based on the principle of the sovereign equality of all its Members. In the view of the United States, Member States did not necessarily have a right to be included in every United Nations body since the General Assembly was empowered to set up subsidiary bodies of limited membership, but they did have the right not to be singled out for unequal treatment in respect of the benefits of membership.

Expressing an opinion also maintained by several Eastern European States, the representative of the USSR noted that the USSR had proposed that South Africa should be excluded from membership in the United Nations under Article 6 of the Charter and that in 1966, at the twenty-first session of the General Assembly, the USSR had proposed that apartheid should be declared a crime against humanity. He then noted that while the Federal Republic of Germany was a member of UNCTAD, the German Democratic Republic, which had no ties with South Africa and condemned apartheid, did not even have access to the organization; in the face of such a paradox, he said, the USSR would not support the draft resolution and would abstain in the vote.

Following several procedural decisions, the Second Committee approved the draft resolution by a roll-call vote of 49 to 22, with 23 abstentions.

When the draft resolution, as recommended by the Second Committee, was taken up at a plenary meeting of the Assembly on 13 December 1968, the representative of Canada moved that consideration of the text should be postponed, stating that it risked doing serious harm to the United Nations by institutionalizing the suspension of rights of a member in a subsidiary organ by an Assembly resolution which would circumvent the provisions of the Charter. He maintained that the 39-power draft resolution ran the risk of creating a dangerous precedent, particularly harmful to minorities and smaller countries whose rights the United Nations should be careful to protect at all times. He added that the opinion of the United Nations

Legal Counsel on the subject raised important issues which needed time for fullest consideration in order to avoid a confrontation that could affect the role and usefulness of UNCTAD, as well as relations within the United Nations itself.

The United Republic of Tanzania, opposing the Canadian motion, contended that since the Assembly had the right to determine the size of its subordinate organs—enlarging or reducing them—no Member State had an automatic right to membership of a subordinate organ of the United Nations. The rights and privileges of a Member State of the United Nations would not be suspended if the Assembly decided to limit membership of an organ by excluding a Member State. The representative of the United Republic of Tanzania said that the draft resolution sought merely to amend the General Assembly's resolution of 30 December 1964 (1995 (XIX)) and redefine membership of UNCTAD in such a manner as to bar South Africa from participating in the Conference until it had changed its policies and conformed to the principles and purposes of the Charter and the Universal Declaration of Human Rights. He went on to say that the whole issue was a straightforward political question involving, at best, only a constitutional argument as to whether or not a current session of the Assembly could amend legislation of an earlier one. Maintaining that it could, he cited other instances during which past resolutions of the Assembly had been amended without giving rise to constitutional crises. He further stated that the whole issue amounted to racism and that those delegations which defended the rights of the African and non-white populations in South Africa and Namibia would vote against any proposal that this was an important issue within the strict meaning of Article 18 of the Charter—thus requiring a two-thirds majority vote for approval—and would also vote against the Canadian proposal to defer consideration.

The representative of the United States supported the Canadian motion which called for the deferment of a decision on the matter. He stated that the juridical and practical complications bound up in the matter had been studied by the United Nations Legal Counsel. The Secretary-General had approved the study which

stated that the action proposed in the resolution was unconstitutional. The United States spokesman held that no useful purpose would be served in having a confrontation at present on this difficult and complicated issue which was central to the integrity of the United Nations.

Kenya and Cameroon supported the position of the United Republic of Tanzania. They cited the precedent of Portugal and South Africa being barred by the Economic and Social Council from the Economic Commission for Africa. They further stated that under the Charter any subsidiary organ of the United Nations had the authority to expel or suspend any Member State from that organ.

The Canadian proposal to defer consideration of the resolution was rejected by a roll-call vote of 52 to 47, with 23 abstentions.

The representative of the USSR reiterated the view held by Eastern European States, that, despite their opposition to apartheid, they could not support the draft resolution because it would continue to perpetuate a manner of defining membership in UNCTAD which excluded the German Democratic Republic and other socialist States. He urged approval of a series of Hungarian amendments to the 39-power draft resolution (submitted that day to the plenary meeting of the Assembly—see immediately below) which, he said, would permit measures to be taken against South Africa so as to effect its suspension from UNCTAD, without affecting the interests of the socialist countries. The Hungarian amendments, he argued, would also establish a direct link between the suspension of South Africa from UNCTAD and the General Assembly decision of 6 November 1962 (resolution 1761 (XVII)) by which the General Assembly had requested Member States to break off diplomatic relations with South Africa and to boycott South African goods.²⁰

The representative of Malawi made a statement in which he opposed, first in general terms and later with specific reference to the draft resolution, the policy of seeking to isolate South Africa from the rest of the international community. He considered it to be a self-defeating tactic and added that the trading interests of South Africa at least partially coincided with those of the developing countries and that its voice was especially influential when it came

to negotiating international commodity agreements or favourable terms for the producer countries. Having fully endorsed the statements of the Legal Counsel, he stated that he objected to the argument that the draft resolution presented no legal obstacle since it merely asked the Assembly to amend an approved resolution.

The Hungarian amendments, in the first place, would have added a new preambular paragraph to the resolution so as to have the Assembly undertake the suspension of South Africa from UNCTAD, recalling its resolution of 6 November 1962 (1761 (XVII)).

In place of the sixth preambular paragraph of the 39-power draft resolution having the Assembly recall that in adopting resolution 1995 (XIX) of 30 December 1964 it had stated its intention of seeking advice from UNCTAD before making changes in the resolution which had established the Conference, the Hungarian amendment would have had the Assembly bear in mind that the main purpose of UNCTAD was to promote economic relations, and that, on 6 November 1962, the Assembly had requested Member States to break off diplomatic and economic relations with South Africa.

The final preambular paragraph of the 39-power draft resolution had stated that UNCTAD, by the terms of its New Delhi resolution 26(II) (referred to above), had expressed an opinion regarding the membership of UNCTAD. In place of this paragraph, the Hungarian amendments would have had the Assembly consider that resolution 26(II) of the (New Delhi) Conference was in conformity with the spirit of previous Assembly resolutions regarding apartheid, relations with South Africa, and with the resolution which had established UNCTAD.

The original operative paragraphs of the 39-power draft resolution would have had the Assembly endorse resolution 26(II), and would have amended section II, paragraph 1 of Assembly resolution 1995 (XIX) of 30 December 1964 to define UNCTAD membership as consisting of Member States of the United Nations or members of the specialized agencies or of the International Atomic Energy Agency, with the

²⁰ See Y.U.N., 1962, pp. 99-100, text of resolution 1761 (XVII).

exception of South Africa until it had terminated its policy of racial discrimination. The Hungarian amendment would have replaced these two operative paragraphs with a single paragraph by which the Assembly would agree with the opinion expressed by the New Delhi Conference that South Africa should not take part in the work of UNCTAD until it terminated its racial policies and until that fact had been duly confirmed by the General Assembly.

Prior to voting on the draft resolution and proposed amendments, the representative of Norway suggested that the President of the Assembly rule whether the question of the suspension of South Africa from UNCTAD was an important question, requiring a two-thirds majority for approval. The President stated that he considered the exclusion of any Member of the United Nations from any of the principal or subsidiary organs as an important question, which required a two-thirds majority vote. The representative of the United Republic of Tanzania said that the President had been placed in a peculiar position because he had had to make a ruling on a very sensitive political matter.

The President stated that, in view of the statements made by the representatives of Norway and the United Republic of Tanzania, he would put the ruling to a vote. If the Assembly decided that the issue was important, the President added, then, in accordance with the rules of procedure, the amendments to the 39-power draft resolution would also be considered important and would require a two-thirds majority for adoption.

The President's ruling that the issue before the Assembly was an important question was upheld by a roll-call vote of 56 to 48, with 13 abstentions.

The Assembly then rejected the Hungarian amendment to add a new preambular paragraph to the resolution. It did so by a roll-call vote of 66 to 12, with 34 abstentions. The proposal to replace the final two preambular paragraphs with the Hungarian texts was rejected by a roll-call vote of 71 to 11, with 31 abstentions. The Hungarian proposal to change the operative section of the 39-power draft resolution was rejected by a roll-call vote of 73 to 11, with 29 abstentions.

A separate vote was taken on operative paragraph 2 of the 39-power draft resolution which defined membership of UNCTAD as consisting of "those States which are Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency." Those words were adopted by 73 votes to 14 with 21 abstentions.

The vote in the Assembly on the resolution as a whole—that South Africa be suspended from UNCTAD—was 55 in favour to 33 against, with 28 abstentions. The draft resolution as a whole was therefore not adopted, as it did not obtain the required two-thirds majority.

CREDENTIALS OF SOUTH AFRICA'S REPRESENTATIVES

The nine-member Credentials Committee for the twenty-third session of the General Assembly met on 19 December 1968. During consideration of the credentials of representatives of South Africa, the representative of the United Republic of Tanzania stated that the Government in Pretoria represented a minority group whose racial policies had been condemned by the United Nations, and who had repeatedly defied United Nations decisions. For those reasons, the United Republic of Tanzania formally proposed that the Committee declare invalid the credentials of the representatives of the Government of South Africa. The USSR and Mongolia associated themselves with this proposal.

The representative of the United States contended that although his Government's detestation of the policy of apartheid practised by the South African Government had been made clear, South Africa's delegation satisfied the requirements of validity under rule 27 of the rules of procedure. (Rule 27 states that credentials shall be submitted to the Secretary-General, if possible not less than one week before the date fixed for the opening of the session, and that they shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs.) He further stated that the South African delegation should be allowed to participate in the debates so that it could experience at first hand the intensity of feeling which its apartheid policies generated among other Member States. This view was supported by Austria, Costa Rica and New Zealand.

The proposal by the United Republic of Tanzania to declare invalid the credentials of the South African delegation was rejected by a vote of 5 to 3 with 1 abstention.

After the Chairman of the Credentials Committee had stated that all reservations expressed in the Committee concerning the representatives of South Africa would be included in the report, the Committee adopted by a vote of 6 to 1, with 2 abstentions, a draft resolution proposed

by its Chairman whereby it accepted the credentials of all representatives to the twenty-third session and recommended to the General Assembly that it approve the report of the Committee.

In approving resolution 2492 (XXIII), at a plenary meeting on 21 December, the General Assembly adopted the report of the Credentials Committee by a vote of 82 to 0, with 24 abstentions.

DOCUMENTARY REFERENCES

REPORT OF SPECIAL COMMITTEE ON APARTHEID

A/7254 (S/8843). Report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.

INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

Final Act of International Conference on Human Rights, Teheran, 22 April-13 May 1968 (A/CONF. 32/41). U.N.P. Sales No.:E.68.XIV.2.

CONSIDERATION BY GENERAL ASSEMBLY

GENERAL ASPECTS

GENERAL ASSEMBLY—23RD SESSION

Special Political Committee, meetings 598-611, 613-615.

Plenary meetings 1676, 1731.

A/7123. Policies of apartheid of Government of Republic of South Africa. Letter of 9 April 1968 from South Africa.

A/7254 (S/8843). Report of Special Committee on Policies of Apartheid of Government of Republic of South Africa.

A/7259 and Add.I. Note by Secretary-General. Replies received from Governments.

A/SPC/L.159. Letter of 24 October 1968 from President of International Defence and Aid Fund.

A/SPC/L.160 and Add.I,2. Afghanistan, Algeria, Burundi, Cambodia, Cameroon, Congo (Brazzaville), Democratic Republic of Congo, Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Libya, Madagascar, Mali, Mauritania, Mauritius, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia: draft resolution.

A/SPC/L.160/Rev.1, Rev.1/Corr.1, Rev.1/Add.1. Revised draft resolution sponsored by 47 powers listed above, and in addition by Haiti and Hungary, adopted by Special Political Committee on 15

November 1968 by roll-call vote of 95 to 1, with 15 abstentions, as follows:

In favour: Afghanistan, Algeria, Argentina, Brazil, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Congo (Brazzaville), Democratic Republic of Congo, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Portugal.

Abstaining: Australia, Austria, Belgium, Canada, Colombia, Cuba, France, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, United Kingdom, United States.

A/SPC/L.161. Administrative and financial implications of 47-power draft resolution, A/SPC/L.160. Statement by Secretary-General.

A/SPC/L.163. Ecuador: amendment to 47-power draft resolution, A/SPC/L.160.

A/SPC/L.164. United States: amendments to 49-power revised draft resolution, A/SPC/L.160/Rev.1.

A/C.5/L.1194, A/7355, A/7363. Administrative and financial implications of draft resolution I contained in report of Special Political Committee (A/7348). Statement by Secretary-General and reports of Advisory Committee on Administrative and Budgetary Questions and Fifth Committee.

A/7348. Report of Special Political Committee, draft resolution I.

RESOLUTION 2396 (xxiii), as proposed by Special Political Committee, A/7348, adopted by Assembly

on 2 December 1968, meeting 1731, by 85 votes to 2, with 14 abstentions.

The General Assembly,

Recalling its resolutions on this question and Security Council resolutions 181(1963) of 7 August 1963, 182(1963) of 4 December 1963, 190(1964) of 9 June 1964 and 191(1964) of 18 June 1964,

Having considered the report of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa and the report of the Sub-Committee on Information on Apartheid annexed thereto,

Taking into account the decisions and recommendations contained in the Proclamation of Teheran adopted by the International Conference on Human Rights, held at Teheran from 22 April to 13 May 1968,

Noting with concern that the Government of South Africa continues to intensify and extend beyond the borders of South Africa its inhuman and aggressive policies of apartheid and that these policies have led to a violent conflict, creating a situation in the whole of southern Africa which constitutes a grave threat to international peace and security,

Recognizing that the policies and actions of the Government of South Africa constitute a serious obstacle to the exercise of the right of self-determination by the oppressed people of southern Africa,

Convinced that the international campaign against apartheid must be intensified urgently in order to assist in securing the elimination of these inhuman policies,

Considering that effective action for a solution of the situation in South Africa is imperative in order to eliminate the grave threat to the peace in southern Africa as a whole,

Noting that the Security Council has not considered the problem of apartheid since 1964,

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

2. Condemns the Government of South Africa for its illegal occupation of Namibia and its military intervention and for its assistance to the racist minority régime in Southern Rhodesia in violation of United Nations resolutions;

3. Reaffirms the urgent necessity of eliminating the policies of apartheid so that the people of South Africa as a whole can exercise their right to self-determination and attain majority rule based on universal suffrage ;

4. Draws the attention of the Security Council to the grave situation in South Africa and in southern Africa as a whole and requests the Council to resume urgently the consideration of the question of apartheid with a view to adopting, under Chapter VII of the Charter of the United Nations, effective measures to ensure the full implementation of comprehensive mandatory sanctions against South Africa;

5. Condemns the actions of those States, particularly the main trading partners of South Africa, and the activities of those foreign financial and other interests, all of which, through their political, economic

and military collaboration with the Government of South Africa and contrary to the relevant General Assembly and Security Council resolutions, are encouraging that Government to persist in its racial policies;

6. Reaffirms its recognition of the legitimacy of the struggle of the people of South Africa for all human rights, and in particular political rights and fundamental freedoms for all the people of South Africa irrespective of race, colour or creed;

7. Calls upon all States and organizations to provide greater moral, political and material assistance to the South African liberation movement in its legitimate struggle;

8. Expresses its grave concern over the ruthless persecution of opponents of apartheid under arbitrary laws and the treatment of freedom fighters who were taken prisoner during the legitimate struggle for liberation, and :

(a) Condemns the Government of South Africa for its cruel, inhuman and degrading treatment of political prisoners;

(6) Calls once again for the release of all persons imprisoned or restricted for their opposition to apartheid and appeals to all Governments, organizations and individuals to intensify their efforts in order to induce the Government of South Africa to release all such persons and to stop the persecution and ill-treatment of opponents of apartheid;

(e) Declares that such freedom fighters should be treated as prisoners of war under international law, particularly the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949;

(d) Requests the Secretary-General to establish and publicize as widely as possible:

(i) A register of persons who have been executed, imprisoned, placed under house arrest or banning orders or deported for their opposition to apartheid;

(ii) A register of all available information on acts of brutality committed by the Government of South Africa and its officials against opponents of apartheid in prisons;

9. Commends the activities of anti-apartheid movements and other organizations engaged in providing assistance to the victims of apartheid and in promoting their cause, and invites all States, organizations and individuals to make generous contributions in support of their endeavours;

10. Urges the Governments of all States to discourage in their territories, by legislative or other acts, all activities and organizations which support the policies of apartheid as well as any propaganda in favour of the policies of apartheid and racial discrimination ;

11. Requests all States to discourage the flow of immigrants, particularly skilled and technical personnel, to South Africa;

12. Requests all States and organizations to suspend cultural, educational, sporting and other exchanges with the racist régime and with organizations or institutions in South Africa which practise apartheid;

13. Invites all States and organizations to commemorate as widely as possible the International Day

for the Elimination of Racial Discrimination in 1969 in order to express their solidarity with the oppressed people of South Africa;

14. Requests the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, as a matter of priority, to study and report on the implementation of the United Nations resolutions on the question of apartheid, the effects of the measures taken and the means of securing more effective international action;

15. Requests the Special Committee to intensify its efforts to promote the international campaign against apartheid and, to this end, authorizes it:

(a) To hold sessions away from Headquarters or to send a sub-committee on a mission to consult specialized agencies, regional organizations, States and non-governmental organizations;

(b) To hold consultations with experts and to arrange for special studies on various aspects of apartheid, in consultation with the Secretary-General and within the budgetary provision to be made for this purpose;

16. Requests all States, specialized agencies and other organizations to intensify the dissemination of information on the evils of apartheid in the light of the report of the Special Committee and, in this respect, reiterates its request to those States which have not yet done so to encourage urgently the establishment of national committees as provided in paragraph 9 of General Assembly resolution 2307(XXII) of 13 December 1967;

17. Requests the Secretary-General, in the light of the proposals of the Special Committee for the widest dissemination of information on apartheid:

(a) To ensure that the Unit on Apartheid, established in pursuance of General Assembly resolution 2144 A (XXI) of 26 October 1966, discharges its increased functions in the light of the proposals outlined in paragraph 146 of the report of the Special Committee;

(b) To take other appropriate steps to assist all States, specialized agencies and other organizations to intensify the dissemination of information;

18. Requests the Secretary-General to continue to provide the Special Committee with all the necessary means, including appropriate financial means, for the effective accomplishment of its task;

19. Invites States, specialized agencies, regional organizations and non-governmental organizations to co-operate with the Secretary-General and the Special Committee in the accomplishment of their tasks under the present resolution.

S/8931. Letter of 12 December 1968 from Secretary-General to President of Security Council.

MEMBERSHIP OF SOUTH AFRICA IN UNCTAD

GENERAL ASSEMBLY—23RD SESSION

Second Committee, meetings 1236, 1238-1241.
Plenary Meetings 1740, 1741.

A/C.2/L.1022 and Corr.1, Add.1, Add.1/Corr.1 and 2, Add.2, Add.3. Afghanistan, Algeria, Barbados, Burundi, Cameroon, Congo (Brazzaville), Democratic Republic of Congo, Dahomey, Ethiopia, Guinea, Guyana, India, Indonesia, Ivory Coast, Jamaica, Kenya, Liberia, Mali, Mauritania, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Southern Yemen, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia: draft resolution, as orally revised, adopted by Second Committee on 3 December 1968, meeting 1240, by roll-call vote of 49 to 22, with 23 abstentions, as follows:

In favour: Afghanistan, Algeria, Barbados, Burundi, Cameroon, Chad, Chile, Congo (Brazzaville), Democratic Republic of Congo, Cuba, Dahomey, Ethiopia, Ghana, Guinea, India, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Kuwait, Libya, Malaysia, Mali, Mauritania, Niger, Nigeria, Pakistan, Peru, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia. Against: Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, South Africa, Sweden, United Kingdom, United States, Uruguay.

Abstaining: Argentina, Bulgaria, Byelorussian SSR, Ceylon, China, Colombia, Czechoslovakia, El Salvador, Greece, Guatemala, Hungary, Lesotho, Malawi, Maldives Islands, Malta, Mongolia, Panama, Philippines, Poland, Romania, Singapore, Ukrainian SSR, USSR.

A/C.2/L.1030. Statement by United Nations Legal Counsel submitted pursuant to request made at 1236th meeting of Second Committee.

A/7383. Report of Second Committee, Part I, draft resolution proposed by Second Committee, rejected by Assembly on 13 December 1968, meeting 1741, having failed to receive required two-thirds majority; vote by roll-call was 55 in favour to 33 against, with 28 abstentions as follows:

In favour: Afghanistan, Albania, Algeria, Barbados, Burundi, Cambodia, Cameroon, Chile, Congo (Brazzaville), Democratic Republic of Congo, Cuba, Dahomey, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Liberia, Libya, Mali, Mauritania, Mexico, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Bolivia, Botswana, Brazil, Canada, Denmark, El Salvador, Fin-

land, France, Greece, Honduras, Iceland, Ireland, Italy, Japan, Lesotho, Luxembourg, Malawi, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Portugal, South Africa, Swaziland, Sweden, United Kingdom, United States, Uruguay.

Abstaining: Argentina, Bulgaria, Byelorussian SSR, Central African Republic, Ceylon, China, Colombia, Cyprus, Czechoslovakia, Dominican Republic, Guatemala, Hungary, Iran, Laos, Malaysia, Maldives, Malta, Mauritius, Mongolia, Morocco, Nepal, Peru, Poland, Romania, Singapore, Turkey, Ukrainian SSR, USSR.

A/L.555. Hungary: amendments to draft resolution submitted by Second Committee, A/7383.

A/L.559. Motion submitted by Canada.

CREDENTIALS

GENERAL ASSEMBLY—23RD SESSION

Credentials Committee, meeting 52.

Plenary Meetings 1674, 1752.

A/7228. Report of Credentials Committee, containing: (1) draft resolution proposed by Chairman and adopted by Committee on 19 December 1968, by 6 votes to 1, with 2 abstentions, and (2) draft resolution recommended for adoption by Assembly.

RESOLUTION 2492(xxiii), as recommended by Credentials Committee, A/7228, approving report of Credentials Committee, adopted by Assembly on 21 December 1968, meeting 1752, by 82 votes to 0, with 24 abstentions.

OTHER DOCUMENTS

Foreign Investment in Republic of South Africa (ST/PSCA/SER.A/6). U.N.P. Sales No.: E. 68.II.K.8.

ST/PSCA/SER.A/9. Apartheid in Practice.

United Nations Trust Fund for South Africa

REPORT OF SECRETARY-GENERAL AND COMMITTEE OF TRUSTEES

The United Nations Trust Fund for South Africa was established by the General Assembly, on 15 December 1965 to make grants to voluntary organizations, Governments of host countries of refugees from South Africa and other appropriate bodies towards: legal assistance to persons charged under discriminatory and repressive legislation in South Africa; relief for dependents of persons persecuted by the Government of the Republic of South Africa for acts arising from opposition to the policies of apartheid; education of prisoners, their children and other dependents, and relief for refugees from South Africa.²¹

In a report of 15 October 1968 to the General Assembly on the operation of the United Nations Trust Fund for South Africa, the Secretary-General and the Committee of Trustees of the Fund stated that the Fund had, since its last report, received contributions totalling \$204,292 from 18 Governments; pledges of \$16,100 from six Governments were outstanding. That brought the total of contributions to the Fund since its inception to \$634,367 and the total of grants made from the Fund to \$533,400. Contributions and pledges made in 1968 are listed in the following table.

CONTRIBUTIONS AND PLEDGES MADE IN

1968 FOR TRUST FUND FOR SOUTH AFRICA

Austria	5,000
Belgium	20,000*
Bulgaria	2,000
Brazil	2,000
Cambodia	1,000*
Canada	9,259
Denmark	46,933
Finland	10,000
Ghana	1,000
Ireland	1,000
Italy	2,500*
Malaysia	1,000
Mauritania	2,100*
Morocco	2,000
Nigeria	1,400*
Norway	10,000
Poland	2,000
Sudan	1,500
Sweden	50,000
Thailand	1,000
United States	25,000
Venezuela	1,000

* Pledge

The Trust Fund made five grants totalling \$225,000 during the period under review. The Committee of Trustees had also been informed by Governments of contributions totalling \$125,000 which had been made directly to non-

²¹ See Y.U.N., 1965, pp. 115-16, text of resolution 2054 B (XX).

governmental organizations engaged in relief and assistance to victims of apartheid.

The Committee of Trustees noted in its report that certain deficiencies in its terms of reference, as laid down in the General Assembly's resolution of 15 December 1965 (2054 B (XX)), hampered it from carrying out some essential functions. Chief among these were that no provision had been made for assistance for the rehabilitation and education of released prisoners and for the education of children of refugees. The Committee expressed the hope that such deficiencies would be rectified in order that the Trust Fund might help meet such needs, and thereby facilitate the operation of voluntary organizations.

CONSIDERATION BY GENERAL ASSEMBLY

In 1968, at the twenty-third session of the General Assembly, the Chairman of the Trust Fund's Committee of Trustees told the Assembly's Special Political Committee, which was considering the Secretary-General's report, that the humanitarian assistance the Fund provided was not intended as a substitute for the political action required to solve the problem of apartheid. In spite of some very serious developments in South Africa, it had been possible to carry on the humanitarian assistance. The need for humanitarian assistance was increasing constantly, and the Chairman hoped that Governments would make generous contributions to meet the increased need. He also asked for annual contributions and token contributions, at least, from all.

The representative of the USSR commented that the report of the Trust Fund referred only to amounts received by the Fund; it did not identify the purpose or organization or persons to whom subsidies had been granted. Members of the United Nations had a right to know what organizations received financial assistance from the Fund, how these moneys were expended, and what control the Trust Fund exercised over the expenditure. The USSR representative called upon the Trust Fund to maintain a strict accounting procedure of its resources so as to ensure that its outlays were used solely to assist the victims of apartheid. He also maintained that direct financial assistance

should be given to national patriotic organizations engaged in the struggle against apartheid.

Support for the work of the Trust Fund was expressed by a number of Committee Members.

The representative of Nigeria, speaking in his capacity as Vice-Chairman of the Committee of Trustees of the Trust Fund, told the Committee that no administrative costs were incurred in operating the Fund. All contributions to it were used for grants to organizations engaged in assistance to the victims of apartheid and were not made to individuals. Qualified organizations had to meet certain requirements. They had to agree: to use the grants for the purposes indicated by the Committee of Trustees; to report on how the grants were utilized; and to submit such financial statements as the United Nations might require. The Nigerian representative said that the Committee of Trustees deliberately carried out its work quietly and avoided publicity for two reasons: first, it felt that the humanitarian work of voluntary organizations, though very worthwhile, should complement but not be a substitute for the political action required to solve the problem of apartheid; second, the Committee considered that it would be unwise for it to provoke, by publicity about the grants and their utilization, any further difficulties for organizations and individuals assisting the victims of apartheid. He added that the Committee would provide more information to donor Governments which requested it.

On 15 November 1968, the Special Political Committee approved the text of a draft resolution by which the General Assembly would: (1) express its appreciation to the Governments, organizations and individuals which had contributed to the Trust Fund; (2) commend the Secretary-General and the Committee of Trustees for their efforts to promote the purposes of the Fund; (3) decide to revise the purposes of the Fund to provide: (a) legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa; (b) relief to such persons and their dependents; (c) education of such persons and their dependents; and (d) relief for refugees from South Africa; and (4) again appeal to all States, organizations and individuals for generous contributions to the Fund.

The Special Political Committee approved this text by a vote of 107 to 0. The representative of Portugal stated that he did not participate in the vote.

On 2 December, the text was adopted by the General Assembly by a vote of 102 to 2,

as resolution 2397 (XXIII). (For text, see DOCUMENTARY REFERENCES **below**.)

The text was sponsored in the Special Political Committee by: Brazil, the Democratic Republic of the Congo, Denmark, Ethiopia, India, Malaysia, Tunisia and Yugoslavia.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—23RD SESSION

Special Political Committee, meetings 598-611, 613-615.

Plenary Meeting 1731.

A/7270. Report of Secretary-General and Annex: Report of Committee of Trustees of United Nations Trust Fund for South Africa.

A/SPC/L.162. Brazil, Democratic Republic of Congo, Denmark, Ethiopia, India, Malaysia, Tunisia, Yugoslavia: draft resolution, adopted unanimously by Special Political Committee on 15 November 1968, meeting 615, (107 votes to 0).

A/7348. Report of Special Political Committee, draft resolution II.

RESOLUTION 2397 (xxiii), as proposed by Special Political Committee, A/7348, adopted by Assembly on 2 December 1968, meeting 1731, by 102 votes to 2.

The General Assembly,

Recalling its resolution 2054 B (XX) of 15 December 1965 and 2202 B (XXI) of 16 December 1966 concerning the United Nations Trust Fund for South Africa,

Taking note of the report of the Secretary-General

to which is annexed the report of the Committee of Trustees of the United Nations Trust Fund for South Africa,

Considering it appropriate and essential to continue and increase humanitarian assistance to the victims of the policies of apartheid of the Government of South Africa,

Noting that the Committee of Trustees has drawn attention to the need for greater contributions to the Fund and for a revision of its terms of reference,

1. Expresses its appreciation to the Governments, organizations and individuals which have contributed to the United Nations Trust Fund for South Africa;

2. Commends the Secretary-General and the Committee of Trustees of the Fund for their efforts to promote the purposes of the Fund;

3. Decides to revise the purposes of the Fund to provide:

(a) Legal assistance to persons persecuted under the repressive and discriminatory legislation of South Africa;

(b) Relief to such persons and their dependents;

(c) Education of such persons and their dependents;

(d) Relief for refugees from South Africa;

4. Again appeals to all States, organizations and individuals for generous contributions to the Fund.

Programme for Education and Training for South Africans Abroad

In 1967, the General Assembly decided to integrate the programme of education and training for South Africans abroad with the educational and training programmes for South West Africa and that for the territories under Portuguese administration.²² Under the consolidated programme, 303 applications were received from South Africans abroad during the period 1 January to 30 September 1968.

Awards granted during that period totalled 59; another 115 awards were extended. (For additional information on the United Nations Educational and Training Programme for Southern Africa, see pp. 727-28.)

²² See Y.U.N., 1967, pp. 649-50, text of General Assembly resolution 2349 (XXII) of 19 December 1967.

THE SITUATION IN SOUTHERN RHODESIA

During 1968, the question of Southern Rhodesia received further consideration by the Security Council, the General Assembly and the Assembly's 24-member Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independ-

ence to Colonial Countries and Peoples, as well as by the Economic and Social Council and other organs of the United Nations. These bodies were concerned in the first instance with bringing an end to the illegal white minority régime of Ian Smith which had uni-

laterally declared independence from the United Kingdom on 11 November 1965,²³ and with enabling the African people of the territory to exercise their basic human rights, in particular their inalienable right to freedom and independence in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.²⁴

On 29 May 1968, the Security Council, gravely concerned that the selective mandatory sanctions which it had imposed against the illegal régime on 16 December 1966²⁵ had not been complied with by all States and had failed to prevent trade with the illegal régime, adopted a further resolution (253(1968)) on the question. By this resolution, the Security Council, among other things, imposed more extensive mandatory economic sanctions against the illegal régime; emphasized the need for the withdrawal of all consular and trade representation in Southern Rhodesia; called upon all States to report to the Secretary-General on measures taken to implement the present resolution; and decided to establish a committee of the Security Council (a) to examine such reports on implementation as were submitted by the Secretary-General, and (b) to seek from any States Members of the United Nations or members of the specialized agencies such further information regarding the trade of that State or any activities by nationals of that State that might constitute an evasion of the measures decided upon in the resolution. The Committee was appointed by the Security Council on 31 July 1968 and began work on 28 October.

In its first report, dated 30 December 1968, the Committee stated that information to date on the measures taken to implement the Security Council's resolution 253(1968) had been submitted by 81 United Nations Member States and 4 member States of the specialized agencies, but that as yet there was not sufficient statistical data available to analyse the effectiveness of the resolution. Further reports would be issued as information became available.

Action by the General Assembly and its Special Committee of 24 was taken in light of the Security Council resolution, as well as of recent developments in the territory, particularly the illegal execution of five Africans on 6 and 11 March and the continuing talks

between the United Kingdom Government and the illegal régime.

On 7 March 1968, the Special Committee adopted a resolution condemning the assassination of three Africans by the illegal racist minority régime and drawing the urgent attention of the Security Council to the grave situation in the territory with a view to taking effective action to deal with it. On 25 October 1968, the General Assembly adopted resolution 2379(XXIII) by which it called upon the United Kingdom Government not to grant independence to Southern Rhodesia unless it was preceded by the establishment of a government based on majority rule. By a further resolution (2383(XXIII)), adopted on 7 November 1968, the General Assembly, among other things, affirmed its conviction that the sanctions so far adopted would not put an end to the illegal régime unless they were supervised by force; called upon the United Kingdom Government to use force to put an end to the illegal régime; drew the attention of the Security Council to the urgent need of extending the scope of sanctions against the illegal régime and imposing sanctions on South Africa and Portugal; and condemned in the strongest terms the detention, imprisonment and assassination of African nationalists in the territory.

CONSIDERATION BY SECURITY COUNCIL (19 MARCH-29 MAY 1968)

The Secretary-General continued to report to the Security Council during 1968 on the progress of implementation of the selective economic sanctions which the Council had approved on 16 December 1966 against Southern Rhodesia.²⁶ On 29 May 1968, the Security Council, noting that the measures so far taken had failed to bring the rebellion in Southern Rhodesia to an end, adopted a resolution (253(1968)), condemning all measures of political repression in Southern Rhodesia and deciding on more comprehensive sanctions. (See

²³ See Y.U.N., 1965, p. 124, for details.

²⁴ See Y.U.N., 1960, pp. 49-50, text of resolution 1514(XV) containing the Declaration.

²⁵ See Y.U.N., 1966, pp. 116-17, text of resolution 232(1966).

²⁶ Ibid.

below for details.) In accordance with that resolution, reports on the progress of its implementation were submitted both by the Secretary-General and by the Committee of the Security Council established to examine the former's reports and to seek further information on activities evading that resolution.

COMMUNICATIONS TO SECURITY COUNCIL

On 13 June 1968, the Secretary-General issued a further progress report concerning implementation of the Security Council's resolution (232(1966)) of 16 December 1966, to which were annexed substantive portions of replies and statistics on exports and imports received from 27 Member States in response to the Secretary-General's requests for information, the latest a reminder letter of 11 March.

In its analysis of statistics covering the year 1967, the Secretary-General's report noted that in some instances they covered shipments and trade undertaken in 1966 before the adoption of the Security Council's resolution. The reporting countries accounting for the greater part of the imports of \$40 million, compared with \$330 million in 1965, were the Federal Republic of Germany (\$16 million), the United States (\$6.5 million), Switzerland (\$3.9 million), Portugal (\$5.3 million), the Netherlands (\$2.4 million), Belgium-Luxembourg (\$2.0 million), France (\$1.1 million) and Japan (\$1.3 million). Where explanations of those imports were available, they were shown in notes to the statistical tables. The analysis also gave specific details on the reduction of imports in the most important of the 11 commodity groups specified in the Security Council's resolution.

The reporting countries had been, in 1965, the recipients of 79 per cent of Southern Rhodesia's exports, the remainder of which had gone almost entirely to Malawi and South Africa. In the absence of statistical reports from those two countries for the period under review, it was not possible to evaluate that part of the total trade.

Exports of the reporting countries to Southern Rhodesia had amounted to about \$54 million in 1967 which compared with \$187 million in the year 1965. The countries accounting for the greater part of these exports were Japan (\$13.6 million), the Federal Republic of Germany

(\$12.3 million), the Netherlands (\$4.7 million), France (\$4.0 million), the United States (\$3.8 million), the United Kingdom (\$2.9 million), Belgium-Luxembourg (\$1.9 million), Switzerland (\$1.9 million), Portugal (\$1.8 million), Australia (\$1.4 million), Italy (\$1.3 million) and Austria (\$1.3 million). As in the case of imports, this trade involved considerations of the timing of export contracts and the recording of shipments. The reporting countries had been, in 1965, suppliers of 68 per cent of the imports of Southern Rhodesia, the remainder of which had come principally from South Africa, Malawi, Mozambique and Iran, for which countries statistical data were not yet available for review.

No meaningful evaluation of the status as regarded petroleum supplies to Southern Rhodesia was possible from the data submitted by the reporting countries, the Secretary-General's report continued. The reason was that the traditional suppliers had been countries in the Middle East region, none of which had as yet reported its data to the Secretary-General. It was known, however, that following the closure of the only Southern Rhodesian refinery in January 1966, no imports of crude petroleum were required. Iran, Bahrain and Saudi Arabia had been normal major suppliers of petroleum products, not only to Southern Rhodesia but also to South Africa, Mozambique and Angola. Since South Africa in recent periods had not disclosed countries of origin for its petroleum imports (nor countries of destination for its petroleum exports), even an approximate evaluation of the Southern Rhodesia petroleum situation in combination with that of South Africa was not possible without direct statistical information from their principal suppliers. The reported exports of petroleum products to South Africa, which amounted to approximately \$29 million in 1967 (compared with \$23 million in 1965), were mainly lubricating oils, greases, jelly and waxes.

On 7 March 1968, the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples transmitted to the President of the Security Council the text of a resolution adopted by the Special Committee

on that date, drawing the urgent attention of the Security Council to the grave situation in the territory of Southern Rhodesia, with a view to taking effective actions to deal with it. By its resolution, the Special Committee had strongly condemned the assassination by the illegal racist minority régime of three Africans of Zimbabwe (Southern Rhodesia), deplored the failure of the United Kingdom as the administering power to prevent the perpetration of such crimes in its colony, and called upon it to take effective steps to prevent their recurrence and to safeguard the persons of the African inhabitants of Zimbabwe.

Also on 7 March, the Chairman of the Commission on Human Rights sent the President of the Security Council the text of a consensus arrived at by the Commission on 7 March, concerning the execution of three nationals of Southern Rhodesia by the illegal régime. Expressing its alarm and indignation, the Commission considered this outrageous act as a clear and extreme denial, as well as a flagrant and gross violation, of the human rights and fundamental freedoms of the African people. It condemned the killing of the three political prisoners and expressed grave concern at the threat to international peace and security constituted by the current situation in Southern Rhodesia. The Commission called on the United Kingdom to take immediate steps to restore the human rights and fundamental freedoms of the African people in Southern Rhodesia by the restoration of constitutionality, law and order, as well as peace and security, and also to take urgent and immediate steps to save the lives of the remaining 100 or more political prisoners and freedom fighters unlawfully detained by the illegal régime. The Commission also drew the attention of the Security Council to the current situation in Southern Rhodesia so that it might take immediate and appropriate action, consistent with its responsibility under the Charter, to restore peace and security in the colony of Southern Rhodesia. (See also pp. 549 and 552.)

The Security Council received between 7 March and 1 April communications from the following Member States expressing abhorrence at the execution of the African nationalist prisoners by the racist minority régime in

Salisbury: Barbados, Burundi, Chad, Guyana, Hungary (transmitting a communication of 14 March from the Deputy Minister of Foreign Affairs of the German Democratic Republic), Ireland, Israel, Jamaica, Morocco, Somalia, Sudan, Trinidad and Tobago and the USSR.

On 12 March, a letter requesting an urgent meeting of the Security Council to examine the situation in Southern Rhodesia (Zimbabwe) was sent to the President of the Council by the following 36 African States: Algeria, Botswana, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Brazzaville), the Democratic Republic of the Congo, Dahomey, Ethiopia, Gabon, Ghana, Guinea, the Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, the United Arab Republic, the United Republic of Tanzania, Upper Volta and Zambia.

The letter recalled that more than a year previously the Council had adopted selective mandatory sanctions (by its resolution of 16 December 1966)²⁷ and that obviously these had failed, as the African States had anticipated, and as had been dramatically demonstrated by the recent tragic assassination of political prisoners by the racist régime in Southern Rhodesia. Meanwhile, the United Kingdom had made no effort to enter into negotiations with the leaders of the African political parties with a view to establishing a government which met the legitimate aspirations of the people of Zimbabwe.

The signers of the letter believed that in the light of these facts and the recent deterioration of the situation, it was urgently incumbent upon the Security Council to examine the continuing grave situation which still constituted a threat to international peace and security, and to envisage the necessary measures and action under Chapter VII of the United Nations Charter²⁸ with a view to enabling the people of Southern Rhodesia (Zimbabwe) to exercise their right to self-determination in accordance with the General Assembly's resolution of 14

²⁷ Ibid.

²⁸ For text of Chapter VII of the Charter, see APPENDIX II.

December 1960 containing the Declaration on the granting of independence.²⁹

In letters dated 19 March, the representatives of Botswana and Lesotho, respectively, informed the Secretary-General that while their Governments were signatories to the letter requesting convocation of the Security Council on the question of Southern Rhodesia, they wished to make it clear that they did not advocate the use of force.

Also on 19 March, the Chairman of the Special Committee of 24 transmitted a statement in which he had expressed the view that the Security Council should reassess the situation and extend the scope of the sanctions which were then imposed, and that it should call upon the United Kingdom to take action along the lines prescribed by the General Assembly.

SECURITY COUNCIL MEETINGS (19 MARCH-29 MAY 1968)

At a meeting held on 19 March 1968, the Security Council decided without objection to include the question in its agenda and further agreed to invite the representatives of Jamaica and Zambia, at their request, to participate in the discussion without the right to vote. Discussion was continued at five additional meetings which were held on 20 and 26 March, 18 and 23 April and 29 May 1968, interspersed with periods of private consultations among Council members on the text of a resolution on the question.

The representatives of Algeria, Ethiopia and Senegal, who had been appointed by the Organization of African Unity (OAU) to present the views of the African Member States signatories to the request for the meeting, stressed the continuing responsibility of the United Kingdom, as the administering power, to advance the people of Southern Rhodesia to self-determination and independence. Having so far utterly failed to carry out that responsibility, they said, the United Kingdom should recognize the ineffectiveness of selective sanctions, apply more energetic economic sanctions and, if necessary, resort to the use of force. This was clearly necessary in view of the tragic aggravation of the situation as a result of the hanging of the African freedom fighters. The United Kingdom policy of vacillation, discounting the use of force,

they continued, had persisted both before and after the unilateral declaration of independence, and had emboldened the defiance of the Ian Smith régime to the point of severing altogether the last link with the United Kingdom—namely, the authority of the British Crown—by refusing to accept the reprieve granted to the condemned political prisoners by the Queen.

The African representatives considered that the situation in Southern Rhodesia was fast becoming a threat to international peace and security, as the forces of colonialism in southern Africa felt the neighbouring independent African States to be a threat to their security and might one day unleash aggression. Indeed, the Smith régime had already brought in South African counter-insurgency forces to help deal with the resistance of the African population, and was consolidating itself along the lines of the apartheid system in force in South Africa. Unfortunately, the selective economic sanctions imposed by the Security Council in December 1966 had proved ineffective, and had not been fully complied with by all States. The attitude of the Governments of Portugal and South Africa had been one of complete disregard of the Council's decision. Trade to and from Southern Rhodesia had been "denationalized," and most transactions were being carried out through South African and Portuguese intermediaries. Any decrease in its agricultural exports had been offset by increased export earnings from minerals. In fact, neither Portugal nor South Africa had attempted to hide the fact that they were not prepared to carry out the Council's decision, regardless of the requirements of Article 25 of the Charter obligating Member States to carry out faithfully decisions of the Security Council.³⁰

In view of the complicity and duplicity displayed by Portugal and South Africa, the African representatives considered that no sanction measures, no matter how comprehensive, could work unless they included the Portuguese territories and South Africa as well. It was necessary to devise resolute action to deal with

²⁹ See footnote 24.

³⁰ Article 25 of the Charter states: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

colonialism in southern Africa. Accordingly, they called upon the Council to adopt total and binding economic sanctions against Southern Rhodesia, and also to decide on specific and appropriate measures to enable it to follow up the implementation of its decisions, a process in which they hoped that the United Kingdom would play a major role.

The representative of the United Kingdom urged Council members to avoid controversy that would distract from their overriding duty to make clear, in unmistakable and unanimous terms, their condemnation of the illegal executions carried out in Southern Rhodesia and to demand that no more illegal hangings should occur. He denied any charges that his Government had sought to minimize its responsibilities by adopting selective sanctions, or to delay the search for a solution. The United Kingdom had based its policy throughout on the principle that all the people of Southern Rhodesia had a right to be consulted and to participate in the government of their country. On that point and on the aim of bringing the illegal régime in Salisbury to an end, members of the Council, he felt, were on common ground. Accordingly, he urged that the Council proceed initially, and in full agreement, to adopt a resolution which would express the force of international condemnation and call for a stop to the illegal and inhuman actions. Immediately thereafter, the Council should proceed to consider, on the basis of hard facts and practical possibilities, the whole question of what further action could be taken to restore the situation in Southern Rhodesia, end the rebellion and prepare for the advance to free, democratic government. In reply to those who said that there was no way but force, he stated his conviction that there were effective measures still to be taken. In spite of the difficulties and limitations, Council members had a duty not to decide that sanctions had failed, not to pronounce that one of the main weapons of international enforcement had proved useless, but to explore and examine every effective and practicable method to supplement and sustain the measures already taken. The representative of the United Kingdom offered to consult with all the Council members on

the measures which could and should be taken.

The representative of Zambia considered it appropriate that the emotions of anger and anguish which the illegal hangings had engendered should remind the United Nations of the basic and abhorrent evil of racism in the ordering of political systems, and should emphasize the need for effective measures to eliminate discrimination, oppression and exploitation based on race. He warned that the day was not far off, unless appropriate action was taken by the United Kingdom, when the whole situation would be completely out of hand and neighbouring countries would be drawn into confrontation with the rebel régime on a purely racial basis. The United Kingdom had stated that it would use force only if there was a breakdown of law and order, and yet it still failed to recognize that law and order had long since broken down in Southern Rhodesia, starting from the unilateral declaration of independence and passing through a whole range of tyranny until it culminated in the illegal hangings carried out in defiance of the Queen's reprieve, the highest constitutional safeguard. The representative of Zambia feared that indicated a coalition of racism between a conniving Britain and a recalcitrant Rhodesia, and urged the Council to urge Britain to live up to its responsibilities by the only means that had any chance of success, namely, the use of force. He urged, too, that the Council not ignore the fact that a racial war had begun in southern Africa, where Rhodesian and South African forces stood glowering at Zambia, accusing it of aiding the freedom fighters and threatening to "hit" Zambia. In his view, the fact that his country shared a common border with Southern Rhodesia, Namibia (South West Africa³¹), Mozambique and Angola meant that the Rhodesian situation constituted a serious and grave threat to Zambia, which made imperative the adoption of effective measures to protect it from a sneak invasion

³¹ On 12 June 1968, with the adoption of resolution 2372(XXII), the General Assembly proclaimed that South West Africa should henceforth be known as Namibia. In proceedings of United Nations bodies which took place prior to 12 June, Namibia was referred to as South West Africa.

which might come in the form of a reprisal by trigger-happy white settlers in Southern Rhodesia. Zambia had, moreover, suffered a great deal as a result of its implementation of the economic sanctions which Southern Rhodesia had managed to evade, thanks to the assistance given it by South Africa and Portugal, which supplied it with oil and re-exported its commodities. Those two States should be condemned for frustrating the sanctions imposed by the United Nations, together with their trading partners who encouraged them to continue their policies.

The representatives of the USSR and Hungary firmly condemned the negotiations between the United Kingdom and the illegal Salisbury régime, including those between the British Prime Minister and Ian Smith himself, and urged that the United Kingdom, as the administering power in Southern Rhodesia, take really effective measures, including the use of force, against the racist minority régime there. Hungary and the USSR condemned the activities of Portugal and South Africa in flouting the insufficient selective sanctions imposed earlier by the Security Council. They also condemned Western financial and economic circles active in Southern Rhodesia, including those of the United States, the United Kingdom and the Federal Republic of Germany, and urged that the Council decree exhaustive and effective sanctions.

Other members of the Security Council, including Brazil, Canada, China, Denmark, France, India, Pakistan, Paraguay and the United States, expressed in varying language their dismay, anger and horror at the illegal hangings of the five African prisoners. Brazil, Canada, Denmark and Paraguay supported broader economic sanctions and tighter controls. The United States recognized that the sanctions applied thus far had simply not achieved their goal and pledged its co-operation in the consultations offered by the representative of the United Kingdom to find ways to achieve the common objective. China, India and Pakistan stated that the selective sanctions had failed and urged total and mandatory economic sanctions, and expressed their belief that the

United Kingdom should not exclude the use of force to overthrow the illegal régime. Jamaica supported the use of force for that purpose. Canada, however, did not believe that the necessary agreement existed to implement any decision by the Security Council to use force. The representative of France stated that Southern Rhodesia was still a British colony, and the administering power, the United Kingdom, was primarily responsible for solving its internal problems. He reiterated his Government's position of principle that the Council could not legally decide upon a matter which pitted a dependent territory against the metropolitan country but added that if the United Kingdom should call for assistance from friendly countries in deciding upon a solution, it would no doubt not be refused.

On 16 April, following a period of consultations, a draft resolution sponsored by Algeria, Ethiopia, India, Pakistan and Senegal was circulated. By the preambular part of the five-power draft resolution, the Security Council would, among other things: (i) reaffirm that the situation in Southern Rhodesia constituted a threat to international peace and security; (ii) express grave concern that the measures so far taken had failed to resolve the situation there, and that the measures it had taken had not been fully complied with by all States; (iii) note that South Africa and Portugal, in particular, had not only carried on trade with the illegal racist minority régime of Southern Rhodesia but had in fact given active assistance to it, enabling it to counter the effect of the measures decided upon by the Council; (iv) affirm the primary responsibility of the United Kingdom to enable the people of Southern Rhodesia to exercise their right of self-determination and emphasize its responsibility for the prevailing situation and its consequences; (v) condemn the recent execution of political prisoners; and (vi) declare that it was acting under Chapter VII of the United Nations Charter.

By the operative paragraphs of the draft resolution, the Council would take the following steps: (1) call upon the United Kingdom to take immediately all requisite measures to stop the execution of political prisoners in Southern

Rhodesia; (2) call upon all States to sever immediately all economic and other relations with the illegal racist minority régime; (3) call upon all States to carry out that decision in accordance with their Charter obligations; (4) censure the Governments of Portugal and South Africa for their assistance to the illegal régime in defiance of the Council's resolution; (5) decide to take resolute and effective action in accordance with the relevant provisions of the United Nations Charter against South Africa and Portugal in the event that they persisted in defying its decisions; (6) urge all States to render moral and material assistance to the national liberation movements of Southern Rhodesia in order to enable them to achieve their freedom and independence; (7) urge the United Kingdom, as the administering power, to take urgently all necessary measures, including the use of force, to bring the rebellion to an end and enable the people to exercise their right to self-determination and independence; (8) call upon Member States, and in particular those with primary responsibility for the maintenance of international peace and security, to assist effectively in the implementation of the measures called for in the resolution; (9) request all States to report to the Secretary-General on the measures taken to implement the resolution; (10) request the Secretary-General to report to the Council on the progress of the implementation of the resolution; and (11) decide to maintain the item on the agenda of the Council and to meet within 30 days to review the implementation of the measures called for by the resolution.

In support of the five-power draft resolution, Ethiopia said its sponsors firmly believed that the main responsibility fell on the United Kingdom for ending the rebellion by all means, including those of force, and thereby enabling the people of Southern Rhodesia to exercise their right of self-determination. Selective sanctions having failed, all Member States must be urged, in particular the trading partners of South Africa and Portugal and the permanent members of the Security Council, to co-operate in the implementation of the decision to sever all economic and other relations with Southern Rhodesia. The Council must decide on resolute

and effective action against South Africa and Portugal, should they persist in counteractions in defiance of the Council's decisions. The sponsors also felt the need of a more effective mechanism to ensure implementation and follow-up of the Council's decisions.

On 23 April, the representative of the United Kingdom introduced a draft resolution which, he said, was the result of a joint and intensive examination of every aspect of the problem and represented the widest area on which agreement could be reached. The draft resolution also satisfied two tests applicable to any proposed measure—namely, that it be capable of effective implementation and that it have the effect of convincing the illegal régime that its illegal course could not succeed. It was not by declarations and generalizations, or by empty threats, that the goal would one day be reached, but by effective, practical and persistent action, he argued. Some said that force was the only way, but he was sure that there were effective measures still to be taken to supplement and sustain sanctions already imposed. He trusted that those who regarded the resolution as only a limited advance would recognize the overriding importance of the fact that only a resolution supported by most, if not all, Council members could have full political impact. The Council's obligation was to all the people of Southern Rhodesia, and especially the more than four million Africans who were denied freedom to participate in the government of their own country. The Council must not raise hopes in them that it had no power to satisfy but should offer them effective action, taken together, within the Council's clear capacity.

The United Kingdom draft resolution contained preambular paragraphs whereby the Security Council, among other things, would: (i) note with great concern that the measures taken so far had failed to bring the rebellion in Southern Rhodesia to an end; (ii) deplore the recent inhuman executions carried out by the illegal régime which had flagrantly affronted the conscience of mankind and had been universally condemned; (iii) reaffirm its determination that the present situation in Southern Rhodesia constituted a threat to international peace and se-

curity, and declare that it was acting in accordance with Articles 39 and 41 of the United Nations Charter.³²

By the operative paragraphs of the draft resolution, the Security Council would:

(1) decide that Member States of the United Nations should prevent: (a) the import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products were for consumption or processing in their territories, whether or not they were imported in bond and whether or not any special legal status with respect to the import of goods was enjoyed by the port or other place where they were imported or stored); (b) any activities by their nationals or in their territories which promoted or were calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; (c) the shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution; (d) the sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories but not including medical supplies, educational equipment, documents, books, periodicals, newspapers, cinematograph films containing only news or other informative or educational matter, television films containing only such matter, other material for cinematograph, television or radio purposes containing only such matter or, in special humanitarian circumstances, foodstuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia; and any activities by their nationals or

in their territories which promoted or were calculated to promote such sale or supply; (e) the shipment in vessels or aircraft of their registration or under charter to their nationals or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which were consigned to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

(2) decide that Member States should not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking in Southern Rhodesia any funds for investment or any other financial or economic resources and should prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia, except payments exclusively for pensions or other humanitarian, educational or information purposes;

(3) decide that Member States should: (a) prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and (b) take all possible measures to prevent the entry into their territories of persons whom they had reason to believe to be ordinarily resident

³² Article 39 of the Charter states:

"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."

Article 41 of the Charter states:

"The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations."

in Southern Rhodesia and whom they had reason to believe to have furthered or encouraged, or to be likely, to further or encourage the unlawful actions of the illegal régime in Southern Rhodesia or any activities which were calculated to evade any measures decided upon in this resolution or in the Council's resolution of 16 December 1966 (232(1966)) ;³³

(4) decide that Member States should prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

(5) call upon Member States to take all practicable measures to discourage their nationals from emigrating to Southern Rhodesia;

(6) decide that all Member States shall give effect to the decisions set out in operative paragraphs 1, 2, 3, 4 and 5 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution, save that landlocked States of southern Africa should be obliged to carry out those decisions only in so far as their position permitted;

(7) call upon all Member States to carry out the above decisions in accordance with Article 25 of the Charter³⁴ and remind them that failure or refusal by any of them to do so would constitute a violation of that Article;

(8) urge States not members of the United Nations to act in accordance with the provisions of the preceding paragraphs;

(9) call upon States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 June 1968 the measures each had taken in accordance with the preceding paragraphs;

(10) request the Secretary-General to supervise and report at regular intervals on the progress of implementation of this resolution and of the Council's resolution of 16 December 1966 (232(1966)), the first report to be made by 1 July 1968;

(11) call upon each State to report at such intervals and in such form as might be indicated by the Secretary-General the quantity and value of its trade in such commodities or products as might be indicated;

(12) request the Secretary-General to seek such further information regarding the trade of any State, or regarding any activities that might constitute an evasion of measures decided on in the resolution, as he might consider necessary for the proper discharge of his reporting duty;

(13) call upon Member States of the United Nations or members of the specialized agencies to supply such further information as the Secretary-General might seek;

(14) decide to establish a committee composed of all Security Council members (a) to consider the reports to the Council by the Secretary-General in pursuance of its resolutions; (b) to evaluate in consultation as appropriate with the Secretary-General, the information contained in his reports (including cases where States had failed to supply requested information) and to assess its significance for the implementation of those resolutions; (c) to advise the Secretary-General, in the light of its consideration of his reports, with respect to the further exercise of his functions under the resolutions; and (d) to report from time to time to the Council on the discharge of its functions; and

(15) decide to keep the item on its agenda for further action as appropriate.

The Council next met on the question on 29 May. The representative of the United Kingdom, who was President of the Council for the month of May, referred to rule 20 of the Council's rules of procedure and invited the representative of the United States to take the presidential chair during the discussion of the question of Southern Rhodesia.

The President then drew attention to a third draft resolution, recently circulated, which had been arrived at in extensive consultations.

In its preambular part, the new draft resolution included paragraphs which appeared in either or both the five-power and the United Kingdom drafts, and also new paragraphs.

By the latter, the Council would: (i) express grave concern that the measures taken by the Council had not been complied with by all States and that some States, contrary to the

³³ See footnote 25.

³⁴ See footnote 30 for text of Article 25.

Council's resolution of 16 December 1966 (232 (1966)) and their Charter obligations, had failed to prevent trade with the illegal régime in Southern Rhodesia; and (ii) would recognize the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the United Nations Charter and in conformity with the objectives of the General Assembly's resolution of 14 December 1960.³⁵

By its operative paragraphs, the new draft resolution: (1) reproduced the provision on the condemnation of the executions, as in the five-power draft resolution; (2) reproduced the provision on the call upon the United Kingdom, as in the five-power text; (3) reproduced the provision on the trade restrictions as in the United Kingdom text; (4) reproduced the financial provisions in the United Kingdom text, with minor revisions relating to tourist enterprises, news material and, in special humanitarian circumstances, food-stuffs; (5) reproduced the provision on the travel restrictions, as in the United Kingdom text; (6) reproduced the provisions concerning restrictions on airline operations, as in the United Kingdom text; (7) reproduced the provision of the United Kingdom text on carrying out the resolution, except for the last clause which would have permitted landlocked States of southern Africa to carry out the Assembly's decisions only in so far as their position permitted; (8) modified the terms of the United Kingdom draft to provide that the Security Council would call upon all States to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration; (9) in a new provision, requested all States to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Charter Article; (10) in a new provision, emphasized the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of the Security Council's resolution of 20 November 1965 (calling for, among other things, a voluntary break in diplomatic and economic relations with South-

ern Rhodesia;³⁶ (11) reproduced the paragraph of the United Kingdom draft calling for the carrying out of the Council's decisions; (12) revised the terms of the five-power draft resolution to provide that the Council would deplore the attitude of States that had not complied with their obligations under Article 25 of the Charter, and censure in particular those States which had persisted in trading with the illegal régime in defiance of the Council's resolutions, and which had given active assistance to that régime; (13) urged, in a paragraph similar to one of the five-power draft resolution, moral and material assistance to the people of Southern Rhodesia; (14) reproduced the provision contained in the United Kingdom draft for a plea to States not members of the United Nations; (15) in a new provision, requested States Members of the United Nations, the United Nations itself, and the specialized agencies and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it solve special economic problems which might arise from the carrying out of the Council's decisions; (16) reproduced the clause calling on the great powers to assist in the implementation of the resolution, as in the five-power text; (17) in a new provision, would have the Security Council consider that the United Kingdom, as the administering power, should ensure that no settlement was reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it be acceptable to the people of Southern Rhodesia as a whole; (18) reproduced the clause for a call to all States, as in both the five-power and United Kingdom drafts, to report on implementation; (19) reproduced the clause for a request to the Secretary-General, also in both previous drafts, to report to the Council, fixing the date of 1 September 1968 for the first report; (20) revised the provisions of the United Kingdom draft to provide that the Council would decide to establish a committee to undertake certain tasks and report to the

³⁵ See footnote 24.

³⁶ See Y.U.N., 1965, p. 133, text of resolution 217 (1965).

Council with its observations; the committee would (a) examine such reports on the implementation of the resolution as were submitted by the Secretary-General; (b) seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted) or regarding any activities by any nationals of that State or in its territories that might constitute an evasion of the measures decided upon in the resolution as the committee might consider necessary for the proper discharge of its duty to report to the Council; (21) in a new provision, requested the United Kingdom, as the administering power, to give maximum assistance to the committee and to provide the committee with any information it might receive in order that the measures envisaged in the Council's resolutions might be rendered fully effective; (22) in a further new provision, called upon all States Members of the United Nations, as well as on the specialized agencies and their members, to supply such further information as might be sought by the committee in pursuance of the resolution; and (23) reproduced the provisions of the previous drafts deciding to maintain the item on its agenda for further action as appropriate in the light of developments.

At the meeting of 29 May, the USSR representative asserted that in order to suppress the growing national liberation movement of the people of Zimbabwe, the Smith régime was resorting to military assistance from the South African racists and the Portuguese colonialists, and that those partners in the "unholy alliance" were also carrying out hostile actions against neighbouring independent African States, particularly Zambia, directly affecting the interests of universal peace. So while he considered that the new draft resolution constituted a step forward, the measures it contained were still not sufficiently comprehensive. For instance, the draft did not require the breaking of all communications, did not name any of the major accomplices of the Salisbury régime, nor did it include a ban on negotiations with the Smith régime. Because of the position of the African and Asian countries, however, the USSR delegation would

not object to the adoption of the resolution, but it did consider that the operative paragraph relating to assistance to Zambia was inadequate. Accordingly, the USSR submitted an amendment by which the Council would decide that the material losses that might be inflicted on Zambia, in connexion with the implementation of the Council's decision, should be compensated by those States which, having failed to take the necessary measures to put an end to the illegal racist régime in Southern Rhodesia, in particular the measures provided for in the above-mentioned resolutions of the Security Council and the General Assembly, bore political responsibility for the continued existence of that régime.

The USSR amendment was put to the vote and failed to receive the nine affirmative votes required for adoption. The vote was 7 in favour, 0 against, and 8 abstentions. At the request of the USSR, the operative paragraph (15) relating to assistance to Zambia was voted upon separately and was adopted by 13 votes to 0, with 2 abstentions. The Council then unanimously adopted the draft text as a whole, as its resolution 253(1968).

By the operative parts of this resolution the Security Council thus:

(1) condemned all measures of political repression, including arrests, detentions, trials and executions which violated fundamental freedoms and rights of the people of Southern Rhodesia, and called upon the United Kingdom Government to take all possible measures to put an end to such actions;

(2) called upon the United Kingdom, as administering power, to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia and enable the people to secure the enjoyment of their rights as set forth in the United Nations Charter and in conformity with the objectives of the General Assembly's resolution (1514(XV)) of 14 December 1960 (on the granting of independence);³⁷

(3) decided that, in furtherance of the objective of ending the rebellion, all United Nations Member States should prevent: (a) the import into their territories of all com-

³⁷ See footnote 24.

modities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products were for consumption or processing in their territories, whether or not they were imported in bond and whether or not any special legal status with respect to the import of goods was enjoyed by the port or other place where they were imported or stored) ; (b) any activities by their nationals or in their territories which would promote or were calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings; (c) the shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution; (d) the sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promoted or were calculated to promote such sale or supply; (e) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which were consigned to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia ;

(4) decided that all Member States should

not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and should prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia, except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and, in special humanitarian circumstances, food-stuffs;

(5) decided that all Member States should:

(a) prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia; and (b) take all possible measures to prevent the entry into their territories of persons whom they had reason to believe to be ordinarily resident in Southern Rhodesia and whom they had reason to believe to have furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which were calculated to evade any measure decided upon by this resolution or by the Council's resolution of 16 December 1966 (232(166));³⁸

(6) decided that all Member States should prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

(7) decided that all Member States should give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution, notwithstanding any contract entered into, or licence granted, before the date of this resolution;

(8) called upon all Member States of the United Nations or of the specialized agencies

³⁸ See footnote 25.

to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

(9) requested all Member States of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter³⁹ to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

(10) emphasized the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of the Council's resolution of 20 November 1965 (217(1965));

(11) called upon all Member States to carry out these decisions of the Security Council in accordance with Article 25 of the United Nations Charter⁴⁰ and reminded them that failure or refusal by any one of them to do so would constitute a violation of that Article;

(12) deplored the attitude of States that had not complied with their obligations under Article 25 of the Charter, and censured in particular those States which had persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which had given active assistance to the régime;

(13) urged all Member States to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

(14) urged, having regard to the principles stated in Article 2 of the United Nations Charter,⁴¹ States not members of the United Nations to act in accordance with the provisions of the present resolution;

(15) requested all Member States, the United Nations itself, the specialized agencies and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it solve special economic problems which might arise from the carrying out of these decisions of the Security Council;

(16) called upon all Member States, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measures

which were called for by the present resolution;

(17) considered that the United Kingdom, as the administering power, should ensure that no settlement was reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it be acceptable to the people of Southern Rhodesia as a whole;

(18) called upon all Member States of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

(19) requested the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

³⁹ For text of Article 41, see footnote 32.

⁴⁰ For text of Article 25, see footnote 30.

⁴¹ Article 2 of the Charter states:

"The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

"1. The Organization is based on the principle of the sovereign equality of all its Members.

"2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

"3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

"4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

"5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

"6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

"7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

(20) decided to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations: (a) to examine such reports on the implementation of the present resolution as were submitted by the Secretary-General; (b) to seek from any Member State of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3(d) above) or regarding any activities by any nationals of that State or in its territories that might constitute an evasion of the measures decided upon in this resolution as it might consider necessary for the proper discharge of its duty to report to the Security Council;

(21) requested the United Kingdom, as the administering power, to give maximum assistance to the Committee and to provide the Committee with any information which it might receive in order that the measures envisaged in this resolution and the Council's resolution of 16 December 1966 (232(1966)) might be rendered fully effective;

(22) called upon all Member States of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as might be sought by the committee in pursuance of this resolution;

(23) decided to maintain this item on its agenda for further action as appropriate in the light of developments.

(For text of resolution, see DOCUMENTARY REFERENCES below.)

Following the vote, several members of the Council made statements explaining their votes, giving their interpretations of some of the provisions of the resolution and expressing reservations or voicing regret at points which had had to be omitted in the interests of general acceptability.

On 31 July 1968, the President of the Security Council announced that following extensive consultations concerning the establishment of a committee of the Security Council in accordance with the provisions of the resolution

adopted on 29 May, it had been agreed that the members of the committee would be Algeria, France, India, Paraguay, the USSR, the United Kingdom and the United States.

REPORTS TO SECURITY COUNCIL

In compliance with the Security Council's request of 29 May 1968, contained in resolution 253(1968), that he report not later than 1 September on the progress of the implementation of that resolution, the Secretary-General submitted his first report on 28 August 1968. He indicated that he had drawn the attention of the United Kingdom to those paragraphs of the resolution addressed to it as the administering power for Southern Rhodesia, and annexed the reply he had received on 19 July enclosing copies of the United Kingdom's Statutory Instrument, made on 28 June 1968, implementing certain paragraphs of the resolution. The Secretary-General had also transmitted the text of the resolution to all States Members of the United Nations or members of the specialized agencies, and he annexed to the report the substantive parts of replies received from 60 Governments. In addition, the Secretary-General had transmitted the text of the resolution to the heads of the specialized agencies and the International Atomic Energy Agency, to the United Nations High Commissioner for Refugees, the Administrative Secretary-General of the Organization of African Unity, the Secretary-General of the Organization for Economic Co-operation and Development and to the heads of the United Nations Children's Fund, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization, the Economic Commission for Africa and the United Nations Development Programme. The substantive portions of the replies from those organizations were also reproduced in the report. In four addenda to his report, the Secretary-General set out the substantive portions of 26 additional replies from Governments.

On 30 December 1968, the Committee established in pursuance of the Council's resolution of 29 May 1968 submitted its first report. At the Committee's request, the Secretary-General had sent an urgent reminder on 20 November

to 56 States which had not yet reported on measures taken to implement the resolution of 29 May. By the end of the year, 85 States had reported. The Committee had again requested the Secretary-General to issue a further appeal to those States which had not reported to do so without delay, and to seek information on any further measures taken by those which had already reported. The Committee annexed to its report a note prepared by the Secretariat, following its request for a statistical analysis to aid it in identifying possible violations of sanctions and areas where further information was necessary. Also annexed to the report were the consolidated figures, prepared by the United Nations Statistical Office, on world trade in the years immediately preceding and following the unilateral declaration of independence by the illegal Southern Rhodesian régime, and more particularly following the adoption of the Security Council's resolutions of 16 December 1966 and 29 May 1968. These figures concentrated on commodities in which Southern Rhodesia had traditionally traded on a substantial scale and showed, as far as possible, what changes had taken place in the pattern of international trade as a result of the sanctions against Southern Rhodesia.

The report stated that the Committee had further asked the United Kingdom for any information it might receive in order to render the sanctions more fully effective. In response, the United Kingdom had transmitted notes relating to tobacco certificates and television material, trade in tobacco and chrome sand, airlines which operated to or from Southern Rhodesia or linked up with airlines or aircraft registered in Southern Rhodesia, and in regard to the continuing consular and trade representation in Southern Rhodesia. Such notes had been communicated to Governments concerned for their comments. The United Kingdom had also submitted a note assessing the effect of sanctions on the economy of Southern Rhodesia up to mid-1968, and that note was also annexed to the report.

The statistical data then available covered mainly the first half of 1968, and the Committee indicated that much more data for the second half of the year was essential in order to analyse the effectiveness of the implementa-

tion of the Security Council resolution of 29 May. The Committee went on to state that the trade of Southern Rhodesia had remained quite substantial in mid-1968 since, despite the Council's resolutions, some countries besides South Africa and Portugal had continued to trade with Southern Rhodesia. All available evidence indicated that South Africa had become by far the main trading partner of Southern Rhodesia. In 1967, South Africa's imports from Southern Rhodesia had amounted to about \$80 million and its exports to Southern Rhodesia to about \$160 million, according to Secretariat estimates. Preliminary data for the first quarter of 1968 indicated that South Africa's exports to Southern Rhodesia could have been further expanded. While no information on the commodity composition of that trade was available, it had been estimated that about \$25 million of the exports in 1966 and 1967 consisted of fuels. However, South Africa did not in its trade statistics disclose the individual countries of origin or destination of commodities, nor had it replied to the Secretary-General's inquiries concerning measures taken to implement the two Council resolutions imposing sanctions.

The Committee noted further that Portugal had failed to take any measures to implement the two resolutions and had permitted the free flow of goods to and from Southern Rhodesia. In certain cases, including those of South Africa, Portugal and other countries, the statistics submitted to the United Nations Statistical Office failed to distinguish Southern Rhodesia as a country of destination of exports or as a country of provenance of imports, and the Committee had accordingly asked the Secretariat to prepare a list of countries which had been trading with Southern Rhodesia but which had ceased to furnish current relevant statistics so that the matter might be taken up with the Governments concerned. As available information indicated a gap of about \$80 million in 1967 between exports reported by Southern Rhodesia and the corresponding world trade, which might be accounted for partly by stocks of tobacco held in bond, the Committee had asked for information from all States on quantities of tobacco from Southern Rhodesia held in bond in their countries.

On 18 September 1968, the United Kingdom, recalling that by the terms of a Security Council resolution of 9 April 1966,⁴² it was called upon by the Council to prevent, by the use of force if necessary, the arrival at Beira, Mozambique, of vessels reasonably believed to be carrying oil destined for Southern Rhodesia, thought it advisable to remind all Member States of those provisions in order to ensure that the masters of vessels and operating companies gave advance notification to any United Kingdom diplomatic or consular mission of a proposed call at Beira by an oil tanker. This reminder was considered timely owing to the risk that an innocent vessel might place itself in jeopardy through failure to comply with a request to stop.

On 14 November 1968, the Secretary-General transmitted to the Security Council the text of resolution 2383 (XXIII), adopted by the General Assembly on 7 November 1968, in connexion with the question of Southern Rhodesia. (For text, see below, p. 157.) By this resolution, the Assembly drew the Council's attention to the urgent necessity of applying the following measures envisaged in Chapter VII of the Charter: (a) widening further the scope of the sanctions to include all the measures laid down in Article 41⁴³ with respect to the illegal racist régime in Southern Rhodesia, and (b) imposing sanctions on South Africa and Portugal, which had blatantly refused to carry out the mandatory decisions of the Security Council.

In March 1968, the Secretary-General had received a letter from the Foreign Minister of Portugal stating that the "Province of Mozambique" had suffered losses of more than 17 million pounds as a consequence of the application of measures provided for in resolutions adopted by the Security Council in 1966, and reiterating his Government's desire for consultations with the Council for the purpose of Article 50 of the Charter,⁴⁴ with a view to agreement on the modalities of payment of indemnification. On 2 December 1968, the Foreign Minister in a further letter recalled questions addressed to the Secretary-General and to the Security Council between 1966 and 1968 in connexion with legal and procedural aspects of the Council's resolution of 9 April 1966 (221(1966)) on Southern Rhodesia, and indicated that all Portuguese communications seeking elucidation

with regard to those important problems had remained unanswered. Accordingly, Portugal had concluded that the Security Council was either unable or afraid to reply to its questions, because to consider them would reveal profound and irreconcilable differences between Council members, particularly the permanent members. In the circumstances, he did not see how Portugal could be asked to take a position on problems and questions which the Council refused to consider.

On 6 December, the USSR requested circulation to the Security Council of a statement by the Telegraph Agency of the Soviet Union (TASS) accusing the United Kingdom of direct complicity in the suppression of the national rights and freedoms of the people of Zimbabwe, through the talks held with Ian Smith by the British Prime Minister, and through continuing to trade and maintain economic relations with Southern Rhodesia through South Africa and Portugal.

CONSIDERATION BY SPECIAL COMMITTEE OF TWENTY-FOUR

The General Assembly's 24-member Special Committee on the situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of Southern Rhodesia on 6 and 7 March 1988, in the light of the execution of three Africans in the territory. Following the execution of two more Africans, the Special Committee of 24 gave further consideration to the question at meetings between 11 and 19 March. The Committee examined a number of written petitions, and heard one petitioner, Francis Nehwati, President of the Zimbabwe Congress of Trade Unions.

⁴² See Y.U.N., 1966, p. 112, text of resolution 221 (1966).

⁴³ For text of Article 41, see footnote 32.

⁴⁴ Article 50 of the Charter states:

"If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems."

Mr. Nehwati told the Special Committee that horrifying as were the hangings of Africans by the illegal régime—merely because they claimed their human rights and freedoms—these hangings were only one symptom of the complex situation in the territory, the root causes of which included the denial of political rights to the majority; the support given to the Smith régime by South Africa and its satellites; and the United Kingdom's complicity and manoeuvres in Southern Rhodesia. In view of the continuous deterioration of the situation, the people of Zimbabwe were convinced that the illegal régime could never be brought down by economic sanctions, but only by disarming the Southern Rhodesian army and police force. His organization appealed to the Special Committee to recommend to the Security Council, as a matter of priority, that an international military task force should be despatched to Southern Rhodesia to disarm the Smith régime and to supervise the restoration of democracy to the majority of the people in that country.

In reply to questions, Mr. Nehwati told the Special Committee that, despite economic sanctions, the Smith régime could still get whatever commodities it wanted from outside Southern Rhodesia and could still sell many of its products to certain foreign countries, thus rendering sanctions ineffective. Petroleum was flowing into the country through Mozambique and South Africa in quantities large enough to sustain the illegal régime, and several other commodities in the list of prohibited items were entering through the same route. Mr. Nehwati also informed the Committee that several battalions of South African troops were in Southern Rhodesia, helping the Smith régime to suppress the African people, and that there were over 20,000 political prisoners in the country, including those in jail, those in concentration camps, and those in restriction camps.

In answer to a further question concerning the ability of the United Kingdom to bring to an end the illegal régime, Mr. Nehwati told the Special Committee that at the time of the unilateral declaration of independence the United Kingdom, had it decided to use force, would have had the support of over 50 per cent of the European community and 100 per cent of the African community. He maintained that the

only reason the United Kingdom had claimed it had no effective control over the situation in Southern Rhodesia was that it did not choose to use force against its own kith and kin. Concerning the role foreign companies were playing in upholding the illegal régime, the petitioner said that several international companies were still operating in the territory and that the Governments concerned, although they publicly declared they were implementing sanctions, maintained the position upon being informed of the situation that they could not possibly know what all their nationals were doing.

The United Kingdom representative expressed deep shock at the executions which had taken place in Salisbury in defiance of common humanity and despite the commutation of the death sentences by the Queen. He said that the régime had acted in full knowledge of the barbarity and illegality of its action, which was a calculated defiance of law and all concepts of civilized behaviour. The executions were certain to receive the condemnation of the Special Committee and all other interested United Nations organs.

The representatives of Sierra Leone and the United Republic of Tanzania held the United Kingdom responsible for not enforcing its prerogative of clemency in favour of the three Africans and hoped that the United Kingdom Government would now give evidence of its good intentions by acting to prevent other murders. The representative of Syria was shocked that Africans had been led to the scaffold for defending their basic rights while the administering power had taken no action, except to make a declaration.

Other members of the Special Committee, including Afghanistan, Australia, Bulgaria, Chile, Ethiopia, Honduras, Iran, Iraq, Italy, Madagascar, Tunisia and the United States, joined in protesting the executions. Many of them stated that the executions constituted a crime and a deliberate affront to the international community.

India and the Ivory Coast hoped that the executions would convince the United Kingdom Government of the need to take stronger action against the illegal régime. Yugoslavia maintained that the main responsibility for taking all necessary measures, including the use of force, lay

with the administering power. Finland stressed that energetic efforts were required to halt such criminal acts and bring the suffering of the Zimbabwe people to an end. Venezuela agreed that all States, particularly the United Kingdom, should begin to assume their responsibilities before the situation deteriorated further.

The representatives of Poland and the USSR believed that the Western colonialist powers were providing economic and other assistance to the illegal régime and were gravely responsible for the situation in southern Africa.

On 7 March 1968, the Special Committee, by a roll-call vote of 20 to 0, with 4 abstentions, adopted a draft resolution sponsored by Afghanistan, Chile, Ethiopia, Honduras, India, Iran, Iraq, Ivory Coast, Madagascar, Mali, Sierra Leone, Syria, Tunisia, the United Republic of Tanzania, Venezuela and Yugoslavia.

By this resolution, the Special Committee: (1) strongly condemned the assassination of the three Africans of Zimbabwe by the illegal racist minority régime; (2) deplored the failure of the Government of the United Kingdom, as the administering power, to prevent the perpetration of such crimes in its colony of Southern Rhodesia; (3) urgently called upon the Government of the United Kingdom to take immediate and effective steps to prevent the recurrence of such crimes and to safeguard the persons of the African inhabitants of Zimbabwe; and (4) drew the urgent attention of the Security Council to the grave situation in the territory with a view to the Council taking effective actions to deal with it.

In explanation of vote, the representative of the United Kingdom said his delegation had abstained because it could not accept some of the allegations made against it, although it wholeheartedly shared the feelings of the international community regarding the executions. The representatives of Australia, Italy and the United States said they had been compelled to abstain on the vote because they felt that the second and third paragraphs of the draft resolution, deploring the failure of the United Kingdom to prevent the crime and calling on it to prevent recurrence of such crimes, did not accurately reflect the realities of the situation—namely, that the United Kingdom had done all in its power to forestall the executions. Finland

said it had voted for the draft resolution as an expression of its strong indignation; nevertheless, it also had certain reservations to the same paragraphs.

Following the execution of two more Africans in the territory on 11 March, the Special Committee gave further attention to the question of Southern Rhodesia.

General condemnation of this new act was expressed by Committee members. The United Kingdom expressed abhorrence at the latest demonstration by the illegal regime of its readiness to ignore international opinion, its contempt for the rule of law, and its disregard for the dictates of common humanity.

The representatives of Italy and the United States said that their Governments were complying fully with the economic sanctions and in no way recognized or assisted the illegal régime.

Poland and the United Republic of Tanzania believed that the United Kingdom Government was responsible for the deterioration of the situation and the suppressive measures and activities being carried out in Salisbury. Bulgaria felt that the United Kingdom and other Western powers were in fact supporting the illegal régime, despite their statements condemning it.

The USSR, representative said that the United Kingdom and the United States had prevented the Security Council from adopting all-embracing compulsory sanctions against the illegal régime and that the Governments of South Africa and Portugal were rendering assistance to the illegal régime. He proposed that the Special Committee recommend to the Security Council that it should condemn not only the policies of the Governments of South Africa and Portugal but also those of the United Kingdom, the United States and other countries that continued to maintain economic and other ties with the Smith régime.

Afghanistan and Madagascar observed that the position of the illegal régime had been strengthened by the formation of an alliance between it and South Africa and Portugal. Madagascar urged the adoption of comprehensive and mandatory sanctions against these countries in accordance with Chapter VII of the United Nations Charter. A number of other delegations, including Chile and Sierra Leone, supported

the idea of bringing the matter to the urgent attention of the Security Council.

The representative of Iraq said that the recent tragic events proved that the question of Southern Rhodesia would never be settled by another resolution condemning the Smith régime, or by selected mandatory sanctions. The time had come for direct military action in Southern Rhodesia, either on the part of the United Kingdom or the international community. The representative of Ethiopia stated that the illegal régime was wrong in believing that the recent executions would effectively silence freedom fighters, since history had shown that repression only led to further resistance. He feared that the present situation in Southern Rhodesia would result in a more serious threat to peace in southern Africa.

On 19 March, the Chairman of the Special Committee in a statement reflecting the point of view of the majority of the members, observed that since 1966, despite previous resolutions adopted by the General Assembly and sanctions imposed by the Security Council, the economy of Southern Rhodesia remained buoyant while the political situation continued to deteriorate. Not only had the illegal régime executed five Africans, but it had also embarked on a policy of racial segregation and apartheid similar to that in South Africa. Moreover, it was increasing military co-operation with the racist régimes in South Africa and Mozambique against the Zimbabwe freedom fighters, whose violent resistance to oppression was constantly growing in turn. The quickening conflict was currently being manifested in fresh reports of fighting in the Zambesi Valley which was possibly endangering the security of neighbouring States.

The Chairman recalled that in previous resolutions the General Assembly had called upon the Government of the United Kingdom to take immediately all the necessary measures, including the use of force, to put an end to the illegal racist minority régime and to ensure the immediate application to the territory of the Declaration on the Granting of Independence to Colonial Countries and Peoples.⁴⁵ Now that the situation had deteriorated to this grave level, it was the duty of the Security Council to call upon the United Kingdom, in the most peremptory

terms, to take action along the lines prescribed by the General Assembly.

Following the statement of the Chairman, the Special Committee decided to request that he bring to the attention of the Security Council the text of his statement, together with the summary records of the debate on the question of Southern Rhodesia and the documents which the Committee had had before it in that connexion.

In a letter dated 19 March to the President of the Security Council, the Chairman of the Special Committee drew the Council's attention to the text of his statement, as well as to the summary records and documents.

DECISIONS OF ECONOMIC AND SOCIAL COUNCIL

At its forty-fourth session, in May 1968, the Economic and Social Council took up aspects of the situation in Southern Rhodesia in connexion with its consideration of human rights questions.

In adopting a resolution on the question of slavery, the Economic and Social Council, among other things, requested all Governments to exert their full influence and resources to assist in the total eradication of the slavery-like practices of apartheid and colonialism, as practised particularly in Southern Rhodesia, Namibia (South West Africa) and South Africa. The Council also affirmed that the master and servant laws currently enforced in Southern Rhodesia, Namibia (South West Africa)⁴⁶ and South Africa constituted clear manifestations of slavery and the slave-trade. The Council's decisions to this effect were embodied in resolution 1330(XLIV) adopted on 31 May 1968. (For further details, see p. 584.)

By the terms of a second resolution (1332 (XLIV)), adopted on the same day, the Economic and Social Council approved the text of a draft resolution which it proposed for adoption by the General Assembly. This text dealt with measures for combating racial discrimination and the policies of apartheid and segregation in southern Africa. It was adopted by the

⁴⁵ See footnote 24.

⁴⁶ See footnote 31.

General Assembly on 19 December 1968, as resolution 2439 (XXIII). (See below, p. 151, for Assembly decision and page 567 for further details.)

DECISIONS AT INTERNATIONAL CONFERENCE ON HUMAN RIGHTS

At the International Conference on Human Rights, held at Teheran, Iran, from 22 April to 13 May 1968, several of the resolutions adopted by the participants dealt with aspects of the situation in Southern Rhodesia. (This Conference, convened by the General Assembly to review progress with regard to the elimination of racial discrimination and the practice of apartheid, and to formulate further measures, was attended by representatives of 84 Governments, United Nations bodies and specialized agencies and by observers from several regional inter-governmental organizations concerned with human rights and certain non-governmental organizations.)

A Conference resolution (Resolution III) dealing with measures to achieve rapid and total elimination of all forms of racial discrimination in general, and the policy of apartheid in particular, recalled United Nations resolutions condemning the brutal and inhuman practice of apartheid which was inflicting untold miseries upon nearly 20 million inhabitants of South Africa, Namibia (South West Africa) and Southern Rhodesia, and condemned the practices of South Africa and Portugal which provided support to the illegal, racist white minority régime in the colony of Rhodesia. The Conference also called upon the Government of the United Kingdom, as the administering power of the colony of Rhodesia, to take all necessary measures, including the use of force, to put an end to the illegal, racist minority régime of the white rebels of Rhodesia.

By the terms of a resolution (Resolution IV) concerning treatment of persons who opposed racist régimes, the Conference expressed its concern that persons who opposed the racist minority régimes in Southern Rhodesia, among other places, were not, when captured, treated in accordance with the minimum standards of the Red Cross Geneva Conventions.

(For further details, see page 538.)

CONSIDERATION BY GENERAL ASSEMBLY

At its twenty-third session, which opened on 24 September 1968, the General Assembly adopted two resolutions on the question of Southern Rhodesia on the recommendation of its Fourth Committee. The Fourth Committee considered the question at meetings held between 7 and 31 October 1968.

During the debate, most Committee Members stressed the necessity of bringing a speedy end to the illegal régime and restoring to the African people of Zimbabwe their inalienable right to self-determination and independence. Divergent opinions were expressed, however, with regard to the effectiveness of measures already being taken to achieve these goals and what further steps, if any, should be taken. Speakers generally held the view that it was the responsibility of the United Kingdom to bring down the Smith régime.

The representative of the United Kingdom told the Fourth Committee that since it had last considered the question of Southern Rhodesia in 1967 there had been one important development which significantly altered the situation with respect to the territory; that was the adoption by the Security Council on 29 May 1968 of a resolution (253(1968)) imposing comprehensive mandatory sanctions against Southern Rhodesia. (See pp. 152-54 for text of resolution.) This resolution represented a major step forward in the development of international action; it was essential for the future effectiveness and authority of the United Nations to show that the imposition of sanctions was a weapon which could be used to good effect. The United Kingdom, therefore, as before, was strongly opposed to the use of force in resolving the question, not only because it would risk setting off a racial conflict that might engulf the whole of southern Africa and lead to uncontrollable consequences, but also because in all likelihood such a step would not even achieve the objectives, which were political, not military. The United Kingdom remained committed to bringing Southern Rhodesia to independence under a democratic government elected by members of all races, and with a free political system, and the United Kingdom would not relax its

efforts until those objectives had been secured.

The representative of the United Kingdom also informed the Fourth Committee that, from 9 October to 15 October 1968, further talks had been held between the Prime Minister of the United Kingdom and Ian Smith to determine whether the illegal régime was prepared to accept a settlement in accordance with the six principles the United Kingdom Government had laid down.⁴⁷ At the conclusion of the talks, both sides had recognized that a wide gulf remained between them on certain issues, although both sides agreed that some progress had been made. The Prime Minister and his colleagues had given Mr. Smith a document setting out a basis on which, subject to the approval of the British Cabinet, a Rhodesian independence settlement would be introduced in Parliament. Mr. Smith and his colleagues had taken the document for consideration in Salisbury and it had been agreed that adequate time should be allowed for that consideration. The United Kingdom representative stated that he would keep the Committee informed of any further developments in the situation and repeated his Government's assurance that the key to any settlement was and must remain the six principles previously enunciated.

A differing view was held by many Members, who stated that coercive measures and force should be used by the United Kingdom to end the Smith rebellion. Those expressing such a viewpoint included: Afghanistan, Algeria, Burma, Ceylon, the Democratic Republic of the Congo, the Dominican Republic, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Jamaica, Kenya, Liberia, Madagascar, Mali, Mauritania, Nepal, Nigeria, Pakistan, the Philippines, Somalia, Southern Yemen, Sudan, Syria, Trinidad and Tobago, Uganda, Uruguay, the USSR, the United Arab Republic, the United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia and Zambia.

The representative of Pakistan and others referred to similar cases in the past when, they said, the United Kingdom had used force to quell rebellions in colonial situations. Guyana felt that a strong display of force by the United Kingdom would not lead to a spread of hostilities, but to the collapse of the white minority government. The United Arab Republic and

Venezuela, among others, considered that the United Kingdom had been evading its responsibilities to the people of Southern Rhodesia by transferring the problem to the United Nations and that it had, in fact, made it possible for the illegal régime to consolidate its position. Burundi said that the independent African States must consider taking severe measures against the United Kingdom so long as there was no change in the latter's attitude. Yugoslavia's representative proposed that the General Assembly should ask the Security Council to take appropriate steps to prevent the participation of South African armed forces in the combat against the national liberation movement of the people of Zimbabwe.

Some representatives, including those of Algeria, Indonesia, Malaysia and the United Republic of Tanzania, considered the problem of Southern Rhodesia as part of the larger problem of southern Africa. The minority régimes there posed a common threat. Action was needed to isolate them and prevent them from giving aid and support to the Smith régime. Particular attention was drawn to the fact that South African police units had been stationed in the territory and would remain there as long as the illegal régime felt that they were necessary to repress African nationalists.

The representative of the Byelorussian SSR believed that it was the support of the Western powers—which had monopolies entrenched in southern Africa deriving enormous profits from Southern Rhodesia—as well as Portugal and South Africa, that enabled the racist régime to remain in power in Southern Rhodesia.

The representatives of Madagascar, India and Zambia believed that negotiations with the illegal régime would compromise the interests of the territory, and that any settlement must be negotiated with the true representatives of the people of Zimbabwe. Nigeria said that the African freedom fighters, whether they constituted an armed force or a resistance movement, were entitled to certain rights. The United Nations should consider the possibility of asking representatives of the International Red Cross to visit Southern Rhodesia with a view to providing

⁴⁷ See Y.U.N., 1967, p. 114, for listing of six principles.

humanitarian aid and assistance to the freedom fighters.

A number of representatives analysed the question of economic sanctions against Rhodesia. The representative of Japan considered that it would be premature to form any conclusion regarding the effect of comprehensive sanctions when only five months had elapsed since their introduction. In the opinion of Finland's representative, Southern Rhodesia presented one of the greatest tests of the ability of the United Nations to solve a colonial problem by peaceful means. It was the first time that the United Nations had resorted to mandatory economic sanctions under Chapter VII of the Charter; this was the strongest peaceful enforcement action provided for, he noted. It was therefore of vital importance for the effectiveness and prestige of the United Nations that sanctions should succeed. Ghana urged that economic sanctions be extended to include the complete interruption of all means of communication, and also urged that the United Kingdom Government take immediate steps to expel South African and other foreign forces from the territory and to prevent all armed assistance to the rebel régime.

Morocco was among Committee Members supporting the view that sanctions should be extended to all States which openly or covertly supported the illegal régime.

The representative of Turkey welcomed the United Kingdom's adherence to the six principles and its intention to persist in its efforts until the objectives enumerated in the six principles were recognized. He regretted the failure of talks held between Prime Minister Wilson and Ian Smith and affirmed his delegation's sincere conviction that an agreement on a just, honourable and lasting settlement of the problems of Southern Rhodesia could be achieved only on the basis of the principles of the United Nations Charter and the Declaration on the Granting of Independence to Colonial Countries and Peoples.⁴⁸

China appreciated the reluctance of the United Kingdom to take military action against the illegal régime and felt that it would be infinitely better to settle the question by political and economic means. However, if such means should prove ineffective, the question of using

force would have to be considered. China considered that it was the United Kingdom Government which must decide whether and when force should be used, since the United Kingdom would have to bear the brunt of any military action.

The representative of Portugal, referring to charges made throughout the debate that his country was giving assistance to Southern Rhodesia by permitting the flow of goods to it through Angola and Mozambique, said that Portugal pursued a good neighbour policy and gave that landlocked territory access to the sea. In his country's opinion, the situation in Southern Rhodesia was an internal affair of the United Kingdom and did not justify external intervention.

Hungary's representative pointed out that the exclusive responsibility of the United Kingdom Government for settling the question of Southern Rhodesia did not prevent the General Assembly from discharging its own moral responsibility towards the people of Zimbabwe. One of the tasks of the General Assembly should be to mobilize world public opinion to bring pressure to bear upon the United Kingdom Government and make it comply with United Nations resolutions. The public information organs of the United Nations should also make a special effort to give wide publicity to the predicament of the Zimbabwe people and their struggle for liberation.

On 23 October 1968, the representatives of India, Mauritania and Zambia introduced a draft resolution eventually sponsored by the following 56 Member States: Afghanistan, Algeria, Barbados, Burundi, Cameroon, the Central African Republic, Ceylon, Chad, the Democratic Republic of the Congo, Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iran, Iraq, the Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, the Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Republic, the United Republic

⁴⁸See footnote 24.

of Tanzania, Upper Volta, Yugoslavia and Zambia. On 25 October, the Fourth Committee approved the draft, as orally revised by the sponsors, by a roll-call vote of 87 to 2, with 16 abstentions, and recommended it to the General Assembly which adopted it the same day, without debate, as its resolution 2379(XXIII), by a vote of 92 to 2, with 17 abstentions.

By this resolution, the General Assembly: (1) called upon the Government of the United Kingdom not to grant independence to Southern Rhodesia unless it was preceded by the establishment of a government based on free elections by universal adult suffrage and on majority rule; and (2) called upon all States not to recognize any form of independence in Southern Rhodesia without the prior establishment of a government based on majority rule in accordance with the General Assembly's resolution (1514(XV)) of 14 December 1960 on the granting of independence.⁴⁹ (For text, see DOCUMENTARY REFERENCES below.)

The United Kingdom representative, in explanation of vote in the Fourth Committee, said that his delegation would abstain on the grounds that by the terms of the draft resolution the General Assembly would appear to be infringing the responsibilities of the British Parliament and binding both his Government and the Governments of other States to an advance commitment even though the course of events could not yet be foreseen.

On 29 October 1968, the representatives of Ghana, Iraq, the Ivory Coast and the United Republic of Tanzania submitted a second draft resolution on the question of Southern Rhodesia to the Fourth Committee. This draft, as revised by the sponsors, was eventually sponsored by the following 50 Member States: Afghanistan, Algeria, Barbados, Burundi, Cameroon, the Central African Republic, Chad, the Congo (Brazzaville), the Democratic Republic of the Congo, Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Guyana, India, Indonesia, Iraq, the Ivory Coast, Kenya, Kuwait, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Arab Republic, the United Republic of Tanzania,

Upper Volta, Yemen, Yugoslavia and Zambia.

Prior to the vote on the resolution, a proposal by the representative of the United States for a separate vote on the preambular paragraphs as a whole and on operative paragraphs 1 to 5, 7, 9 and 11 (as numbered below) was rejected by a roll-call vote of 78 to 17, with 18 abstentions.

The revised draft resolution was approved by the Fourth Committee on 30 October by a roll-call vote of 89 to 9, with 15 abstentions. On 7 November, the General Assembly adopted it without debate, as resolution 2383(XXIII), by a roll-call vote of 86 to 9, with 19 abstentions. (For voting details, see DOCUMENTARY REFERENCES below.)

By the preambular paragraphs to this resolution, the General Assembly: (i) recalled its resolution (1514(XV)) of 14 December 1960 on the granting of independence, and all of its previous resolutions on Southern Rhodesia, as well as the Security Council's resolutions on the question; (ii) expressed its deep concern at the dangerous situation in Southern Rhodesia which had been further aggravated by the executions and by the presence of South African forces in the territory; (iii) expressed deep concern also at the threat constituted by the presence of South African armed forces in Southern Rhodesia to the sovereignty and territorial integrity of African States in the area; (iv) indicated that it was the primary responsibility of the United Kingdom to put an end to the illegal régime and to transfer effective power to the people of Zimbabwe; and (v) noted that the sanctions applied by the Security Council had not so far produced the desired results.

By the operative parts of this resolution, the General Assembly: (1) reaffirmed the inalienable right of the people of Zimbabwe to freedom and independence in conformity with the provisions of the Assembly's resolution of 14 December 1960 on the granting of independence to colonial countries and peoples; (2) affirmed the responsibility of the United Kingdom for the continuing deterioration of the situation and its conviction that the only effective way of quelling the rebellion was through the use of

⁴⁹ See footnote 24.

force by the administering power; (3) condemned the failure and refusal of the United Kingdom Government to take effective measures to bring down the illegal racist minority régime and to transfer power, based on free elections by universal adult suffrage, to the people of Zimbabwe; (4) affirmed its conviction that the sanctions so far adopted would not put an end to the illegal régime unless they were comprehensive, mandatory, and strictly supervised by force and complied with, in particular by South Africa and Portugal; (5) called upon the United Kingdom Government to use force in order to put an immediate end to the illegal régime; (6) considered that any independence without majority rule would be contrary to the provisions of the General Assembly's resolution (1514(XV)) of 14 December 1960, and called upon the United Kingdom to enter immediately into consultations with the representatives of political parties favouring majority rule; (7) condemned the policies of the Governments of South Africa and Portugal and all other Governments which continued to have political, economic, financial and other relations with Southern Rhodesia and which rendered direct or indirect economic, military and other assistance to the illegal régime; (8) called upon all States to bring an end to the activities of financial, economic and other interests operated by their nationals in Southern Rhodesia; (9) drew the attention of the Security Council to the urgent necessity of applying measures envisaged under Chapter VII of the Charter, by further widening the scope of sanctions to include all measures laid down in article 41 of the Charter and by imposing sanctions on South Africa and Portugal; (10) condemned the illegal intervention of South African forces in Southern Rhodesia and called upon the United Kingdom, as the administering power, to ensure their immediate expulsion and to prevent all armed assistance to the racist minority régime; (11) condemned in the strongest terms the detention, imprisonment and assassination of African nationalists in Southern Rhodesia; (12) called upon the administering power to ensure the immediate release of all African nationalists who were in prison and detention and to prevent further assassinations; (13) called upon the United Kingdom Government to ensure the

application of the "Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949" to the situation in the territory; (14) urged all States to render all moral and material assistance to the national liberation movements of Zimbabwe, either directly or through the Organization of African Unity; (15) requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the territory under review, and invited the Secretary-General to report to the Special Committee on the extent of the implementation by Member States of the resolutions of the United Nations concerning the territory; and (16) called upon the administering power to report to the Special Committee on its actions in the implementation of the present resolution. (For text of resolution, See DOCUMENTARY REFERENCES below.)

Explaining his vote in the Fourth Committee, the United Kingdom representative said that available information clearly showed that the sanctions adopted thus far actually were having far more impact than most representatives who spoke had suggested. If over recent weeks there had been some modification in the attitude of the illegal régime on some important points in the dispute, that could only have been the result of the increasing economic difficulties Southern Rhodesia was encountering. Therefore, if the United Nations resolutely persisted in the course all Members had jointly undertaken, there was now at least some hope that it would achieve the task it had set itself.

The United Kingdom representative rejected the suggestion of a number of Members that the United Kingdom was seeking to transfer its responsibility for Southern Rhodesia to the United Nations. The United Kingdom was fully conscious of its responsibility and had no intention of evading it. His Government had called upon the assistance of the United Nations only in order that Member States might co-operate as fully as possible in bringing pressure to bear against the Salisbury régime to persuade it to accept the transition to majority rule.

As to the use of force, the United Kingdom representative repudiated the contention that the United Kingdom had not hesitated to use

force in other colonial countries in the past. In fact, no colonial empire had dissolved with as little violence as had the British Empire and, during the 20 years in which that dissolution had taken place, there had not been a single colonial war.

With regard to the apartheid-like legislation being promulgated by the illegal régime, the United Kingdom representative assured the Committee that no constitution based on such a policy would be allowed as part of a negotiated settlement and that his Government continued to adhere to the six principles.⁵⁰ Furthermore, as he had previously stated, it would require a substantial change in circumstances before the British Government would abandon its commitment to the principle of no independence before majority rule. As to the suggestion that negotiations should not be with the representatives of the illegal régime but only with the representatives of the African majority, the United Kingdom repeated that any discussions could only be a prelude to a series of meetings which would include Africans and that, in accordance with the fifth principle, any settlement must be acceptable to the people of Southern Rhodesia as a whole, whose views would be determined by appropriate procedures.

In conclusion, the representative of the United Kingdom pointed out that despite the failure so far to bring the illegal régime to an end, some slightly encouraging trends could be observed. The illegal régime appeared ready to consider seriously some United Kingdom demands which it had previously refused outright; the mandatory death penalty for "crimes of terrorism" had been abolished; and there were demands on the "Government" from many sectors of the population for a settlement. Especially in view of these signs of progress and for the sake of the United Nations itself, among other reasons, the United Kingdom believed it was time to call a halt to increasingly militant and violent resolutions. Consequently, it felt obliged to vote against the draft resolution.

Spain, explaining its abstention, stated that some of the elements of the draft resolution predetermined the stand to be taken by the Security Council on matters which were within the Council's exclusive jurisdiction.

In explanation of his negative vote, South Africa's representative said that the paragraphs of the draft resolution calling for the use of force, not only by the United Kingdom but also by the Africans of Zimbabwe themselves, were against the spirit and terms of the United Nations Charter and could not be construed as contributing to a settlement of the issue. South Africa also objected to the statement in the text that the presence of South African troops in Southern Rhodesia had aggravated the situation and constituted a threat to the sovereignty and territorial integrity of independent African States in the area. There were no South African military forces in Southern Rhodesia but only South African police units which were there to fight terrorists destined for South Africa and which would remain there until the South African Government had the assurance that no further terrorists were on their way to South Africa.

The representatives of El Salvador, China, Costa Rica, Greece, Mexico and Turkey said that, although they had voted in favour of the draft resolution as a whole, they maintained certain reservations with regard to some of its paragraphs, particularly that calling for the use of force.

The representatives of Canada, Ecuador, Italy, Ireland and Japan said they had abstained in the vote, despite agreement with the aims of the resolution as a whole, primarily because they could not support the call for the use of force.

The Netherlands, New Zealand and the United States said that, because of the paragraphs calling for use of force, they had reluctantly voted against the draft resolution.

Five other resolutions adopted by the General Assembly, during the course of its twenty-third session, also dealt in part with aspects of the situation in Southern Rhodesia.

On 18 December 1968, on the recommendation of its Fourth Committee, the Assembly adopted resolution 2425 (XXIII) which was concerned with the activities of foreign economic and other interests in Southern Rhodesia, Namibia, and Portuguese and other colonial territories.

⁵⁰ See footnote 47.

The Assembly, among other things, thereby reaffirmed the inalienable right of the peoples of dependent territories to self-determination and independence and to the natural resources of their territories, as well as their right to dispose of these resources in their best interest. It also: condemned the exploitation of the colonial territories and peoples and the methods practised in the territories under colonial domination by those foreign economic, financial and other interests which were designed to perpetuate colonial rule; requested the administering powers to take immediate measures to put an end to all practices which exploited the territories and peoples under their administration; and requested all States to take practical measures to ensure that the activities of their nationals involved in economic, financial and other concerns in dependent territories did not run counter to the rights and interests of the colonial peoples. (For further details, see pp. 725-27.)

By the terms of resolution 2426(XXIII), adopted on 18 December 1968, the General Assembly called for the co-operation of the specialized agencies, the International Atomic Energy Agency (IAEA) and the international institutions associated with the United Nations in achieving the objectives of the Assembly's resolution of 14 December 1960 (1514(XV))⁵¹ on the granting of independence to colonial countries and peoples. The Assembly, among other things, recommended that the specialized agencies and international institutions concerned should assist the peoples struggling for their liberation from colonial rule and should, through the Organization of African Unity (OAU), work out with the national liberation movements concrete programmes for assisting the oppressed peoples of Southern Rhodesia, Namibia and the territories under Portuguese domination. (For further details, see pp. 719-22.)

On 26 November 1968, the General Assembly, on the recommendation of its Third (Social, Humanitarian and Cultural) Committee adopted a resolution (2394(XXIII)) concerning capital punishment in southern Africa. Among other things, the Assembly thereby condemned the illegal régime in Southern Rhodesia for resorting to application of the death penalty

and the threat or use of capital punishment in its attempt to suppress the natural aspirations of the people to social and economic justice, civil rights and political freedom. (For further details, see pp. 589-90.)

Two resolutions dealing with measures to combat racial discrimination and the policies of apartheid and segregation in southern Africa were adopted by the Assembly on 19 December 1968 on the recommendation of the Third Committee.

By resolution 2439(XXIII), the Assembly, among other things, urged all States to encourage information media within their territories to publicize the evils of apartheid and racial discrimination and the inhuman acts practised by the Government of South Africa and the illegal régime in Southern Rhodesia, as well as to publicize the aims and purposes of the United Nations and its efforts to eliminate these evils; and it condemned the actions of all those Governments which, in violation of United Nations resolutions, were continuing to maintain diplomatic, commercial, military, cultural and other relations with South Africa and the illegal régime in Southern Rhodesia, calling upon those Governments to break off such relations. (For further details, see pp. 566-67.)

By resolution 2446(XXIII), the Assembly, among other things, condemned the policy of racial discrimination of the illegal minority régime in Southern Rhodesia and deplored the refusal of the Government of the United Kingdom, as the administering power, to take effective measures to suppress this illegal régime and to ensure human rights and fundamental freedoms to the people of Zimbabwe. It also censured the Governments of South Africa and Portugal for assisting and collaborating with the illegal minority régime in Southern Rhodesia and confirmed the view of the International Conference on Human Rights (held in Teheran, Iran, 22 April-13 May 1968), which recognized and supported the legitimacy of the struggle of the peoples and patriotic liberation movements in southern Africa and in colonial territories. It further confirmed the Conference's decision to recognize the right of

⁵¹ See footnote 24.

freedom fighters in southern Africa and in colonial territories to be treated, when captured, as prisoners, of war, under the Geneva Conventions of 1949. The Assembly called upon all States to sever all relations with South Africa,

Portugal and the illegal minority régime in Southern Rhodesia and to refrain scrupulously from giving any military or economic assistance to these régimes. (For further details, see pp. 557-59.)

DOCUMENTARY REFERENCES

CONSIDERATION BY SECURITY COUNCIL (19 MARCH-29 MAY 1968)

SECURITY COUNCIL, meetings 1399, 1400, 1408, 1413, 1415, 1428.

S/8454. Letter of 12 March 1968 from Algeria, Botswana, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Democratic Republic of Congo, Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Lesotho, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta and Zambia (request for urgent: meeting of Security Council).

S/8455, S/8469. Letters of 12 and 13 March 1968 from Jamaica and Zambia (requests to participate in Council's discussion).

S/8465. Letter of 12 March 1968 from Trinidad and Tobago.

S/8476 and Corr.1. Letter of 19 March 1968 from Botswana.

S/8477. Letter of 19 March 1968 from Lesotho.

S/8545 and Corr.1. Algeria, Ethiopia, India, Pakistan, Senegal: draft resolution.

S/8554. United Kingdom: draft resolution.

S/8601. Draft resolution (submitted following consultations among Council members).

S/8603. USSR: amendment to draft resolution, S/8601.

RESOLUTION 253(1968), as submitted, S/8601, adopted unanimously by Council on 29 May 1968, meeting 1428.

The Security Council,

Recalling and reaffirming its resolutions 216(1965) of 12 November 1965, 217(1965) of 20 November 1965, 221(1966) of 9 April 1966, and 232(1966) of 16 December 1966,

Taking note of resolution 2262(XXII) adopted by the General Assembly on 3 November 1967,

Noting with great concern that the measures taken so far have failed to bring the rebellion in Southern Rhodesia to an end,

Reaffirming that, to the extent not superseded in this resolution, the measures provided for in resolutions 217(1965) of 20 November 1965 and 232(1966) of 16 December 1966, as well as those initiated by Member States in implementation of those resolutions, shall continue in effect,

Gravely concerned that the measures taken by the Security Council have not been complied with by all States and that some States, contrary to resolution 232(1966) of the Security Council and to their obligations under Article 25 of the Charter of the United Nations, have failed to prevent trade with the illegal régime in Southern Rhodesia,

Condemning the recent inhuman executions carried out by the illegal régime in Southern Rhodesia which have flagrantly affronted the conscience of mankind and have been universally condemned,

Affirming the primary responsibility of the Government of the United Kingdom to enable the people of Southern Rhodesia to achieve self-determination and independence, and in particular their responsibility for dealing with the prevailing situation,

Recognizing the legitimacy of the struggle of the people of Southern Rhodesia to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514(XV) of 14 December 1960,

Reaffirming its determination that the present situation in Southern Rhodesia constitutes a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Condemns all measures of political repression, including arrests, detentions, trials and executions which violate fundamental freedoms and rights of the people of Southern Rhodesia, and calls upon the Government of the United Kingdom to take all possible measures to put an end to such actions;

2. Calls upon the United Kingdom as the administering Power in the discharge of its responsibility to take urgently all effective measures to bring to an end the rebellion in Southern Rhodesia, and enable the people to secure the enjoyment of their rights as set forth in the Charter of the United Nations and in conformity with the objectives of General Assembly resolution 1514(XV);

3. Decides that, in furtherance of the objective of ending the rebellion, all States Members of the United Nations shall prevent:

(a) The import into their territories of all commodities and products originating in Southern Rhodesia and exported therefrom after the date of this resolution (whether or not the commodities or products are for consumption or processing in their territories, whether or not they are imported in bond and whether or not any special legal status with respect to the import of goods is enjoyed by the port or other place where they are imported or stored);

(6) Any activities by their nationals or in their

territories which would promote or are calculated to promote the export of any commodities or products from Southern Rhodesia; and any dealings by their nationals or in their territories in any commodities or products originating in Southern Rhodesia and exported therefrom after the date of this resolution, including in particular any transfer of funds to Southern Rhodesia for the purposes of such activities or dealings;

(c) The shipment in vessels or aircraft of their registration or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any commodities or purposes, educational equipment and material for ported therefrom after the date of this resolution;

(d) The sale or supply by their nationals or from their territories of any commodities or products (whether or not originating in their territories, but not including supplies intended strictly for medical purposes, educational equipment and material for use in schools and other educational institutions, publications, news material and, in special humanitarian circumstances, food-stuffs) to any person or body in Southern Rhodesia or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia, and any activities by their nationals or in their territories which promote or are calculated to promote such sale or supply;

(e) The shipment in vessels or aircraft of their registration, or under charter to their nationals, or the carriage (whether or not in bond) by land transport facilities across their territories of any such commodities or products which are consigned to any person or body in Southern Rhodesia, or to any other person or body for the purposes of any business carried on in or operated from Southern Rhodesia;

4. Decides that all States Members of the United Nations shall not make available to the illegal régime in Southern Rhodesia or to any commercial, industrial or public utility undertaking, including tourist enterprises, in Southern Rhodesia any funds for investment or any other financial or economic resources and shall prevent their nationals and any persons within their territories from making available to the régime or to any such undertaking any such funds or resources and from remitting any other funds to persons or bodies within Southern Rhodesia, except payments exclusively for pensions or for strictly medical, humanitarian or educational purposes or for the provision of news material and in special humanitarian circumstances, food-stuffs;

5. Decides that all States Members of the United Nations shall:

(a) Prevent the entry into their territories, save on exceptional humanitarian grounds, of any person travelling on a Southern Rhodesian passport, regardless of its date of issue, or on a purported passport issued by or on behalf of the illegal régime in Southern Rhodesia;

(b) Take all possible measures to prevent the entry into their territories of persons whom they have reason to believe to be ordinarily resident in Southern Rhodesia and whom they have reason to believe to have

furthered or encouraged, or to be likely to further or encourage, the unlawful actions of the illegal régime in Southern Rhodesia or any activities which are calculated to evade any measure decided upon in this resolution or resolution 232(1966) of 16 December 1966;

6. Decides that all States Members of the United Nations shall prevent airline companies constituted in their territories and aircraft of their registration or under charter to their nationals from operating to or from Southern Rhodesia and from linking up with any airline company constituted or aircraft registered in Southern Rhodesia;

7. Decides that all States Members of the United Nations shall give effect to the decisions set out in operative paragraphs 3, 4, 5 and 6 of this resolution notwithstanding any contract entered into or licence granted before the date of this resolution;

8. Calls upon all States Members of the United Nations or of the specialized agencies to take all possible measures to prevent activities by their nationals and persons in their territories promoting, assisting or encouraging emigration to Southern Rhodesia, with a view to stopping such emigration;

9. Requests all States Members of the United Nations or of the specialized agencies to take all possible further action under Article 41 of the Charter to deal with the situation in Southern Rhodesia, not excluding any of the measures provided in that Article;

10. Emphasizes the need for the withdrawal of all consular and trade representation in Southern Rhodesia, in addition to the provisions of operative paragraph 6 of resolution 217(1965);

11. Calls upon all States Members of the United Nations to carry out these decisions of the Security Council in accordance with Article 25 of the Charter of the United Nations and reminds them that failure or refusal by any one of them to do so would constitute a violation of that Article;

12. Deplores the attitude of States that have not complied with their obligations under Article 25 of the Charter, and censures in particular those States which have persisted in trading with the illegal régime in defiance of the resolutions of the Security Council, and which have given active assistance to the régime;

13. Urges all States Members of the United Nations to render moral and material assistance to the people of Southern Rhodesia in their struggle to achieve their freedom and independence;

14. Urges, having regard to the principles stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions of the present resolution;

15. Requests States Members of the United Nations, the United Nations Organization, the specialized agencies, and other international organizations in the United Nations system to extend assistance to Zambia as a matter of priority with a view to helping it solve such special economic problems as it may be confronted with arising from the carrying out of these decisions of the Security Council;

16. Calls upon all States Members of the United Nations, and in particular those with primary responsibility under the Charter for the maintenance of international peace and security, to assist effectively in the implementation of the measure called for by the present resolution;

17. Considers that the United Kingdom as the administering Power should ensure that no settlement is reached without taking into account the views of the people of Southern Rhodesia, and in particular the political parties favouring majority rule, and that it is acceptable to the people of Southern Rhodesia as a whole;

18. Calls upon all States Members of the United Nations or of the specialized agencies to report to the Secretary-General by 1 August 1968 on measures taken to implement the present resolution;

19. Requests the Secretary-General to report to the Security Council on the progress of the implementation of this resolution, the first report to be made not later than 1 September 1968;

20. Decides to establish, in accordance with rule 28 of the provisional rules of procedure of the Security Council, a committee of the Security Council to undertake the following tasks and to report to it with its observations:

(a) To examine such reports on the implementation of the present resolution as are submitted by the Secretary-General;

(b) To seek from any States Members of the United Nations or of the specialized agencies such further information regarding the trade of that State (including information regarding the commodities and products exempted from the prohibition contained in operative paragraph 3(d) above) or regarding any activities by any nationals of that State or in its territories that may constitute an evasion of the measures decided upon in this resolution as it may consider necessary for the proper discharge of its duty to report to the Security Council;

21. Requests the United Kingdom, as the administering Power, to give maximum assistance to the Committee, and to provide the Committee with any information which it may receive in order that the measures envisaged in this resolution and resolution 232(1966) may be rendered fully effective;

22. Calls upon all States Members of the United Nations, or of the specialized agencies, as well as the specialized agencies themselves, to supply such further information as may be sought by the Committee in pursuance of this resolution;

23. Decides to maintain this item on its agenda for further action as appropriate in the light of developments.

COMMUNICATIONS AND REPORTS TO SECURITY COUNCIL

S/7781/Add.5 and Add.5/Corr.1. Report by Secretary-General in pursuance of resolution 232(1966)

adopted by Security Council on 16 December 1966, meeting 1340. Addendum dated 13 June 1968.

S/8442. Letter of 7 March 1968 from Chairman of Special Committee on Situation with regard to Implementation of Declaration on Granting of Independence to Colonial Countries and Peoples (transmitting text of resolution adopted by Special Committee on 7 March 1968, meeting 581).

S/8443. Letter of 7 March 1968 from Chairman of Commission on Human Rights (transmitting text of consensus arrived at by Commission on 7 March 1968, meeting 986).

S/8444. Note verbale of 7 March 1968 from Guyana.

S/8447. Letter of 6 March 1968 from Ireland.

S/8448. Note verbale of 8 March 1968 from Jamaica.

S/8457. Letter of 12 March 1968 from Chad.

S/8460. Cable of 9 March 1968 from Morocco.

S/8474. Letter of 19 March 1968 from Chairman of Special Committee on Situation with regard to Implementation of Declaration on Granting of Independence to Colonial Countries and Peoples (transmitting text of statement by Special Committee Chairman on 19 March 1968, meeting 590, and drawing Council's attention to relevant records and documents).

S/8480. Letter of 19 March 1968 from Israel.

S/8481. Letter of 20 March from Portugal.

S/8485. Letter of 20 March 1968 from USSR (transmitting statement by Telegraph Agency of Soviet Union (TASS)).

S/8497, S/8503. Note verbale of 20 March and letter of 21 March 1968 from Sudan.

S/8504. Letter of 26 March 1968 from Hungary (transmitting letter of 14 March from German Democratic Republic).

S/8513. Letter of 26 March 1968 from Burundi.

S/8523. Letter of 1 April 1968 from Barbados.

S/8529. Letter of 29 March 1968 from Somalia.

S/8531. Letter of 2 April 1968 from Finland.

S/8532. Note verbale of 3 April 1968 from Madagascar.

S/8539 and Corr.1. Note verbale of 2 April 1968 from Belgium.

S/8542. Note verbale of 5 April 1968 from India.

S/8557. Note verbale of 18 April 1968 from Luxembourg.

S/8580. Letter of 2 May 1968 from Rwanda.

S/8686. Letter of 16 July 1968 from United Kingdom.

S/8697 and Corr.1. Establishment of Committee of Security Council in pursuance of para. 20 of Council resolution 253(1968).

S/8702. Note verbale of 31 July 1968 from Denmark.

S/8705. Note verbale of 24 July 1968 from Greece.

S/8709. Note verbale of 31 July 1968 from Austria.

S/8710. Letter of 1 August 1968 from Sweden.

S/8714. Letter of 1 August 1968 from United States.

S/8715. Letter of 31 July 1968 from Finland.

S/8718. Letter of 2 August 1968 from Japan.

S/8723. Note verbale of 2 August 1968 from Kenya.

S/8728. Note verbale of 1 August 1968 from Madagascar.

- S/8731. Letter of 6 August 1968 from Turkey.
 S/8732. Note verbale of 1 August 1968 from Pakistan.
 S/8734. Note verbale of 30 July 1968 from Norway.
 S/8735. Note verbale of 5 August 1968 from Syria.
 S/8736. Note verbale of 31 July 1968 from USSR.
 S/8738. Note verbale of 7 August 1968 from Byelorussian SSR.
 S/8740. Letter of 26 July 1968 from Chile.
 S/8743. Note verbale of 8 August 1968 from Ukrainian SSR.
 S/8744. Note verbale of 7 August 1968 from New Zealand (concerning action by Western Samoa).
 S/8751. Note verbale of 5 August 1968 from Poland.
 S/8752. Letter of 12 August 1968 from Senegal.
 S/8754. Note verbale of 15 August 1968 from Singapore.
 S/8757. Letter of 20 August 1968 from Brazil.
 S/8775. Note verbale of 13 August 1968 from Israel.
 S/8776. Note verbale of 23 August 1968 from Canada.
 S/8779. Letter of 27 August 1968 from Belgium.
 S/8786 and Add.1-4. Report of 28 August 1968 by Secretary-General in pursuance of resolution 253 (1968) adopted by Security Council on 29 May 1968, meeting 1428, and addenda to report, dated 25 September, 10 October and 1 and 27 November 1968.
 S/8791. Note verbale of 23 August 1968 from Australia.
 S/8792. Letter of 29 August 1968 from New Zealand.
 S/8795. Note verbale of 30 August 1968 from Mongolia.
 S/8809. Note verbale of 30 August 1968 from France.
 S/8811. Letter of 9 September 1968 from Luxembourg.
 S/8221. Letter of 18 September 1968 from United Kingdom.
 S/8824. Note verbale of 12 September 1968 from Ghana.
 S/8827. Note verbale of 6 September 1968 from Malta.
 S/8838. Note verbale of 23 September 1968 from Madagascar.
 S/8853. Note verbale of 9 October 1968 from Denmark.
 S/8897. Letter of 14 November 1968 from Secretary-General (transmitting resolution 2383 (XXIII) adopted by General Assembly on 7 November 1968, meeting 1710).
 S/8913. Letter of 2 December 1968 from Portugal.
 S/8915 and Corr.1. Letter of 25 November 1968 from Libya.
 S/8920 (A/7377) and Corr.1. Letter of 6 December 1968 from USSR (transmitting statement by TASS).
 S/8954. Report of Committee established in pursuance of Security Council resolution 253(1968) of 29 May 1968.

CONSIDERATION BY SPECIAL COMMITTEE OF TWENTY-FOUR

Special Committee on Situation with Regard to Implementation of Declaration on Granting of Independence to Colonial Countries and Peoples, meetings 580-582, 584-590.

A/7200/Rev.I. Report of Special Committee, Chapter VI.

CONSIDERATION BY GENERAL ASSEMBLY

GENERAL ASSEMBLY—23RD SESSION

Fourth Committee, meetings 1758-1760, 1762-1772, 1775-1779.

Plenary Meetings 1707, 1710.

A/7200/Rev.I. Report of Special Committee on Situation with regard to Implementation of Declaration on Granting of Independence to Colonial Countries and Peoples (covering its work during 1968), Chapter VI.

A/7202. Report of Security Council to General Assembly, Chapter 6.

A/7377/(S/8920 and Corr.1). Letter of 6 December 1968 from USSR transmitting statement by Telegraph Agency of Soviet Union (TASS).

A/C.4/706 and Add.1. Requests for hearings.

A/C.4/L.908. Afghanistan, Algeria, Burundi, Cameroon, Ceylon, Democratic Republic of Congo, Cyprus, Dahomey, Ethiopia, Ghana, India, Indonesia, Ivory Coast, Jordan, Kenya, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia: draft resolution.

A/C.4/L.908/Rev.I. Afghanistan, Algeria, Barbados, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Democratic Republic of Congo, Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Guyana, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Upper Volta, Yugoslavia, Zambia: revised draft resolution, adopted by Fourth Committee on 25 October 1968, meeting 1772, by roll-call vote of 87 to 2, with 16 abstentions, as follows:
 In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Brazil, Bulgaria, Burma, Burundi,

Byelorussian SSR, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Democratic Republic of Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: Portugal, South Africa.

Abstaining: Australia, Austria, Belgium, Botswana, Denmark, Finland, France, Iceland, Italy, Malawi, Netherlands, New Zealand, Norway, Sweden, United Kingdom, United States.

A/7290. Report of Fourth Committee (part I).

RESOLUTION 2379(xxiii), as proposed by Fourth Committee, A/7290, adopted by Assembly on 25 October 1968, meeting 1707, by 92 votes to 2, with 17 abstentions.

The General Assembly,

Recalling its resolution 1514(XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling further all the resolutions adopted by the General Assembly and the Security Council concerning the question of Southern Rhodesia,

Reaffirming the inalienable right of the people of Zimbabwe to self-determination, freedom and independence,

Considering that any independence without a government elected by a majority of the people of Zimbabwe is contrary to the provisions and objectives of resolution 1514(XV),

1. Calls upon the Government of the United Kingdom of Great Britain and Northern Ireland not to grant independence to Southern Rhodesia unless it is preceded by the establishment of a government based on free elections by universal adult suffrage and on majority rule;

2. Calls upon all States not to recognize any form of independence in Southern Rhodesia without the prior establishment of a government based on majority rule in accordance with General Assembly resolution 1514(XV).

A/C.4/L.909 and Add.I. Afghanistan, Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Democratic Republic of Congo, Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Kenya, Kuwait, Liberia, Libya, Madagascar, Mali, Mauri-

tania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sierra Leone, Somalia, Southern Yemen, Sudan, Syria, Togo, Tunisia, Uganda, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia, Zambia: draft resolution.

A/C.4/L.909.Rev.I. Revised draft resolution, sponsored by 46 powers listed above and in addition by Barbados, Guyana, Trinidad and Tobago and Upper Volta, adopted by Fourth Committee on 30 October 1968, meeting 1778, by roll-call vote of 89 to 9 with 15 abstentions as follows:

In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Democratic Republic of Congo, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Republic, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Australia, Belgium, Luxembourg, Netherlands, New Zealand, Portugal, South Africa, United Kingdom, United States.

Abstaining: Austria, Brazil, Canada, Cuba, Denmark, Finland, France, Iceland, Ireland, Italy, Japan, Malawi, Norway, Spain, Sweden.

A/7290/Add.I. Report of Fourth Committee (part II).

RESOLUTION 2383(xxiii), as proposed by Fourth Committee, A/7290/Add.I, adopted by Assembly on 7 November 1968, meeting 1710, by roll-call vote of 86 to 9, with 19 abstentions, as follows:

In favour: Afghanistan, Algeria, Argentina, Barbados, Bolivia, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Congo (Brazzaville), Democratic Republic of Congo, Costa Rica, Cyprus, Czechoslovakia, Dahomey, Dominican Republic, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Maldives Islands, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Southern Yemen, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Arab Re-

public, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Australia, Belgium, Luxembourg, Netherlands, New Zealand, Portugal, South Africa, United Kingdom, United States.

Abstaining: Austria, Brazil, Canada, Colombia, Denmark, El Salvador, Finland, France, Honduras, Iceland, Ireland, Italy, Japan, Malawi, Nicaragua, Norway, Paraguay, Spain, Sweden.

The General Assembly,

Having considered the question of Southern Rhodesia,

Recalling its resolution 1514(XV) of 14 December 1960, all its previous resolutions and those of the Security Council concerning the question of Southern Rhodesia,

Recalling further that the Security Council determined, in its resolutions 232(1966) of 16 December 1966 and 253(1968) of 29 May 1968, that the situation in Southern Rhodesia constituted a threat to international peace and security.

Deeply concerned over the dangerous situation in Southern Rhodesia, which has been further aggravated by the executions and acts of suppression carried out by the illegal racist régime against the African people and by the presence of South African forces in the Territory,

Deeply concerned at the serious threat constituted by the South African armed forces in Southern Rhodesia to the sovereignty and territorial integrity of independent African States in the area,

Bearing in mind the primary responsibility of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to put an end to the illegal régime in Southern Rhodesia and to transfer effective power, based on free elections by universal adult suffrage and on majority rule, to the people of Zimbabwe,

Noting that the sanctions applied by the Security Council have not so far produced the desired results,

1. Reaffirms the inalienable right of the people of Zimbabwe to freedom and independence and the legitimacy of their struggle to attain that right in conformity with the provisions of General Assembly resolution 1514(XV) ;

2. Affirms the responsibility of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, for the continuing deterioration of the situation, and its conviction that the only effective way of quelling the rebellion in Southern Rhodesia is through the use of force by the administering Power ;

3. Condemns the failure and the refusal of the Government of the United Kingdom, as the administering Power, to take effective measures to bring down the illegal racist minority régime in Southern Rhodesia and to transfer power, based on free elections by universal adult suffrage and on majority rule, to the people of Zimbabwe ;

4. Affirms its conviction that the sanctions so far adopted will not put an end to the illegal racist minority regime unless they are comprehensive, mandatory,

strictly supervised by force and complied with, in particular by South Africa and Portugal;

5. Calls upon the Government of the United Kingdom to use force in order to put an immediate end to the illegal régime in Southern Rhodesia and, in this regard, notes with appreciation the offers of Zambia and the Democratic Republic of the Congo to make their territories and air space available for this purpose;

6. Considers that any independence without majority rule in Southern Rhodesia is contrary to the provisions of General Assembly resolution 1514(XV) and calls upon the United Kingdom to enter immediately into consultations with the representatives of political parties favouring majority rule;

7. Condemns the policies of the Governments of South Africa and Portugal and all other Governments which continue to have political, economic, financial and other relations with Southern Rhodesia and which render direct or indirect economic, military and other assistance to the illegal racist minority régime, thus enabling it to sustain itself;

8. Calls upon all States to bring to an end the activities of financial, economic and other interests operated by their nationals in Southern Rhodesia;

9. Draws the attention of the Security Council to the urgent necessity of applying the following measures envisaged under Chapter VII of the Charter of the United Nations:

(a) The scope of the sanctions should be widened further to include all the measures laid down in Article 41 of the Charter with respect to the illegal racist regime in Southern Rhodesia;

(b) Sanctions should be imposed on South Africa and Portugal, the Governments of which have blatantly refused to carry out the mandatory decisions of the Security Council ;

10. Condemns the illegal intervention of South African forces in Southern Rhodesia and calls upon the United Kingdom, as the administering Power, to ensure the immediate expulsion of all South African armed forces, including the police, from Southern Rhodesia and to prevent all armed assistance to the racist minority régime ;

11. Condemns in the strongest terms the detention, imprisonment and assassination of African nationalists in Southern Rhodesia;

12. Calls upon the administering Power to ensure the immediate release of all African nationalists who are in prison and in detention and to prevent further assassination of African nationalists in Southern Rhodesia;

13. Calls upon the United Kingdom, in view of the armed conflict prevailing in the Territory and the inhuman treatment of prisoners, to ensure the application to that situation of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949;

14. Urges all States, as a matter of urgency, to render all moral and material assistance to the national liberation movements of Zimbabwe, either directly or through the Organization of African Unity;

15. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to keep the situation in the Territory under review, and invites the Secretary-General to report to the Special Committee on the extent

of the implementation by Member States of the resolutions of the United Nations concerning the Territory;

16. Calls upon the administering Power to report to the Special Committee on its actions in the implementation of the present resolution.

THE SITUATION IN NAMIBIA

During 1968, several United Nations organs considered various aspects of the situation in Namibia which, the General Assembly proclaimed on 12 June 1968, should henceforth be the name of the territory formerly known as South West Africa.

Details about the decisions taken in 1968 by the various United Nations organs concerned on matters pertaining to Namibia will be found on pp. 776-90.

In January, and again at meetings held in February and March (before the Assembly proclaimed the change in the territory's name), the Security Council discussed the trial in South Africa of 37 South West Africans. The Security Council adopted two resolutions whereby, *inter alia*, it condemned the South African Government's refusal to comply with the provisions of a General Assembly resolution, of 16 December 1967, condemning the illegal arrest, deportation and trial at Pretoria of 37 South West Africans as a flagrant violation of their rights and of the international status of the territory. It also called upon the South African Government to discontinue this illegal trial forthwith and to release and repatriate the persons concerned. Member States were urged to assist the Council to obtain compliance by the South African Government. The Council also decided that in case the South African Government failed to comply with the Council's resolutions, the Council would meet immediately to determine effective steps or measures in conformity with the relevant provisions of the United Nations Charter. (For texts of resolutions, see pp. 773 and 774.)

The United Nations Council for Namibia met on several occasions at different times during the year, and the General Assembly's 24-member Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to

Colonial Countries and Peoples also discussed the situation in the territory. (For details about the activities of the Council on Namibia and the Special Committee of Twenty-four, see pp. 775-76, 781-82, 776 and 781.)

The Economic and Social Council also considered some questions bearing on the situation in Namibia. (For details, see page 780.)

In addition, the International Conference on Human Rights, held at Teheran, Iran, from 22 April to 13 May 1968, took a number of decisions concerning the situation in Namibia. (For details, see p. 780-81.)

In 1968, during its resumed twenty-second session, and later in the year at its twenty-third session, the General Assembly adopted a number of decisions in addition to proclaiming the change in the territory's name.

Among other things, the Assembly: reaffirmed the inalienable right of the Namibian people to independence and reaffirmed the legitimacy of their struggle against the foreign occupation of their country; condemned South Africa for its persistent defiance of the authority of the United Nations, for its refusal to withdraw from Namibia, for its actions and policies designed to destroy Namibia's national unity and territorial integrity and for obstructing the efforts of the United Nations Council for Namibia to proceed to Namibia; condemned the actions of those States which, by continuing their political, military and economic collaboration with South Africa, encouraged the South African Government to defy the authority of the United Nations; called upon all States to desist from those dealings with the South African Government which would have the effect of perpetuating South Africa's illegal occupation of Namibia and to take effective economic and other measures to secure the immediate withdrawal of South African administration from Namibia; considered that the continued foreign

occupation of Namibia by South Africa constituted a grave threat to international peace and security; and recommended that the Security Council urgently take all appropriate steps, in accordance with United Nations Charter provisions, to ensure the immediate removal of the South African presence from Namibia and to secure independence for Namibia. (For texts of Assembly resolutions, see pp. 787-88, 789, 790 and 736-37.)

Another Assembly resolution, which related in part to the situation in Namibia, dealt with activities of foreign economic and other interests impeding the implementation of the United Nations Declaration of 14 December 1960 on granting independence to colonial countries and peoples. By this resolution, the Assembly, inter

alia: reaffirmed the inalienable right of the peoples of Namibia and other dependent territories to the natural resources of their territory as well as their right to dispose of these resources in their best interest; declared that depriving the colonial peoples concerned of the exercise of these rights or subordinating them to foreign economic and financial interests violated the obligations which the Member States concerned had assumed under United Nations Charter provisions regarding non-self-governing and Trust Territories and condemned the exploitation of colonial territories and peoples and the methods practised by those foreign economic, financial and other interests which were designed to perpetuate colonial rule. (For further details, see pp. 725-27.)

RELATIONS BETWEEN AFRICAN STATES AND PORTUGAL

COMPLAINTS BY DEMOCRATIC REPUBLIC OF CONGO AGAINST PORTUGAL

On 3 June 1968 the Democratic Republic of the Congo, in a letter to the President of the Security Council, complained that on 21 May 1968 two Portuguese military aircraft had intruded into Congolese territory, dropping leaflets in Portuguese over Kimpangu. One side of the leaflets bore the Portuguese colours and the other side bore a text offering a better life to those who returned to Angola which was called "an integral part of Portugal." The Congo letter protested such acts of provocation which, it said, violated the principles of the United Nations Charter.

In another letter dated 28 June, the Democratic Republic of the Congo charged that, on 23 June, Portuguese aircraft operating from Angola had bombed Yongo, causing considerable damage to property and wounding two inhabitants. This was stated to be the third of a series of aggressive acts committed by Portugal against the Congo during the previous few weeks: 27 persons had been killed the first time, and 18 the second time. The letter declared that such acts violated relevant Security Council and General Assembly resolutions and expressed the hope that Governments whose

assistance enabled Portugal to maintain an anachronistic colonial situation would realize their responsibility for the deaths and suffering incurred.

In a further letter dated 5 July, the Democratic Republic of the Congo charged Portugal with committing new acts of aggression: on 26 June, 15 Portuguese soldiers had entered Congolese territory and had seized five Angolan refugees; on 30 June, Portuguese armed forces had fired 10 times at three Congolese on the frontier with Angola and, on 2 July, they had bombed three Congolese villages.

COMPLAINT BY ZAMBIA AGAINST PORTUGAL

In a letter dated 8 November 1968 and addressed to the President of the Security Council, Zambia charged that, on 6 November, Portuguese armed forces had violated Zambian territory and taken up positions at Kameta village, near the Mozambique border. Zambian security forces had been engaged by Portuguese forces and, in a clash that ensued, one Portuguese soldier had been killed and four others seriously wounded. One Zambian soldier had been wounded. That incident was one in a series of similar unprovoked aggressive acts by Portuguese forces against Zambia.

POLITICAL AND SECURITY QUESTIONS

DOCUMENTARY REFERENCES

COMPLAINTS BY DEMOCRATIC
REPUBLIC OF CONGO
AGAINST PORTUGAL

S/8619, S/8660, S/8672. Letters of 3 and 28 June and
5 July 1968 from Democratic Republic of Congo.

A/7202. Report of Security Council to General Assem-
bly, Chapter 2 C.

COMPLAINT BY ZAMBIA
AGAINST PORTUGAL

S/8895. Letter of 8 November 1968 from Zambia.