

## 4. THE QUESTION OF SOUTH AFRICA

**Decision of 12 March 1985 (2574th meeting): resolution 560 (1985)**

By a letter dated 28 February 1985,<sup>1</sup> the representative of Egypt, in his capacity as Chairman of the Group of African States at the United Nations for the month of February, requested an urgent meeting of the Security Council to consider the serious situation in South Africa resulting from the murder of defenceless Africans demonstrating against forced removals, the arrests and "high treason" charges against the United Democratic Front (UDF) officials and the continued intensification of violent repression by the apartheid State.

By a letter dated 6 March 1985 addressed to the Secretary-General,<sup>2</sup> the representative of India transmitted the text of a communiqué adopted on the same date by the Coordinating Bureau of the Movement of Non-Aligned Countries condemning the Pretoria regime for the wanton murder of innocent men, women and children who were protesting their forced removal from Crossroads and other places for resettlement, recalling Security Council resolutions 473 (1980), 554 (1984) and 556 (1984), as well as other relevant resolutions, and urging the Council to take the necessary measures to implement those resolutions and to deal effectively with the current grave situation in South Africa, through the imposition of comprehensive mandatory sanctions under Chapter VII of the Charter of the United Nations.

At its 2571st meeting, on 8 March 1985, the Council included the letter dated 28 February 1985 from the representative of Egypt in its agenda and considered the item at the 2571st and 2574th meetings, on 8 and 12 March 1985.

In the course of its deliberations the Council invited the representatives of the People's Democratic Republic of Yemen, Guinea, South Africa, the Syrian Arab Republic, the United Republic of Tanzania and Viet Nam, at their request, to participate, without the right to vote, in the discussion of the item.<sup>3</sup> The Council also extended an invitation, at his request, to the Acting Chairman of the Special Committee against Apartheid.<sup>4</sup>

At the 2571st meeting, on 8 March 1985, the representative of Guinea, in his capacity as Chairman of the Group of African States for the month of March, stated that the struggle of the oppressed people of South Africa was not only the struggle of the African continent but also the struggle of all mankind, and that any collusion with the Pretoria regime, the ending of which was required by the Charter of the United Nations, was a crime against all mankind. He added that the time had come for the peoples of the world, who in 1945 had declared their determination to safeguard international peace and security, to put an end to Pretoria's racist tyranny by countering its poisonous ideology with the ideology of the equality of men and of races. Apartheid could not be reformed and must be rooted out and it was therefore imperative for the international community to keep up and elevate the pressure on Pretoria to

force it to respect the legitimate rights of the South African people, since only the elimination of apartheid and the establishment of a democratic and non-racial society based on inter-community dialogue within the framework of universal suffrage exercised by all could lead to a just solution of the problem of South Africa.<sup>5</sup>

At the same meeting, the representative of India, speaking on behalf of the Movement of Non-Aligned Countries, stated that apartheid lied at the root of the serious threat to peace and security that continued to exist in southern Africa and that the obsession with preserving and consolidating apartheid provided the primary motivation behind South Africa's transgressions of the Charter of the United Nations and international law as manifested by the humiliation and repression unleashed upon the majority community, the continued illegal occupation of Namibia and the repeated acts of aggression, interference and destabilization directed against independent African States. He said that of immediate concern to the Council at that meeting were the recent grave developments, which included the indiscriminate murder of innocent men, women and children at Crossroads and other places for protesting their forced removal and resettlement in the infamous Bantustans, the arbitrary arrest of a large number of leaders and members of the UDF and other mass organizations, as well as the preferment of high treason charges against many of them for their participation in the peaceful mass movement for a united, non-racial and democratic South Africa. He quoted extensively from the communiqué issued by the Coordinating Bureau of the Movement of Non-Aligned Countries<sup>6</sup> expressing, *inter alia*, the conviction that the continued intensification of the apartheid State's violent repression against the oppressed and dispossessed people of South Africa further vindicated the legitimacy of their struggle by all means at their disposal, including armed struggle. He then introduced a draft resolution<sup>7</sup> sponsored by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago. He characterized the provisions of the draft text as an encapsulation of all the aspects of immediate concern and the principles that the Council must uphold, and expressed the hope that the draft would be supported by all the members of the Council. He concluded by recalling the name of the South African township, Crossroads, which had recently been the scene of the tragic events, and stating that the Security Council had long been at a crossroads on the question and that, faced with South Africa's continued defiance, the time had come for the Council to proceed from this crossroads towards the imposition of suitable enforcement measures against Pretoria.<sup>8</sup>

At the same meeting the representative of the United Republic of Tanzania, speaking in his capacity as representative of the current Chairman of the Organization of African Unity (OAU), stated that apartheid was an evil system recognized as a crime against humanity, by the General Assembly, the Movement of Non-Aligned Countries, OAU and the entire international community. He stressed

<sup>1</sup>S/16991.

<sup>2</sup>S/17009.

<sup>3</sup>For details, see chap. III of the present *Supplement*.

<sup>4</sup>S/PV.2571, pp. 18 and 19; see also chap. III of the present *Supplement*.

<sup>5</sup>*Ibid.*, pp. 4-6.

<sup>6</sup>S/17009, annex.

<sup>7</sup>S/17013, subsequently replaced by S/17013/Rev.1 and adopted as resolution 560 (1985).

<sup>8</sup>S/PV.2571, pp. 7-12.

that the apartheid system posed a threat to international peace and security and that it was, therefore, within the framework of the international consensus that concrete measures should be taken to force the South African regime to abandon its evil policies. The stepped-up violence, the resort to mass arrests, the preferment of high treason charges against the leaders of the UDF bespoke South Africa's non-preparedness for peaceful change and that the inherently aggressive nature of the regime was also reflected in its military attacks and other forms of destabilization against the neighbouring independent States of Angola, Botswana, Swaziland, Lesotho, Mozambique and Zambia. The so-called reforms that were being worked out by the Pretoria regime had been unmasked for what they were—an orchestrated campaign of deception, an attempt to divide the internal opposition to apartheid to denationalize the black people, institute bantustans and to foment fratricidal conflict within the black population not only in South Africa but in all of southern Africa, and that this long-term objective, for the achievement of which the South African regime was setting up, training and arming the tribal armies, must not be permitted by the Security Council. He noted the growing campaign in favour of disinvestment and other measures as encouraging and called on the international community, in particular the Council, to come out in clear support of such and other corresponding measures that would compel the regime to abandon apartheid. He reiterated the insistence on the part of the member States of OAU that nothing short of the imposition of effective measures under Chapter VII of the Charter of the United Nations would compel the South African regime to abandon its obnoxious policies. He further stated that apartheid, as an evil system, had to employ violence to survive and that the Council, in opposing the current spate of violence, must not be seen to be lacking in resolve to dismantle apartheid altogether. Meanwhile, the Council had to demand that the Pretoria regime put an immediate end to forced removals of black people from their homes, uphold the legitimacy of the struggle and also demand that the racist regime withdraw the treason charges against those charged and grant them immediate and unconditional release.<sup>9</sup>

At the same meeting, the Acting Chairman of the Special Committee against Apartheid read out, at the outset of his statement, the text of a message addressed to the President of the Security Council by Bishop Desmond Tutu in which the Bishop had stated that the UDF, an organization that had constantly worked for peaceful change within the legal perimeters of South African laws and had not espoused violence had had its leaders detained, and had expressed his hope that the international community would express its abhorrence of the Government of South Africa's actions in preventing opposition to its vicious policies. The Acting Chairman said that the efforts that had been made by the United Nations over decades to resolve the problem of apartheid in a just and peaceful way and in accordance with the principles of the Charter and the Universal Declaration of Human Rights had proved fruitless and that the situation had deteriorated seriously because of Pretoria's clear determination to put down by violence any attempt on the part of the Africans to claim their right to freedom, equality and human dignity. He further stated that, apart from the

recent acts of repression in which a total of 200 had been killed and 1,500 seriously wounded, the Pretoria regime continued to build up the military arsenal through which it maintained its domination over the majority, continued its illegal occupation of Namibia and attempted to impose its hegemony over the neighbouring States. He referred to Mr. R. F. Botha's recent proposal to consider a formula whereby political rights would be granted to those blacks who were established in the outskirts of urban areas and to the rejection by Nelson Mandela, a symbol of the resistance, of the offer of liberation that had been made to him provided that he "renounce violence", and declared that the sole purpose of all those machinations was to strengthen the system of apartheid in violation of the universally accepted principle of the right of peoples to self-determination. He emphasized that southern Africa could not enjoy peace and stability unless apartheid was completely eradicated and all the inhabitants of South Africa, without any distinction as to race, colour or creed, were enabled to exercise their right to self-determination. He concluded by recalling that the Security Council, as long ago as 1963, had stated its conviction that the situation in South Africa was a serious threat to international peace and security, and by appealing to the Council, as the principal body responsible for the maintenance of international peace and security, not to shirk the responsibilities vested in it under the Charter and to adopt unanimously the draft resolution introduced by the representative of India.<sup>10</sup>

At the same meeting, after a brief suspension of the meeting, the representative of South Africa stated that the meeting of the Council had been convened irregularly, in blatant contravention of the provisions of the Charter of the United Nations, which unambiguously precluded intervention in the domestic affairs of a Member State, and that it would be difficult to envisage a more cynical abuse of the powers of the Security Council than the convening of such a meeting. He also stated that the sponsors of the draft resolution that was before the Council had set aside the provisions of the Charter and instead had pressed on with their vendetta and with their desperate and irrational campaign against South Africa and its peoples at a time when, as never before in the history of that country, the opportunities for increasing goodwill and cooperation among all the peoples and communities in the complex and multifaceted country had been so dramatically enhanced. He characterized the draft resolution as a distortion of events in South Africa and said that the charges by its sponsors against his country could more appropriately be levelled against some of their own Governments. Regarding the references that had been made in the Council's meeting to Crossroads and in order to put the events that had recently occurred there into perspective, it should be borne in mind that the phenomenon of population draft to the cities along with the resultant squatter camps and their concomitant problems had been and continued to be experienced by almost all developing countries and that the Republic of South Africa also had its share of the problem. He said that South Africa had not been able to stem the human drift across the borders to its metropolitan and rural areas; that there were more than one and a half million foreign workers who voluntarily, and in most cases illegally, crossed the borders from neighbouring States in search of a better

<sup>9</sup>Ibid., pp. 13-18.

<sup>10</sup>Ibid., pp. 21-17.

life; and that Crossroads, which had become the refuge for 80,000 destitute people driven there through poverty, economic recession and drought, should be seen rather as a symbol of compassion and not, as depicted in the draft resolution, a symbol of oppression. He emphasized that the inhabitants of Crossroads lived under unacceptable social and physical conditions, which not only threatened the health and safety of the community but also gave rise to a reign of crime and terror waged by competing factions. To those crimes and terror were added, despite the Government's assurances, unfounded rumours of a forced mass removal that had given rise to a panic situation and, during the ensuing riots, the police had been attacked by stone-throwing mobs and fired upon with live ammunition, being thereby compelled to return the fire. He stated that his Government regretted the loss of life; that it was actively pursuing a plan of action aimed at the avoidance of such tragic events; and that it was prepared to consider measures, including the possibility of a proper upgrading and urban development of Crossroads and other areas. Regarding the allegations that South Africa was arbitrarily arresting people and charging them with high treason for opposing the Government's policies, he said that South Africans were not and could not be arrested and prosecuted for opposition to the Government; that a number of political parties, organizations, individuals and newspapers voiced their opposition on a daily basis as freely, openly and legally as in the minority of countries of the world that permitted the exercise of such rights; and that, if that assessment of his was to be questioned, he challenged the Security Council to appoint a committee of inquiry into freedom of expression in all countries. In connection with the persons referred to in the draft resolution, he stated that there was nothing arbitrary about their arrest, which, far from being for their political beliefs or their membership in any organization, was the result of due legal process; that the Government of South Africa, which was proud of the independence, integrity and impartiality of its courts, could not interfere with the legal process; and that the demand by the sponsors of the draft resolution for the immediate and unconditional release of those accused reflected the scant respect they had for the due process of law. He concluded by asserting that, at a time when South Africa had embarked upon peaceful and orderly constitutional reform and development, building upon the pattern of consultation and negotiation with leaders of all population groups of all races and creeds, it was unfortunate that his Government was confronted with a series of outrageous accusations in the Security Council by a majority of countries in the United Nations to which a peaceful solution to South Africa's problems was anathema and which desired and instigated conflict.<sup>11</sup>

At the 2574th meeting, on 12 March 1985, the representative of the United Kingdom of Great Britain and Northern Ireland, speaking in explanation of vote before the vote, stated that the new spate of violence focused on Crossroads as well as the continuing exclusion of the large majority of Black South Africans from political life; the denial of their fundamental civil and political rights, and the policy of forced removals were deplored throughout the world. At the same time, the United Kingdom had acknowledged the indication, given by the South African State President in his speech of

25 January, of greater flexibility and a commitment to a fuller dialogue between his Government and a representative cross-section of Black South African opinion. The Security Council, far from ruling out peaceful change, must encourage such dialogue and press for the fundamental reforms that would be needed to satisfy the legitimate aspirations of that country's Black majority and that, therefore, the United Kingdom did not interpret the reference to "the legitimacy of the struggle" as relating to armed struggle or extending to the use of force. He concluded by indicating that his delegation would vote in favour of the draft resolution, which in its revised form simply appealed for the charges of high treason to be dropped and not to prejudge the outcome of legal proceedings.<sup>12</sup>

The revised draft resolution was then voted upon, at the same meeting, and adopted unanimously as resolution 560 (1985).<sup>13</sup> The resolution reads as follows:

*The Security Council,*

*Recalling* its resolutions 473 (1980), 554 (1984) and 556 (1984), which, *inter alia*, demanded the cessation of the uprootings, relocation and denationalization of the indigenous African people,

*Noting with deep concern* the aggravation of the situation in South Africa resulting from repeated killings of defenceless opponents of *apartheid* in various townships all over South Africa and, most recently, the killing of African demonstrators against forced removals at Crossroads,

*Gravely concerned* by the arbitrary arrests of members of the United Democratic Front and other mass organizations opposed to the *apartheid* regime,

*Deeply concerned* by the preferment of charges of "high treason" on Mrs. Albertina Sisulu, Mr. Archie Gumede, Mr. George Sewpershad, Mr. M. J. Naidoo, the Reverend Frank Chikana, Professor Ismael Mohammed, Mr. Mewa Ramgobin, Mr. Cassim Saloojee, Mr. Paul David, Mr. Essop Jasset, Mr. Curtis Nkondo, Mr. Aubrey Mokoena, Mr. Thomazile Qweta, Mr. Sisa Njikelana, Mr. Sam Kikine and Mr. Isaac Ngcobo, officials of the United Democratic Front and other opponents of *apartheid* for their participation in the non-violent campaign for a united non-racial and democratic South Africa,

*Aware* that racist South Africa's intensified repression and charges of "high treason" against leading opponents of *apartheid* constitute an effort further to entrench racist minority rule,

*Concerned* that repression further undermines the possibilities of a peaceful solution of South African conflict,

*Concerned* over racist South Africa's policy of the uprooting, denationalization and dispossession of three and a half million indigenous African people to date, thus swelling the ranks of the other millions already doomed to permanent unemployment and starvation,

*Noting with indignation* that South Africa's policy of bantustanization is also aimed at the creation of internal bases for the fomenting of fratricidal conflict,

1. *Strongly condemns* the Pretoria regime for the killing of defenceless African people protesting against their forced removal from Crossroads and other places;

2. *Strongly condemns* the arbitrary arrests by the Pretoria regime of members of the United Democratic Front and other mass organizations opposed to South Africa's policy of *apartheid*;

3. *Calls upon* the Pretoria regime to release unconditionally and immediately all political prisoners and detainees, including Nelson Mandela and all other black leaders with whom it must deal in any meaningful discussion of the future of the country;

4. *Also calls upon* the Pretoria regime to withdraw the charges of "high treason" instituted against the United Democratic Front officials, and calls for their immediate and unconditional release;

<sup>12</sup>S/PV.2574, pp. 8 and 9.

<sup>13</sup>For the vote on the revised draft resolution (S/17013/Rev.1), see *ibid.*, p. 11.

<sup>11</sup>*Ibid.*, pp. 62-76.

5. *Commends* the massive united resistance of the oppressed people of South Africa against *apartheid*, and reaffirms the legitimacy of their struggle for a united, non-racial and democratic South Africa;

6. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;

7. *Decides* to remain seized of the matter.

**Decision of 22 March 1985: statement by the President**

On 22 March 1985, the President of the Council issued the following statement on behalf of its members:<sup>14</sup>

The members of the Security Council have entrusted me to express on their behalf their grave concern over the rapid deterioration of the situation in South Africa resulting from the state of violence against defenceless opponents of apartheid throughout the country and most recently in the town of Uitenhage on 21 March 1985 where the South African police opened fire on innocent people proceeding to a funeral, killing and wounding scores of them.

The members of the Council strongly deplore such acts of violence, which can only further aggravate the situation in South Africa and make more difficult the search for peaceful solution of the South African conflict.

The members of the Council recall the provisions of resolution 560 (1985), adopted unanimously on 12 March 1985, in which the Council noted with deep concern the intensification of repression in South Africa, commended the massive united resistance of the oppressed people of South Africa against apartheid, and reaffirmed the legitimacy of their struggle for a united, non-racial and democratic South Africa.

The members of the Council urge the Government of South Africa to end violence and repression against the black people and other opponents of apartheid and to take urgent measures to eliminate apartheid.

**Decision of 26 July 1985 (2602nd meeting): resolution 569 (1985)**

By a letter dated 24 July 1985 addressed to the President of the Security Council,<sup>15</sup> the representative of France expressed his Government's deep concern at the continuance and worsening of the human suffering the apartheid system was causing in South Africa and requested an immediate meeting of the Council.

By a letter dated 25 July 1985 addressed to the President of the Council,<sup>16</sup> the representative of Mali, in his capacity as current Chairman of the Group of African States, requested an urgent meeting of the Council to consider the situation in South Africa.

At its 2600th meeting, on 25 July 1985, the Council included in its agenda the above-mentioned letters dated 24 and 25 July 1985 from the representatives of France and Mali, respectively, and considered the item at the 2600th to 2602nd meetings, on 25 and 26 July 1985.

In the course of the deliberations, the President, with the consent of the Council, invited the representatives of Cuba, Kenya, Mali, South Africa, the Central African Republic, Ethiopia, the German Democratic Republic, Senegal, the Syrian Arab Republic, Zaire and Yugoslavia, at their request, to participate in the discussion without the right to vote.<sup>17</sup>

The Council also extended an invitation under rule 39 of the provisional rules of procedure to the Chairman of the Special Committee against Apartheid.<sup>18</sup>

At the 2600th meeting, at the outset of the discussion, the President of the Council drew the attention of the members to a draft resolution submitted by Denmark and France.<sup>18</sup>

<sup>14</sup>S/17050.

<sup>15</sup>S/17351.

<sup>16</sup>S/17356.

<sup>17</sup>For details, see chap. III.

<sup>18</sup>S/17354, subsequently replaced by S/17354/Rev.1 and adopted as resolution 569 (1985).

The representative of France stated that his country was totally opposed to racial discrimination and rejected it, especially where it had become systematic. He quoted his Prime Minister who, on 23 July, had stated that the apartheid regime of South Africa was abhorrent to all persons committed to justice and human rights. France shared that position with the other members of the European Community whose Ministers for Foreign Affairs had, on 22 July, expressed their deepest concern over the persistence of human suffering in South Africa caused by the system of apartheid. He further stated that apartheid was contrary to the moral and political principles that were at the basis of a civilized society and that the only solution to it was its elimination and the establishment in its place of a great and democratic society based on the equality of civil and political rights and on equal respect for the dignity of every human being. In recounting the events and facts that had led his Government to request an emergency meeting of the Security Council, he again quoted the Prime Minister of France, who had stated:

Events of recent days have shown a new and serious deterioration. By declaring a state of emergency, by conferring full powers on the army and the police, by multiplying arbitrary arrests and by giving the order to fire on the population, the Government of South Africa is increasing its repression.

It was the Council's duty to renew its condemnation of the system of apartheid and of the practices that derived from it, including the mass arrests that had just been initiated by the Government of South Africa, and that the Council should also call for the immediate lifting of the state of emergency and the prompt and unconditional release of all political prisoners, including Nelson Mandela, who had been imprisoned for more than 20 years. He concluded by stating that, while France, for its part, had decided to recall its Ambassador to South Africa and to suspend forthwith and unconditionally any new French investment in that country, the draft resolution his delegation had submitted urged Member States to take a number of measures that were both firm and realistic, in view of the flagrant violation of fundamental human rights and in the hope that other countries would join France so that justice and wisdom might finally prevail in that part of the world.<sup>19</sup>

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland stated that the violence, which had occurred not only between members of different racial groups but also within the groups, had continued throughout the previous years and had claimed over 400 lives. Such violence was the tragic but inevitable result of the deep-seated frustration of the majority of the people of South Africa, which could be redressed only through fundamental reforms and not by repression. He quoted the British Foreign Secretary, who, on 23 July, had declared that apartheid was unacceptable, unworkable and indefensible, and that most repugnant of all had been the fact that the inequalities between a ruling minority and a deprived majority had been not only vast but that they had been built upon foundations of racial discrimination. He stated that, while there was no disagreement within the Council that apartheid must be brought to an end as soon as possible, there were differing views on the ways in which that could be achieved and that, for his Government, the path of negotiation and of dialogue be-

<sup>19</sup>S/PV.2600, pp. 6-8.

tween the communities concerned must be preferred to armed struggle, violence and the repression that engendered. He cautioned that the Council should not encourage violence nor should it call for measures that, on the basis of extensive past experience, including that of Southern Rhodesia, were known to be ineffective; and that it would be irresponsible for the Council to call for measures that would harm the population of South Africa and of neighbouring countries, without achieving the desired end. He urged that the common ground should be insistence on far-reaching reform by maintaining a balance of pressure and persuasion in relations with South Africa, and by keeping open the channels of communication as well as the prospect of economic advancement for poorer sections of the community.<sup>20</sup>

At the same meeting, the representative of Denmark stated that the declaration by South African authorities of a state of emergency in certain areas seemed to show that repression was the only answer the White minority had to the demands of the black majority to exercise its rightful political and civil rights. He condemned the inhuman apartheid system and said that his Government had previously emphasized the necessity of adoption by the Council of mandatory sanctions against the Republic of South Africa, which, by its acts of aggression and breaches of the peace in violation of the Charter's provisions, had created a situation constituting a serious threat to international peace and security. He concluded that for Denmark, which was a co-sponsor of the draft resolution before the Council, it was important that the Council—pending mandatory sanctions under Chapter VII of the Charter—quickly reached agreement on measures that could effectively increase the pressure against the Government of South Africa in order to bring it to understand that the apartheid system had to be abolished through peaceful means while that was still possible.<sup>21</sup>

At the same meeting, the representative of the United States of America said that the Council's discussion must focus on the overriding goal of what the world could do to help abolish the system of apartheid, under which a person was deemed socially and politically inferior because he or she was not white. He recalled the terrible civil war that his country had undergone to rid itself of institutionalized servitude and prejudice, and expressed the wish that no country should suffer a similar haemorrhage of lives and talents that inevitably resulted when one man sought to oppress another. While the objectives of the United States were shared by all, the means it employed were criticized by those who held that no significant change could be effected without totally isolating Pretoria economically and politically. However, the United States was convinced that such an isolation would lead to more bloodshed, to increased autarchy of the South African economy, to a curtailment of external influence to effect change and, in the end, to greater suffering for the very people everyone was trying to help. The seriousness of the United States Government's conviction that apartheid would sooner or later lead South Africa into chaos was underscored by various measures it had undertaken: United States arms sales to that country had been embargoed since 1963 and in 1977 it had joined the United Nations in imposing a further man-

datory arms embargo against South Africa as well as in the embargo, adopted by the Council last December, on imports of arms and ammunition produced in that country. While the United States' commercial relationship had recently been restricted and no official credits were extended to South Africa, the United States Government sought to eradicate apartheid by employing the full force of its diplomacy, by working with elements in that country that shared a vision of peace and harmony, by encouraging fair employment practices and by being involved in financing programmes that would give South African blacks better training and opportunities. His Government believed its actions had had an effect, but that it doubted the suitability of certain elements of the draft resolution under consideration, in particular the suspension of new investments, as means of discouraging apartheid since such measures could disrupt the functioning of an economy that had recently been increasingly open to Blacks and had given them growing power to eliminate apartheid. He concluded by pleading that it was time for the international community to act responsibly, to use its influence constructively and to refrain from actions that would have the opposite effect from those intended.<sup>22</sup>

At the same meeting, the representative of Australia stated that the state of emergency had been imposed following months of violent protest by the black community against the Government's constitutional measures and that, since the promulgation of the new discriminatory Constitution in 1984, some 500 people had been killed and thousands injured. The response of the Government of South Africa to legitimate protest and grievances had been widespread repression and, while the state of emergency would not provide a permanent end to violence, it was more likely to encourage people to feel that the only way to achieve progress would be through confrontation and violence. The Government of Australia did not condone violence but, as it had made clear on a number of previous occasions, it held the view that only fully respected and universally applied economic sanctions could be really effective.<sup>23</sup>

At the same meeting, the representative of China stated that the South African authorities had not only defied the numerous resolutions of the Security Council and the General Assembly demanding the complete elimination of apartheid, but that, on the contrary, they had intensified the barbarous policy of suppression of the black people and of aggression against neighbouring countries. The Council should not only condemn the South African authorities, but also seek the immediate lifting of the state of emergency and the release of all political prisoners as well as call upon the entire international community to adopt various measures of sanctions against South Africa and to support the struggle of the people against apartheid. He concluded by stating that, in the event the South African authorities continued in their defiance of the relevant United Nations resolutions, the Security Council must seriously consider the imposition of comprehensive mandatory sanctions in accordance with Chapter VII of the Charter.<sup>24</sup>

At the same meeting, the representative of the Union of Soviet Socialist Republics stated that many United Nations decisions had described the apartheid policies of South Af-

<sup>20</sup>*ibid.*, pp. 12 and 13.

<sup>21</sup>*ibid.*, pp. 14-16.

<sup>22</sup>*ibid.*, pp. 17-19.

<sup>23</sup>*ibid.*, pp. 21-24.

<sup>24</sup>*ibid.*, pp. 27 and 28.

rica as constituting a threat to the maintenance of international peace and that there was essentially a war going on between that regime and the majority of its population rebelling against it. He declared that comprehensive mandatory sanctions, not limited economic sanctions as suggested by some of the previous speakers in the Council's discussion, would lead to the elimination of the apartheid regime, which had been encouraged by the policy of constructive engagement to intensify its repression and persecution of those fighting racism in South Africa as well as its acts of aggression against neighbouring States. He recalled a General Assembly statement that only the elimination of apartheid and the establishment of a non-racial democratic society based on universal adult suffrage could lead to a just settlement of the explosive situation in South Africa, and its urging that the Council should consider measures to ensure the expulsion of the Pretoria regime from the United Nations and its system of organizations, as well as the imposition of sanctions under Chapter VII of the Charter. The Council should act with the full weight of responsibility vested in it under the Charter and take measures commensurate to the situation in South Africa, which represented a serious threat to international peace and security. He concluded by stating that while the Soviet Union would continue with its policy of supporting national liberation movements, including those in South Africa, it unfortunately found the two-Power draft resolution before the Council inadequate and that, therefore, his delegation reserved its position on that text.<sup>25</sup>

At the same meeting, the representative of South Africa said, at the outset of his statement, that his Government did not regard the internal situation in South Africa as a matter for discussion by the Security Council and that they rejected the Council's double standards in debating the declaration of a state of emergency in certain parts of his country while it chose to ignore similar situations in other countries. He noted that the Council's meeting had been requested by France, a country that, he said, had only recently proclaimed a state of emergency in New Caledonia and where it had reportedly sent in more than 5,000 members of its security forces to restore law and order. He also recalled the recent clashes between police and demonstrators in the French-ruled archipelago of Guadeloupe and observed that those situations should have served to remind France of the difficulties of coping with the emotional issues of civil and political rights, but that France had seen fit to call a meeting of the Council to condemn South Africa for its handling of what was an immeasurably more complex situation. He stated that his Government stood ready and committed to enter into dialogue and negotiation with representatives of black opinion in order to find an equitable solution to the problems by satisfying the reasonable aspirations of all the peoples of South Africa and by seeking to create structures of government that would allow participation by all, without domination. He referred to a statement of 29 June by his State President in the South African Parliament in which he rejected the charge that their constitutional objectives ran counter to civilized conceptions of human rights, dignity and freedom irrespective of race, colour or religion; that his Government stood for an evolutionary process of adaptation and innovation based upon and tailored to South African circumstances; that the

principle of self-determination to which they were committed was not rigid but open for unlimited possibilities compatible with the choices that each population group or community might eventually wish to make; and that, therefore, the issue was not one of objective but rather of a method that would ensure political participation without destroying stability and progress in all spheres of life for all the communities. The representative of South Africa emphasized that the only condition that had been laid down was that violence should be renounced as a means to achieve political ends. The unrest in South Africa had been and continued to be instigated to frustrate the reform process and, while the moderate black leadership were being intimidated by threats to their lives and properties in order to prevent their involvement in the negotiating process, the excesses perpetrated by the extremist elements included not only murder, arson and destruction of property but also such acts as burning people alive. After months of efforts to restore order with the normal powers at their disposal to no avail, the South African authorities had introduced emergency measures to protect black lives and property in black areas. He regretted that, if the measures proposed by France were to be implemented, the black peoples of South Africa and its neighbours would be the first to feel the effects of measures designed to undermine the South African economy; and assured the Council that the state of emergency introduced by the Government would be lifted as soon as the violence diminished and that the process of dialogue and debate would be continued in the best interest of all the peoples of South Africa.<sup>26</sup>

At the same meeting, Mr. Joseph Garba (Nigeria), Chairman of the Special Committee against Apartheid, recalled resolutions 554 (1984), by which the Council denounced the so-called new Constitution, and 560 (1985), condemning the Pretoria regime for the repression and killings and demanding an end to those acts; and said that, in both instances, the Government of South Africa had responded by further escalating the killings and repression in utter contempt of the Security Council. Despite the escalating violence and repression, the racist regime had been unable to suppress the resistance of the oppressed people who were fighting for their elementary rights. The issue before the Council was neither the mere escalation of repression against people struggling for the principles of the Charter of the United Nations and the Universal Declaration of Human Rights, nor was it the gruesome massacres of the Sharpeville, Soweto and Uitenhage types, but, as events had shown, the Pretoria regime was a terrorist regime that dealt with legitimate protest only through violence, that was determined to stop at nothing to preserve white racism, and that was incapable of restoring law and order or engineering reform. The starting point for any discussion of the current grave crisis in South Africa must be the legitimacy of the struggle of the oppressed people for a united, non-racial and democratic South Africa, as repeatedly recognized by the Security Council—most recently in its resolutions 554 (1984) and 560 (1985). He referred to the inescapable responsibility of the Security Council, which had recognized in the wake of the Sharpeville massacre of 1960 the danger to international peace and security resulting from apartheid and racial conflict and stated that the Council had been unable to discharge its responsibility owing to the fact that

<sup>25</sup>Ibid., pp. 30-36.

<sup>26</sup>Ibid., pp. 40-47.

some of its permanent members had opposed a determination under Chapter VII of the Charter that the situation in South Africa constituted a threat to international peace and security despite the aggression and terrorism committed by the Pretoria regime against Angola, Botswana, Zambia, Zimbabwe, Mozambique, Lesotho and even Seychelles. He recalled the statement of the representative of the United States earlier at the same meeting and said that that statement had missed the point that apartheid was not merely an issue of equal employment opportunities but that it primarily denied the majority population the exercise of its inalienable right to self-determination. The oppressed people of South Africa had a right to expect of the Council concrete and meaningful action that would put an end to the inhuman system of apartheid and the terror that was inseparable from it. He concluded by recalling General Assembly resolution 3411 C (XXX), adopted in 1975, by which the Assembly had proclaimed that the United Nations and the international community had a special responsibility towards the oppressed people of South Africa and the liberation movements, as well as towards the imprisoned or exiled for their struggle against apartheid.<sup>27</sup>

At the same meeting, the representative of Mali, speaking in his capacity as current Chairman of the Group of African States, stated that the proclamation on 20 July 1985 of a state of emergency in 36 black South African towns and the subsequent imposition of an information blackout were aimed at the massacre of the people and the consolidation and perpetuation of the abominable system of apartheid. The African Group condemned the policy of constructive engagement and all other forms of collaboration with apartheid and called on the United Nations, in particular the Security Council, to shoulder its responsibility in the face of the growing threat to international peace and security, and to take the necessary measures under Chapter VII of the Charter for the total isolation of apartheid. He concluded by reaffirming the solidarity of the African Group with the people of South Africa and their liberation movements in the legitimate struggle for freedom, justice and peace.<sup>28</sup>

At the same meeting, the representative of Kenya stated that it had been and remained the firm conviction of his country that what was currently happening in South Africa was neither new nor an internal matter on which the international community, through the Security Council, could remain indifferent. He elaborated that the situation was not new because the black South Africans had lived for years under the de facto emergency state of affairs, in which they had no right to the privacy of their homes and in which arbitrary arrests and wanton killing had become a way of life. The racist regime's continued defiance of world public opinion, including the opinion of the Council itself, was not only proof of the inadequacy and failure of the measures and methods that had so far been employed but an eloquent testimony of South Africa's true character as an outlaw State. By their own conduct, the oppressors had forfeited any claim to speak for all South Africans and could not be allowed to justify their criminal acts under the pretence of maintaining law and order, when they themselves were engaged in disrupting the lives of innocent black South Africans who had long been denied peace. He said

that it was ironic to read a quotation from the President of the apartheid regime in that day's issue of *The New York Times*, where he had stated: "South Africa had a responsibility to its people not to be prescribed to by foreign Governments 'about what is in the best interests of the people of South Africa'". The representative of Kenya further stated that, while it might be readily conceded that under the Charters of both OAU and the United Nations, as well as under international law, no State—and much less the United Nations—had any right to interfere in the internal affairs of another State except under certain restricted circumstances, apartheid had been condemned, rejected and declared a "crime against humanity", and that, therefore, apartheid or any acts of commission or omission in its furtherance were not and could not be an internal matter for South Africa; and that, in any case, arbitrary arrests, detention and unprovoked murders of innocent black children, women and men could not be in the best interests of the people of South Africa, white or black.<sup>29</sup>

The President of the Council, at the request of the representative of France, supported by Burkina Faso, speaking on behalf of the non-aligned members of the Council, suspended the meeting for the purpose of consultations among the members on the draft resolution before them.<sup>30</sup>

When the Council resumed its 2600th meeting, following informal consultations, the representative of France proposed that the draft resolution submitted by his delegation be put to the vote.<sup>31</sup>

The representative of Burkina Faso, speaking also on behalf of the non-aligned members of the Council, requested that the vote be postponed to enable some of the Council members to consult their Governments on a number of points, following which the President, with the consent of the Council, adjourned the meeting.<sup>32</sup>

At the 2602nd meeting, on 26 July 1985, the representative of France introduced the revised draft resolution, which, he said, broadly took into account suggestions made to them, and requested that it be put to the vote.<sup>33</sup>

The President of the Council first put to the vote an amendment to the revised draft resolution orally proposed by Burkina Faso, Egypt, India, Madagascar, Peru and Trinidad and Tobago,<sup>34</sup> providing for the insertion of a new operative paragraph after the existing operative paragraph 5. The result of the vote was 12 in favour, 2 against and 1 abstention, and the amendment was not adopted owing to the negative votes of permanent members of the Council.<sup>35</sup> Under the amendment the Council would have strongly warned South Africa that failure to comply with the resolution "would compel the Security Council to meet forthwith to consider the adoption of appropriate measures under the Charter of the United Nations, including Chapter VII".<sup>36</sup>

<sup>27</sup>*Ibid.*, pp. 85-88.

<sup>30</sup>*Ibid.*, pp. 91 and 92; see also chap. IV of the present *Supplement*.

<sup>31</sup>*Ibid.*, p. 96.

<sup>32</sup>*Ibid.*; see also chap. I of the present *Supplement*.

<sup>33</sup>S/PV.2602/Corr.1, p. 42.

<sup>34</sup>*Ibid.*, pp. 42-45.

<sup>35</sup>For the vote on the orally proposed amendment, see *ibid.*; see also chaps. I and IV of the present *Supplement*.

<sup>36</sup>S/PV.2602, p. 45.

<sup>27</sup>*Ibid.*, pp. 50-54.

<sup>28</sup>*Ibid.*, p. 59.

The Council then voted on the revised draft resolution, which was adopted by 13 votes to none, with 2 abstentions, as resolution 569 (1985).<sup>37</sup> The resolution reads as follows:

*The Security Council,*

*Deeply concerned* at the worsening of the situation in South Africa and at the continuance of the human suffering that the *apartheid* system, which the Council strongly condemns, is causing in that country,

*Outraged* at the repression, and condemning the arbitrary arrests of hundreds of persons,

*Considering* that the imposition of the state of emergency in thirty-six districts of the Republic of South Africa constitutes a grave deterioration of the situation in that country,

*Considering* as totally unacceptable the practice by the South African Government of detention without trial and of forcible removal, as well as the discriminatory legislation in force,

*Acknowledging* the legitimacy of the aspirations of the South African population as a whole to benefit from all civil and political rights and to establish a united non-racial and democratic society,

*Also acknowledging* that the very cause of the situation in South Africa lies in the policy of *apartheid* and the practices of the South African Government,

1. *Strongly condemns* the *apartheid* system and all the policies and practices deriving therefrom;
2. *Also strongly condemns* the mass arrests and detentions recently carried out by the Pretoria Government and the murders which have been committed;
3. *Further strongly condemns* the establishment of the state of emergency in the thirty-six districts in which it has been imposed and demands that it be lifted immediately;
4. *Calls upon* the Government of South Africa to set free immediately and unconditionally all political prisoners and detainees, first of all, Mr. Nelson Mandela;
5. *Reaffirms* that only the total elimination of *apartheid* and the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage can lead to a solution;
6. *Urges* States Members of the United Nations to adopt measures against South Africa, such as the following:
  - (a) Suspension of all new investment in South Africa;
  - (b) Prohibition of the sale of krugerrands and all other coins minted in South Africa;
  - (c) Restrictions on sports and cultural relations;
  - (d) Suspension of guaranteed export loans;
  - (e) Prohibition of all new contracts in the nuclear field;
  - (f) Prohibition of all sales of computer equipment that may be used by the South African army and police;
7. *Commends* those States which have already adopted voluntary measures against the Pretoria Government, and urges them to adopt new provisions, and invites those which have not yet done so to follow their example;
8. *Requests* the Secretary-General to report to the Security Council on the implementation of the present resolution;
9. *Decides* to remain seized of the matter and to reconvene as soon as the Secretary-General has issued his report, with a view to considering the progress made in the implementation of the present resolution.

**Decision of 20 August 1985: statement by the President**

On 20 August 1985, the President of the Security Council, following consultations with the members of the Council, issued a statement on their behalf.<sup>38</sup> The statement reads as follows:

<sup>37</sup>For the vote on the revised draft resolution (S/17354/Rev.1), see S/PV.2602, pp. 48-50; see also chap. IV of the present *Supplement*.

<sup>38</sup>S/17408.

The members of the Security Council have learned with great concern the intention of the South African authorities to carry out shortly the death sentence imposed upon Mr. Malesela Benjamin Maloise.

The members of the Council recall Council resolution 547 (1984), which, *inter alia*, called upon the South African authorities not to carry out the execution of Mr. Maloise.

The members of the Security Council once again urge the South African authorities to rescind the death sentence imposed on Mr. Maloise, convinced that the carrying out of the execution, apart from being a direct defiance of the above-mentioned Council resolution, will result in the further deterioration of an already extremely grave situation.

**Decision of 21 August 1985 (2603rd meeting): statement by the President**

At the 2603rd meeting, on 21 August 1985, following the adoption of the agenda, the President of the Security Council drew the attention of its members to eight letters from various States Members addressed to the Secretary-General.<sup>39</sup>

At the same meeting, after consultations with the members of the Council, the President made a statement on behalf of the Council. The statement reads as follows:<sup>40</sup>

The members of the Security Council, deeply alarmed by the worsening and deteriorating situation of the oppressed black majority population in South Africa since the imposition of the state of emergency on 21 July 1985, express once again their profound concern at this deplorable situation.

The members of the Council condemn the Pretoria regime for its continued failure to heed the repeated appeals made by the international community, including Security Council resolution 569 (1985) and, in particular, the demand made in that resolution for the immediate lifting of the state of emergency.

The members of the Council strongly condemn the continuation of killings and the arbitrary mass arrests and detentions carried out by the Pretoria Government. They call, once again, upon the South African Government to set free immediately and unconditionally all political prisoners and detainees, first of all, Mr. Nelson Mandela, whose home has lately been subject to an act of arson.

The members of the Council believe that a just and lasting solution in South Africa must be based on the total eradication of the system of *apartheid* and the establishment of a free, united and democratic society in South Africa. Without concrete action towards such a just and lasting solution in South Africa, any pronouncements of the Pretoria regime can represent nothing more than a reaffirmation of its attachment to *apartheid* and underline its continuing intransigence in the face of mounting domestic and international opposition to the continuation of this thoroughly unjustified political and social system. In this context, the members of the Council express their grave concern at the latest pronouncements of the President of the Pretoria regime.

**Decision of 17 October 1985 (2623rd meeting): statement by the President**

At the 2623rd meeting, on 17 October 1985, prior to the adoption of the agenda<sup>41</sup> on another question, the President made a statement on behalf of the Council. The statement reads as follows:<sup>42</sup>

The members of the Security Council have learned with indignation and the gravest concern of the South African authorities' intention to implement the death sentence imposed on Malesela Benjamin Maloise, in spite of the Council's appeals in this regard.

<sup>39</sup>Letters S/17382 and S/17384 dated 5 August 1985 from Senegal and Japan respectively; S/17391 dated 9 August 1985 from Indonesia; S/17398 dated 12 August 1985 from Uruguay; S/17402 dated 15 August 1985 from Brazil; S/17405 dated 16 August 1985 from Senegal; S/17406 and S/17407 dated 19 August 1985 from Thailand and India, respectively.

<sup>40</sup>S/17413; see also S/PV.2603, pp. 3 and 4.

<sup>41</sup>The agenda of the meeting was "The situation in the Middle East"; see S/PV.2623; see also chap. IV of the present *Supplement*.

<sup>42</sup>S/17575.



The members of the Council once again draw the attention of the South African authorities to the Council President's statement of 20 August 1985 and Council resolution 547 (1984), which, *inter alia*, called upon the South African authorities not to carry out the execution of Mr. Maloisse.

The members of the Council are convinced that the carrying out of the execution will only result in a further worsening of an extremely grave situation.

Once again, the members of the Council strongly urge the South African Government to extend clemency to Mr. Maloisse and to rescind his death sentence.

**Decision of 13 June 1986 (2690th meeting): statement by the President**

By a letter dated 10 June 1986,<sup>43</sup> the representative of Zaire, on behalf of the Group of African States, requested an urgent meeting of the Security Council to consider the serious situation in South Africa on the occasion of the commemoration of the tenth anniversary of the Soweto massacres.

At its 2690th meeting, on 13 June 1986, the Council included the letter dated 10 June 1986 from the representative of Zaire in its agenda and considered the item at the same meeting.

Following the adoption of the agenda, the Council invited the representatives of Guyana, India, Romania and Zaire, at their request, to participate, without the right to vote, in the discussion of the item.<sup>44</sup> The Council also extended invitation to the Acting Chairman of the Special Committee against Apartheid.<sup>44</sup>

At the same meeting, the representative of Zaire, speaking on behalf of the Group of African States, said that the African Group had requested the convening of the Council meeting so that it might adopt measures to prevent the South African regime from perpetrating premeditated new acts of massacre of the black population of that country on the occasion of the forthcoming tenth anniversary of the Soweto massacre. He recalled the morning of 16 June 1976 when more than 20,000 schoolchildren had been peacefully protesting the decree that had imposed the Afrikaans language as the medium of education in Black high schools and stated that it was the killing, at that protest, from behind the back of a 13-year-old youth by the police that had sparked the Soweto riots, which the South African police and army had used as a pretext for firing point-blank into the crowd of young demonstrators, killing 618 and wounding 1,500. That spontaneous uprising, he added, had awakened the whole Black population of South Africa so much that nothing could any longer stop the movement towards the recovery of its freedom and elementary rights as had been laid down in the Universal Declaration of Human Rights and the Charter of the United Nations. He further recalled that 1,600 persons had been killed since the implementation of the new constitutional "reform" on 4 September 1984 and that the figure would soon be increased on the upcoming commemoration of the Soweto massacre. He stated that the Black South Africans had organized in their trade unions, churches and schools to commemorate the sad event on 16 June and to participate actively in all the demonstrations scheduled for that purpose. He further stated that, in the same context, the United Nations, together with OAU, would convene in Paris on that same

date the International Conference on the Adoption of Sanctions against Racist South Africa, as had been called for by the resolution adopted by the summit conference of Heads of State and Government of OAU and subsequently endorsed by the United Nations, thereby upholding the legitimacy of the struggle waged by the black people of South Africa for their freedom, dignity and the recognition of their fundamental human rights. He emphasized that the striking aspects of the chronology of the tragedies in South Africa had been the massacres of Sharpeville on 21 March 1960, at Soweto on 16 June 1976 and the massacres that had been systematically taking place since 4 September 1984 and would be continued on the coming 16 June; and that, in each instance, the international community had limited itself to mere condemnation of the monstrous crime. The Security Council, which had been entrusted with the primary responsibility for the maintenance of international peace and security, had the right to support the just cause of the black South Africans and that the international community should react against any racial war, whether it was black against white or especially black against black, since confrontation among blacks was encouraged and organized by the Pretoria regime. He stated that the Government of South Africa, having failed to obtain from the Parliament the Public Safety Amendment Bill and the International Safety Amendment Bill, had re-established the state of emergency on 11 June 1986, on the eve of the commemoration of the tenth anniversary of the Soweto massacre. The African Group was convinced that the Council would adopt the necessary measures commensurate with the atrocities South Africa continued to commit. He concluded by quoting from the preamble to the Universal Declaration of Human Rights, which states:

It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.<sup>45</sup>

The representative of the United States of America stated that the goal of the statement by the President of the Council, which was to be read out on that day, ought to have been essentially a call for calm in a volatile situation, and for all South Africans to employ peaceful means on the solemn occasion of the tenth anniversary of the Soweto uprising; and that it was regrettable that those aspects had not been given more emphasis. His Government did not consider it appropriate for the Council to dictate the kind of government that should emerge in post-apartheid South Africa, since that was a matter that ought to be determined by all South Africans themselves.<sup>46</sup>

The representative of the United Kingdom of Great Britain and Northern Ireland stated that his delegation had supported the proposal to engage the Council in preventive diplomacy by making an appeal in advance of the anniversary of the 1976 tragic events in Soweto, but that, nevertheless, it must register its reservation about two aspects of the statement to be made by the Council's President: (a) that they believed such statements should have been based meticulously on positions commonly held by all members of the Council; and (b) that the statement should have expressed the Council's preference for peaceful and just solutions, with an appeal to all concerned to show the

<sup>43</sup>S/18146.

<sup>44</sup>For details, see chap. III of the present Supplement.

<sup>45</sup>S/PV.2690, pp. 4-12; for the quotation from the Universal Declaration of Human Rights, see the third preambular paragraph of General Assembly resolution 217 A (III) of 10 December 1948.

<sup>46</sup>S/PV.2690, p. 12.

greatest possible restraint and to work together by peaceful means. The concern should be to try to prevent further bloodshed in the attainment of the common objective of the eradication of apartheid, consistent with the purpose of the United Nations to bring about the peaceful settlement of disputes or situations that might lead to a breach of the peace and with the principle that primary responsibility for the maintenance of international peace and security was conferred on the Council.<sup>47</sup>

The representative of the Union of Soviet Socialist Republics stated that the United Nations, including the Security Council, OAU and the Movement of Non-Aligned Countries, had unanimously declared that apartheid was a shameful manifestation of racial oppression, a crime against mankind and a flagrant trampling on human rights and dignity; and that, therefore, the Council must take effective preventive measures to force the Pretoria regime to heed the demands of the international community to halt its violence and repression against the African majority in South Africa and its acts of aggression against neighbouring African States. He further stated that his delegation regretted that the statement to be made by the Council's President fell short of issuing to the Pretoria regime a clear warning of measures under Chapter VII of the Charter, and of confirming the legitimacy of the African people's struggle to eliminate apartheid.<sup>48</sup>

At the same meeting, after consultations with the members of the Council, the President made the following statement on their behalf.<sup>49</sup>

The members of the Security Council, on the occasion of the observance of the tenth anniversary of the wanton killings perpetrated by the apartheid regime in South Africa against the African people in Soweto, wish to recall Council resolution 392 (1976), which strongly condemned the South African Government for its resort to massive violence against and killings of the African people, including schoolchildren and students and others opposing racial discrimination. They are convinced that a repetition of such tragic events would aggravate the already serious threat that the situation in South Africa poses to the security of the region and could have wider implications for international peace and security.

They condemn the policy and all the repressive measures which only serve to perpetuate the apartheid system, in particular the recent imposition of a nationwide state of emergency and the arrest and detention of thousands of persons involved in the struggle against apartheid. They urge the immediate and unconditional release of all persons detained in that respect. In particular, they call for the immediate lifting of the state of emergency in order to allow the observance of the tenth anniversary of the Soweto massacre without any provocative interference or intimidation on the part of the police and military forces.

In this regard, the members of the Council, committed as they are to work for a just and equitable solution which will totally eradicate apartheid and avert further human suffering in South Africa, warn the South African Government that it will be held fully responsible for any violence, bloodshed, loss of life, injury and damage to property which may result from acts of repression and intimidation on the occasion of the observance of the tenth anniversary of the Soweto massacre.

The members of the Security Council reaffirm the legitimacy of the struggle of the oppressed people of South Africa for the total elimination of apartheid and recall previous resolutions calling upon the racist regime in South Africa to abolish apartheid and to establish a non-racial democratic society based on majority rule, through the full and free exercise of adult universal suffrage by all the people in a united and unfragmented South Africa.

Also on 13 June 1986, the representative of South Africa, by a letter addressed to the Secretary-General,<sup>50</sup> transmitted the text of a statement issued on the same date by the Minister for Foreign Affairs of South Africa, in which the Foreign Minister said that the convening of the Council meeting and issuing a statement concerning 16 June 1986 was calculated to fan the fires of hate, violence and revolution; and that it constituted a misuse of the Security Council, in particular in view of the Council's primary role to maintain peace and security.

**Decision of 28 November 1986 (2723rd meeting): resolution 591 (1986)**

By a letter dated 24 November 1986 addressed to the President of the Security Council,<sup>51</sup> the Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa transmitted the text of a recommendation adopted on the same date by the Committee.

At its 2723rd meeting, on 28 November 1986, the Council included in its agenda the letter dated 24 November from the Chairman of the Committee established by resolution 421 (1977)<sup>51</sup> and considered the item at the same meeting. Following the adoption of the agenda, the President drew the attention of the members of the Council to the recommendation in the form of a draft resolution contained in the letter from the Chairman of the Security Council Committee.

At the same meeting, the representative of Trinidad and Tobago, in his capacity as Chairman of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, made a statement in the course of which he introduced the recommendation contained in his letter to the President of the Council. He stated that the Committee had submitted its recommendations in the discharge of the task entrusted to it, *inter alia*, to study ways and means by which the mandatory arms embargo against South Africa that had been imposed by resolution 418 (1977)<sup>52</sup> could be made more effective. While some countries had clearly observed the Council resolutions providing for the prevention of arms shipments to South Africa, the embargo itself had loopholes and the recommendations before the Council were aimed at securing its full implementation by closing those loopholes as requested in paragraph 11 of resolution 473 (1980).<sup>52</sup> He said that the loopholes had permitted the flow of arms and military technology for bolstering a domestic arms industry in South Africa and that the additional measures were necessary since, in the light of the policies and acts of the Government of South Africa, the acquisition by that country of arms and related *matériel* constituted a threat to the maintenance of international peace and security. He stressed that the effectiveness of the embargo depended on the commitment of all States to comply fully with the steps proposed in the draft resolution, to the individual and collective measures to enforce the embargo, and to cooperate with the Security Council Committee by reporting to it on any violations.<sup>53</sup>

<sup>50</sup>S/18158.

<sup>51</sup>S/18474.

<sup>52</sup>For background information relating to the adoption of the resolution, see *Supplement 1975-1980*, chap. VIII, part II, under the same title.

<sup>53</sup>S/PV.2723, pp. 2-5.

<sup>47</sup>*Ibid.*, pp. 13-15.

<sup>48</sup>*Ibid.*, pp. 16-21.

<sup>49</sup>S/18157.

At the same meeting, the Council adopted the Committee's recommendation by consensus as resolution 591 (1986).<sup>54</sup> The resolution reads as follows:

*The Security Council,*

*Recalling* its resolution 418 (1977), in which it decided upon a mandatory arms embargo against South Africa,

*Recalling also* its resolution 421 (1977), by which it entrusted a committee consisting of all the members of the Council with the task of, among other things, studying ways and means by which the mandatory arms embargo could be made more effective against South Africa and to make recommendations to the Council,

*Recalling further* its resolution 473 (1980) on the question of South Africa,

*Recalling* the 1980 report of the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa on ways and means of making the mandatory arms embargo against South Africa more effective,

*Recalling also* resolution 558 (1984), in which all States were requested to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa,

*Recalling further* resolution 473 (1980), by which the Security Council requested the Security Council Committee established by resolution 421 (1977) to redouble its efforts to secure full implementation of the arms embargo against South Africa by recommending measures to close all loopholes in the arms embargo, reinforce it and make it more comprehensive,

*Reaffirming* its recognition of the legitimacy of the struggle of the South African people for the elimination of *apartheid* and the establishment of a democratic society in accordance with their inalienable human and political rights as set forth in the Charter of the United Nations and the Universal Declaration of Human Rights,

*Strongly condemning* the racist regime of South Africa for further aggravating the situation and its massive repression against all opponents of *apartheid*, for the killing of peaceful demonstrators and political detainees, and for its defiance of General Assembly and Security Council resolutions, in particular Security Council resolution 417 (1977),

*Reaffirming* its resolution 418 (1977) and stressing the continuing need for strict application of all its provisions,

*Mindful* of its responsibilities under the Charter for the maintenance of international peace and security,

1. *Urges* States to take steps to ensure that components of embargoed items do not reach the South African military establishment and police through third countries;

2. *Calls upon* States to prohibit the export of spare parts for embargoed aircraft and other military equipment belonging to South Africa and any official involvement in the maintenance and service of such equipment;

3. *Urges* all States to prohibit the export to South Africa of items which they have reason to believe are destined for the military and/or police forces of South Africa, have a military capacity and are intended for military purposes, namely, aircraft, aircraft engines, aircraft parts, electronic and telecommunication equipment, computers and four-wheel drive vehicles;

4. *Requests* of all States that henceforth the term "arms and related matériel" referred to in resolution 418 (1977) shall include, in addition to all nuclear, strategic and conventional weapons, all military, paramilitary police vehicles and equipment, as well as weapons and ammunition, spare parts and supplies for the aforementioned and the sale or transfer thereof;

5. *Requests* all States to implement strictly its resolution 418 (1977) and to refrain from any cooperation in the nuclear field with South Africa which will contribute to the manufacture and development by South Africa of nuclear weapons or nuclear explosive devices;

6. *Renews its request* to all States to refrain from importing arms, ammunition of all types and military vehicles produced in South Africa;

7. *Calls upon* all States to prohibit the import or entry of all South African armaments for display in international fairs and exhibitions under their jurisdiction;

8. *Also calls upon* States which have not done so to put an end to exchanges as well as to visits and exchanges of visits by government personnel, when such visits and exchanges maintain or increase South Africa's military or police capabilities;

9. *Further calls upon* all States to refrain from participating in any activities in South Africa which they have reason to believe might contribute to its military capability;

10. *Requests* all States to ensure that their national legislation or comparable policy directives guarantee that specific provisions to implement resolution 418 (1977) include penalties to deter violations;

11. *Also requests* all States to adopt measures to investigate violations, prevent future circumventions and strengthen their machinery for the implementation of resolution 418 (1977) with a view to the effective monitoring and verification of transfers of arms and other equipment in violation of the arms embargo;

12. *Further requests* all States, including States non-members of the United Nations, to act in accordance with the provisions of the present resolution;

13. *Requests* the Security Council Committee established by resolution 421 (1977) concerning the question of South Africa, in pursuance of resolution 418 (1977), to continue its efforts to secure full implementation of the arms embargo against South Africa in order to make it more effective;

14. *Requests* the Secretary-General to report to the Security Council on the progress of the implementation of the present resolution, the first report to be submitted as soon as possible but in any event no later than 30 June 1987;

15. *Decides* to remain seized of the matter.

Following the adoption of resolution 591 (1986), the representative of the Congo stated that, for international action against apartheid to be as effective as possible, the arms embargo—important as it was—must not be considered as end in itself and that the eradication of the scourge of apartheid demanded the consideration of more comprehensive and mandatory sanctions either within or outside the scope of Chapter VII of the Charter.<sup>55</sup> The President (United Kingdom of Great Britain and Northern Ireland), speaking in his capacity as the representative of his Government, stated that his delegation had joined in the consensus on the basis that the language of the text adopted was cast in terms that were non-mandatory and because it constituted a clarification of resolution 418 (1977) rather than an extension of its provisions, with which his Government had already fully complied. He referred to paragraphs 3, 4, 5 and 9 and said that they could not be interpreted so as to restrict the freedom of individuals to travel or the pursuit of legitimate business activities and that the resolution was concerned with preventing military equipment reaching the military and police forces of South Africa. He also referred to the seventh preambular paragraph and stated that his Government could not accept the legitimacy of armed struggle and that the apartheid regime must cease through peaceful means.<sup>56</sup>

**Decision of 20 February 1987 (2738th meeting): rejection of a five-Power draft resolution**

By a letter dated 10 February 1987 addressed to the President of the Security Council,<sup>57</sup> the representative of

<sup>54</sup>For the Council's decision on the Committee's recommendation (S/18474), see *ibid.*, p. 5.

<sup>55</sup>*Ibid.*, p. 6.

<sup>56</sup>*Ibid.*, pp. 12 and 13.

<sup>57</sup>S/18688.

Egypt, in his capacity as current Chairman of the Group of African States, requested an urgent meeting of the Council to consider the situation in South Africa.

At its 2732nd meeting, on 17 February 1987, the Council included in its agenda the letter dated 10 February 1987 from the representative of Egypt<sup>57</sup> and considered the item at the 2732nd to 2738th meetings, on 17 to 20 February 1987.

In the course of its deliberations, the Council invited the representatives of Algeria, Angola, Cuba, Czechoslovakia, Egypt, Ethiopia, the German Democratic Republic, Guyana, India, Kenya, Kuwait, the Libyan Arab Jamahiriya, Mongolia, Morocco, Nicaragua, Pakistan, Senegal, South Africa, the Sudan, Togo, Uganda, the Ukrainian Soviet Socialist Republic, the United Republic of Tanzania, Yugoslavia and Zimbabwe, at their request, to participate, without the right to vote, in the discussion of the item.<sup>58</sup> The Council also extended invitations to the Chairman of the Special Committee against Apartheid, the Acting 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, the President of the United Nations Council for Namibia, Mr. Makatini of the African National Congress of South Africa (ANC), Mr. Clovis Maksoud, Permanent Observer of the League of Arab States (LAS), Mr. Makhanda of the Pan Africanist Congress of Azania (PAC) and Mr. Ahmet Ansay, Permanent Observer of OIC.<sup>58</sup>

At the 2732nd meeting, the representative of Egypt, speaking in his capacity as Chairman of the Group of African States for the month of February, recalled the history of long and bitter struggle of the South African masses against oppression and racism and said that the ANC, which had recently celebrated the 75th anniversary of its founding, had attempted for 50 years to attain its goals of the recognition of the rights of the majority and the establishment of a democratic society through dialogue and peaceful resistance, but that the response of the minority regime had been the promotion of apartheid as an official policy and more violence and brutality. During the year 1986, not only had the acts of violence against the oppressed people inside South Africa increased, but the racist regime had also persisted in its policies of aggression and terror against neighbouring independent African States, in its plans to destabilize those States and in its attempts to carry out economic blackmail against them, and even the capitals of Zambia and other countries had not been spared from the criminal policies and plans of that regime. During that same year, the forces of struggle against South African apartheid had been mobilized, international understanding of the situation in South Africa had deepened and the international boycott of the racist regime had grown, reflecting the conviction of various countries that Pretoria, despite the so-called reform measures, which were mere manoeuvres, was responsible for the deteriorating situation in the region. Apartheid and the associated violence and terror were not only a humiliation and a challenge to the people of South Africa, but also constituted a grave challenge to international peace and security throughout the world. There was an urgent need to bring a speedy and decisive end to the worsening situation in that country. The Security Council, which under the Charter of the United

Nations was entrusted with the maintenance of international peace and security, had both the responsibility and the competence to avert an international situation that could result from the policies and practices of the Pretoria regime, and that the discharge of these functions and responsibilities was the Council's sole *raison d'être*. He called upon the Council to put into force the warning to South Africa contained in resolution 566 (1985) and to adopt the appropriate measures under the Charter, including the sanctions provisions of Chapter VII. The Group of African States remained fully convinced that the imposition of comprehensive mandatory sanctions against the Pretoria regime under Chapter VII of the Charter was the most practical and peaceful way of compelling the regime to comply with the will of the international community and to implement the relevant United Nations resolutions. However, the African Group was currently submitting to the Council a list of selective sanctions that had already been adopted by many States. The African Group was doing so in an attempt to enable the Council to overcome the difficulties that had in the past prevented it from adopting comprehensive mandatory sanctions against South Africa. Those selective mandatory sanctions that had been submitted to the Council for its adoption were not an end in themselves, but rather were intended, together with other international efforts in opposition to apartheid, to complement the struggle by the South African people to establish a democratic and just society and peace and security in the region. He concluded by asserting that, while the African Group believed that the victory of the struggle of the oppressed majority in South Africa was inevitable, those selective sanctions were simply a way of expediting the attainment of the goal of ending the apartheid system, which was a negation of all human rights and had been declared by the United Nations a crime against humanity.<sup>59</sup>

At the same meeting, Mr. Joseph Garba (Nigeria), Chairman of the Special Committee against Apartheid, described in detail the continuing campaign of terror and genocidal violence by the Pretoria regime against the black population in South Africa, and said that, on the other hand, the resistance of the oppressed people, which had spread over the whole country, had become more resolute and recently better organized. He stated that the people, confronted with the regime's mounting reign of terror, had no choice but to intensify the armed resistance; that the resistance was a legitimate response to the violence that was being perpetrated against them; and that the Special Committee, on whose behalf he was speaking, wished to reaffirm that the South African people and their liberation movements had the right to utilize all the means, including armed struggle, necessary for the dismantling of racism and apartheid. While the declarations of the Pretoria regime on reform lacked substance, the failure of the Commonwealth effort at mediation was evidence that the regime had no intention of entering into negotiations with the authentic representatives of the black majority, and that failure had underlined the urgency of effective measures against South Africa to compel the dismantling of apartheid. He asserted that a large degree of international consensus and a growing body of opinion in support of adoption by the Council, under Chapter VII of the Charter, of comprehensive mandatory sanctions had been shown by

<sup>58</sup>For details, see chap. III of the present Supplement.

<sup>59</sup>S/PV 2732, pp. 6-12.

the World Conference on Sanctions against South Africa organized by the Special Committee in Paris in the summer of 1986, by the recent meetings of the Movement of Non-Aligned Countries, as well OAU, and by the sanctions bill that had been adopted by the United States Congress in October 1986. It was thus the Council's responsibility to take appropriate actions and those permanent members of the Council which in the past had prevented the adoption of such measures should join the international consensus on the imposition of comprehensive mandatory sanctions against South Africa. He called on the Council, in fulfilment of its responsibilities under the Charter, to recognize the grave threat posed by the policies and practices of the Pretoria regime to the maintenance of international peace and security in Africa, and to demand unequivocally: (a) the lifting of the state of emergency; (b) the release of all political prisoners, including Nelson Mandela and Zephania Metapong; (c) the lifting of the ban on all South African movements and political organizations; and (d) the initiation of negotiations among all those concerned for the establishment of a democratic, non-racial government in a united South Africa. He concluded that the Council could help bring that about and prevent further bloodshed in South Africa by adopting appropriate measures under Chapter VII of the Charter of the United Nations.<sup>60</sup>

At the same meeting, the representative of South Africa said that the Council meeting had been convened to exploit the current international hysteria about punitive measures against his country and in the hope that the South African economy would be crippled by those proposed measures. He stated that his Government would neither be coerced into accepting external prescriptions nor would it be diverted by threats and intimidation from continuing its programme of controlled political and constitutional reform. He added that the proposed punitive measures could only retard the reform process in South Africa, encourage the instigators of violence and intimidation and make it difficult for moderate black leaders to come readily to the negotiating table. The premise that sanctions promoted the interests of the black South Africans and constituted a peaceful alternative to violence was an illusion, since it would be the very communities that were intended to be the recipient of such help and the other African States in the region that would suffer the consequences of punitive United Nations actions. The Government of South Africa had not defied the international community, but it was rather the United Nations that had interfered in his country's internal affairs in contravention of clear Charter provisions. He then described in detail what he called "far-reaching reforms" that had already been introduced and declared that, given the multicultural nature of their society, the Government was committed to take appropriate measures to protect individual and group rights and that that would be achieved by promoting maximum self-determination and fulfilment through joint deliberation and power-sharing without domination. He invited the Council to reflect on the extreme violence advocated and perpetrated by the ANC and stressed that his Government would continue to employ the means at its disposal to eradicate the evil of terrorism, wherever and in whatever guise it might appear.<sup>61</sup>

<sup>60</sup>Ibid., pp. 14-18.

<sup>61</sup>Ibid., pp. 18-23.

At the 2734th meeting, on 18 February 1987, the representative of India said that the apartheid economy was already weak, stagnant and clearly susceptible to the pressure of sanctions and that it was, therefore, incumbent on the international community immediately to institute those measures with a view to bring about a peaceful dismantling of the obnoxious system of apartheid. He emphasized that the argument that sanctions would adversely affect the front-line States as well as the oppressed people in South Africa had been advanced as a pretext for avoiding those measures and that what must be heeded was the voices of the representatives of the oppressed masses in South Africa and in the neighbouring States that had called for sanctions, notwithstanding the adverse effects of such measures, including Pretoria's retaliation. International action was necessary to strengthen the economic and financial capability of the front-line States to fight apartheid and to support the liberation movements in South Africa and Namibia as well as to assist those neighbouring States to enforce sanctions against South Africa and to cope with any adverse consequences to themselves; and, with those objectives in view, the Movement of Non-Aligned Countries had taken the initiative to establish the African Fund.<sup>62</sup>

At the 2736th meeting, on 19 February 1987, the representative of France said that the policy of his Government regarding the question under consideration had been reiterated by his Prime Minister earlier in 1987 on the occasion of the installation of the French Consultative Commission on Human Rights when he stated:

France rejects most emphatically the unacceptable system of apartheid practised in South Africa, a system which is a particularly repulsive form of onslaught on human rights.

The commencement of dialogue with all the forces opposed to apartheid was the sole non-violent option that could lead to the transition of South Africa towards a democratic, non-racial society and that was the course that must be pursued. He then outlined what he said were the "well known" conditions for an authentic national dialogue and stated that the application of pressure, including sanctions, was necessary to induce the Government of South Africa to engage in such a dialogue, but that his Government did not consider comprehensive mandatory sanctions advisable because they would not bring any closer the desired goal of the abolition of apartheid. He stressed that the gradual approach of voluntary sanctions, which were likely to garner a broader international consensus, not only appeared to be the most productive but also kept open the possibility of intensifying the measures if necessary, whereas comprehensive sanctions involved the risk of isolating South Africa into a situation that could lead it to heightened repression. A new dimension had been added to the region's problems by the worsening crisis in South Africa and by the broadening sanctions against it and his Government, which shared the concern of the front-line countries over the serious risks of human, economic and social consequences of sanctions to themselves, helped those countries by participating in various operations both bilaterally and within the framework of the European Community. His Government had decided to contribute beginning that year its share of 20 million French francs to the African Fund and they were pleased to support a venture

<sup>62</sup>S/PV.2734.

that had been designed to allow the front-line States to free themselves of the dependence on South Africa.<sup>63</sup>

At the same meeting, the representative of the United Kingdom of Great Britain and Northern Ireland said that it was against the background of the continuing deterioration in the situation inside South Africa and the threat and use of force by South Africa against neighbouring States that the Council needed to consider carefully how best it could contribute to solving the complex problems that existed in that country. Since there was no disagreement on the basic issue that apartheid was repugnant and contrary to the basic principles of human rights, the Council's primary task must be to send a strong and united signal to the Government of South Africa of the need for political change. He urged the members of the Council to work constructively and to be guided by the principle of self-determination, the inalienable right enshrined in the Charter of the United Nations. He then referred to a passage in the statement by the representative of South Africa at an earlier meeting<sup>64</sup> in which he had said: "This will be achieved by promoting maximum self-determination and fulfilment", and said that his delegation disapproved of maximum self-determination if it meant something short of self-determination. South Africa, unlike the other items on the Council's agenda, was both an internal problem for itself and a moral problem for the international community, without clearly definable answers. It would be wrong to prescribe South Africa's future constitutional arrangements, except to the extent that apartheid must be replaced by a non-racial representative system of government with proper safeguards for minorities. He elaborated that that meant a democratic electoral system with multi-party participation and universal franchise for all adult South Africans and that the Council, with due respect to the right of the South African people to rule themselves, must refrain from any action which would make the situation worse. The surest way to make the situation worse would be the imposition of punitive economic sanctions, which would exacerbate the present conflict, encourage a siege mentality among White South Africans and thereby render peaceful solution more difficult. Punitive economic sanctions, while increasing the unfairness and suffering without helping to abolish apartheid, would undermine the policy of maintaining political contacts through which the international community would be able to influence, even insist on, the process of reform. The international community should strive to preserve the future stability and prosperity of southern Africa, while working towards the peaceful abolition of apartheid, by recognizing that sanctions were likely to precipitate an economic confrontation between South Africa and the neighbouring States; and by helping those States to reduce their economic dependence on South Africa and to develop the alternative transport routes they urgently needed.<sup>64</sup>

At the 2738th meeting, on 20 February 1987, the draft resolution submitted by Argentina, Congo, Ghana, United Arab Emirates and Zambia<sup>65</sup>—to the text of which the President had drawn attention at the 2736th meeting, on 19 February 1987—was voted upon; received 10 votes in favour, 3 against with 2 abstentions; and was not adopted owing to the negative votes of two permanent members of

the Council.<sup>66</sup> Under the preambular section of the draft resolution, the Council would have, *inter alia*, acknowledged the legitimacy of the struggle for a free, united, non-racial and democratic society in South Africa; borne in mind the obligations of States under Article 25 of the Charter; and acted under Chapter VII in discharge of its responsibilities for the maintenance of international peace and security. Under the operative part of the draft resolution, the Council would have, *inter alia*, declared that South Africa's refusal to comply with the relevant resolutions of the Security Council and of the General Assembly constituted a direct challenge to the authority of the United Nations and a violation of the principles of its Charter; determined that the policies and practices of apartheid pursued by the Pretoria regime constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its responsibility for the maintenance of international peace and security, to impose, in accordance with Article 41, mandatory sanctions against South Africa, including (a) prohibition on the importation of South African rands, military articles, uranium and coal, agricultural products and foods, sugar, iron and steel, and products of parastatal organizations; (b) prohibition on the exportation to South Africa of computers, crude oil and petroleum products; (c) prohibition on loans to the South African Government; and prohibition on air transportation, nuclear trade, new investments, government procurements and the promotion of tourism. Furthermore, the Council would have explicitly invoked Article 25 of the Charter and called on all Member States to implement the measure specified in the draft text; and decided to establish a committee to monitor the implementation of those measures.

#### Decision of 16 April 1987: statement by the President

On 16 April 1987, after consultations with the members of the Council, the President issued a statement on their behalf.<sup>67</sup> The statement reads as follows:

The members of the Security Council express their deep concern about the decree issued by the South African authorities on 10 April 1987, under which nearly all forms of protest against detentions without trial or support for those detained are prohibited. The members of the Council express their strong indignation at this latest measure, which is based on the June 1986 decree imposing the nation-wide state of emergency, the lifting of which was called for by the members of the Council in the statement made by the President on their behalf at the 2690th meeting of the Council, on 13 June 1986.

The members of the Council call upon the South African authorities to revoke the decree of 10 April 1987, which is contrary to fundamental human rights as envisaged in the Charter of the United Nations and to the relevant resolutions of the Security Council and can only aggravate the situation further, lead to an escalation of acts of violence and further intensify human suffering in South Africa.

The members of the Council, recognizing that the root cause of the situation in South Africa is apartheid, once again strongly condemn the apartheid system and all the policies and practices, including this latest decree, deriving therefrom. They again call upon the Government of South Africa to end the oppression and repression of the black majority by bringing apartheid to an end and to seek a peaceful, just and lasting solution in accordance with the principles of the Charter and the Universal Declaration of Human Rights. They also call upon the Government of South Africa to set free immediately and unconditionally all political prisoners and detainees, in order to avoid further aggravating the situation.

<sup>63</sup>S/PV.2736, pp. 5-7.

<sup>64</sup>*Ibid.*, pp. 8-14.

<sup>65</sup>S/18705.

<sup>66</sup>For the vote on the draft resolution (S/18705), see S/PV.2738, p. 67; see also chap. IV of the present *Supplement*.

<sup>67</sup>S/18808.

They urge the Government of South Africa to enter into negotiations with the genuine representatives of the South African people with a view to the establishment in South Africa of a free, united and democratic society on the basis of universal suffrage.

By a letter dated 17 April addressed to the President of the Security Council,<sup>68</sup> the representative of South Africa transmitted the text of a letter of the same date from the Minister of Foreign Affairs of South Africa addressed to the President of the Council rejecting the standpoint contained in the President's statement issued the previous day on behalf of the members of the Council.<sup>68</sup> The Foreign Minister said that it was the duty of his Government to maintain law and order; that the Security Council knew very well that the ANC wanted to gain power in South Africa through violence and death; and that the ANC and its front organizations inside South Africa, far from showing respect for democracy or for fundamental human rights, abused democracy in order to destroy freedom.

**Decision of 8 March 1988 (2797th meeting): rejection of a six-Power draft resolution**

By a letter dated 2 March 1988 addressed to the President of the Security Council,<sup>69</sup> the representative of Sierra Leone, as current Chairman of the Group of African States, requested an urgent meeting of the Council on 3 March 1988 to consider the question of South Africa.

By a letter dated 2 March 1988 addressed to the President of the Council,<sup>70</sup> the representative of Zambia requested an urgent meeting of the Council to consider the item entitled "The question of South Africa".

At its 2793rd meeting, on 3 March 1988, the Council included the letters both dated 2 March 1988 from the representatives of Sierra Leone and Zambia in its agenda and considered the item at the 2793rd to 2797th meetings, on 3 to 8 March 1988.

In the course of its deliberations the Council invited the representatives of Botswana, Bulgaria, Czechoslovakia, Guyana, India, Kuwait, Malaysia, Nigeria, Pakistan, Sierra Leone, Somalia, South Africa, Tunisia and Zimbabwe, at their request, to participate, with the right to vote in the discussion of the item.<sup>71</sup> The Council also extended invitations, under rule 39 of the provisional rules of procedure, to the Chairman of the Special Committee against Apartheid, Mr. Neo Mnumzana of the ANC, Mr. Lesaoana Makhandia of the PAC, Mr. Helmut Angula of the South West Africa People's Organization (SWAPO), the Acting 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, and the President of the United Nations Council for Namibia.<sup>71</sup>

At the same meeting, the representative of Sierra Leone, speaking in his capacity as Chairman of the Group of African States for the month of March, said that the Council had convened to consider the situation in South Africa in the light of recent developments that had been unfolding since the proscription, five days ago, of a number of anti-apartheid organizations. He stated that the incarceration, on 29 February, of peaceful clergymen and the banning of organizations such as the UDF and the Congress of South African Trade Unions (COSATU), as well as individuals

such as Archbishop Desmond Tutu, clearly indicated to the world that the Government of South Africa was not committed to peaceful change and that, in the light of the 20-month-old nation-wide state of emergency, the general situation had further deteriorated, raising considerably the spectre of prolonged violence. He said that the African States were convinced that every means and possibility should be explored to halt that dangerous progression and to avert a bloody conflict in South Africa. He referred to the apartheid regime's intransigence and long-standing contempt for the United Nations, and stated that the time had come for the collective conscience of the international community to dictate a firm and unambiguous course of action to put an end to the prolonged aberration and that the Security Council, as the organ with primary responsibility for the maintenance of international peace and security, must act in accordance with the conscience of humanity.<sup>72</sup>

Also at the same meeting, the representative of South Africa dismissed the condemnations of the recent steps that had been taken by his Government to counter revolutionary forces as "hysterical and hypocritical posturing". He said that, while those revolutionary forces had as a clearly defined objective the overthrow of order and stability in South Africa, the regulations, which had placed certain restrictions on the activities of 17 organizations, had been directed at promoting peace and ensuring legal order in his country in a non-violent way, and that it was ridiculous to call that a threat to peace. He further said that those regulations were neither arbitrary nor repressive, nor had they been intended to suppress legitimate opposition in South Africa, as had been suggested. He referred to what he described as gross exaggeration of the nature of the regulations, and said that, for instance, the UDF had 750 affiliate organizations only 10 of which were affected by the regulations, thus showing that bona fide labour union activities were not affected; that the regulations were only in force as the "limited state of emergency" in the country continued; and that the action taken had been neither global nor an irrevocable banning of black political opposition. He emphasized that the restrictions affected only those activities that endangered the safety of the public and undermined the maintenance of law and order, and that his Government, which would tolerate no outside interference in its domestic affairs, would continue to strive for the attainment of a negotiated settlement of the country's complex problems, without retreating from the responsibility to maintain law and order by vigorously opposing the forces of destruction and violence.<sup>73</sup>

At the same meeting, Mr. Neo Mnumzana of the ANC said that the delay in the convening of the Council's meeting, which ought to have taken place on 24 February or shortly thereafter immediately following the imposition, on 23 February, of severe restrictions on 17 mass democratic organizations and 18 individuals, had rendered the issue under consideration all the more urgent. He traced the history of apartheid in South Africa, specifically mentioning the 1960 banning of the ANC, the banning of 17 organizations of the people in 1977 and the reinforcement and expansion of the state of emergency in 1987, and declared that the crackdown of 23 February represented the

<sup>68</sup>S/18814.

<sup>69</sup>S/19567.

<sup>70</sup>S/19568.

<sup>71</sup>For details, see chap. III of the present *Supplement*.

<sup>72</sup>S/PV.2793, pp. 8-11.

<sup>73</sup>*Ibid.*, pp. 12-16.

third generation of banning of people's organizations and individuals opposed to apartheid. He stated that the state of emergency and the latest round of repression by the racist regime had radically undermined the oppressed people's ability to remain realistically committed to the pursuit of the struggle by exclusively peaceful means; and quoted, *inter alia*, Azzar Cachalia of the UDF, who had said: "The Government has declared war against peaceful opposition to its policies". He further stated that apartheid in South Africa had been condemned countless times for its infinite catalogue of transgressions against human life, dignity and the most fundamental rights and freedoms and that it had ignored the international demands that apartheid be dismantled and, instead, had continued to try "to market its so-called reforms", which were hoaxes calculated to entrench further its abhorrent racist policies. The violence of apartheid had escalated into a reign of terror inside South Africa and had spilled over into the neighbouring independent African States and Namibia, and the current conflict, unless it was averted, would lead to an interracial conflagration and a profound destabilization of international peace and security. He concluded that the international community must reiterate its condemnation of apartheid and demand that the Pretoria regime revoke the latest restrictions, and that the Security Council, in order to give credible force to the condemnation and the demands, should without delay impose selective mandatory sanctions on South Africa on the understanding that those measures would be replaced by comprehensive mandatory sanctions under Chapter VII of the Charter, in the event that the racist regime remained intransigent.<sup>74</sup>

At the beginning of the 2794th meeting, on 4 March 1988, the President of the Council said that he had been approached by several members of the Council who had drawn his attention to the statement of the representative of South Africa at the previous meeting of the Council.<sup>75</sup> Those representatives who had approached him had strongly expressed the view that that statement had been an affront to the international community, the United Nations and the Security Council, and that it was absolutely unacceptable. It only showed, the President further stated, that South Africa was determined to continue its racist policies in disregard of the international community and decisions of the United Nations.<sup>75</sup>

At the 2796th meeting, on 8 March 1988, the representative of Zimbabwe referred to what he described as the march of latter-day "brown shirts" in South Africa and the increasing tendency of the apartheid State to adopt "Nazi-like tactics" against its opponents, which had given rise to a new category of victims called the "disappeared ones", and quoted extensively from a testimony by a representative of Amnesty International at a recent meeting of the Human Rights Commission in Geneva detailing the cases of human rights and political activists who had fallen victim to "extrajudicial executions". He stated that the conflict in South Africa was rooted, not in tribalism as some had recently suggested, but rather in racism, fascism and militarism; and that apartheid, which was an aggressive and racist ideology that must be uprooted, was the root cause of the crisis not only in South Africa but in the sub-continent as a whole. He added that the worsening situation

in the region demanded from the international community immediate concerted measures to compel the Pretoria regime to abandon its immoral policies; and that the Security Council, a body entrusted with the important task of maintaining peace and security under the Charter, had the responsibility to ensure that the already explosive situation in southern Africa did not deteriorate further. He welcomed the various packages of sanctions already adopted by the Commonwealth countries, the European Economic Community (EEC) and several Governments, including some members of the Council, and noted that the EEC package represented the lowest common denominator thus far of all the packages of measures that had been adopted by any of the members of the Council. He said it was important that, as a first step, those minimum measures were brought under the United Nations and that they were made mandatory. He indicated that the draft resolution before the Council<sup>76</sup> embodied two constructive innovations relating to the scope of the measures to be adopted and a time-frame for their application; and that those innovations were intended to address some of the difficulties that had arisen during the previous attempt to internationalize the measures adopted by the United States Congress. He elaborated on the significance of the innovations introduced in the present draft resolution as follows: (a) that the application of the measures would be over a time-frame of one year, subject to renewal depending on the progress, as evidence of good faith on the part of the Pretoria regime, toward the release of all political prisoners, the return of the exiles without fear of arrest, the lifting of the ban on political parties, and the initiation of genuine political dialogue with the leaders of the majority in South Africa; (b) that the Council's opposition to apartheid and oppression did not mean that the international community wished to dictate to the people of South Africa the kind of political system they should have; (c) that the sanctions could be removed once South Africa demonstrated its good faith; (d) that anyone of the five permanent members of the Council could use its "veto" to terminate the measures if it determined that the requirements had been met; (e) that the measures proposed fell within the minimum package adopted by the EEC thereby accommodating those members of the Council who were not ready to go beyond the measures they had already accepted; and (f) that the argument that sanctions would hurt the neighbouring States or the Africans in South Africa would not arise, since the minimum measures contained in the draft resolution were already in effect—at least in theory.<sup>77</sup>

At the 2797th meeting, on 8 March 1988, the President put to the vote the draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia.<sup>76</sup> The result of the vote was 10 votes in favour to 2 against, with 3 abstentions, and the draft text was not adopted, owing to the negative votes of two permanent members.<sup>78</sup> Under the operative part of the draft resolution, the Council would have, *inter alia*, declared that South Africa's refusal to comply with the relevant decisions of the Council and the resolutions of the General Assembly constituted a direct challenge to the authority of the United Nations and a violation of the principles of its Charter; determined that the

<sup>74</sup>*Ibid.*, pp. 16-21.

<sup>75</sup>S/PV.2794, p. 2.

<sup>76</sup>S/19585.

<sup>77</sup>S/PV.2796, pp. 18-28.

<sup>78</sup>For the vote on the draft resolution (S/19585), see S/PV.2797, pp. 19 and 20; see also chap. IV of the present *Supplement*.



policies and practices of apartheid, which were the root cause of the grave and deteriorating situation in South Africa and in southern Africa as a whole, constituted a serious threat to international peace and security; decided, under Chapter VII of the Charter and in conformity with its responsibility for the maintenance of international peace and security, to impose, in accordance with Article 41, mandatory sanctions against South Africa, including cessation of: (a) further investment and financial loans; (b) all forms of military, police or intelligence cooperation, in particular the sale of computer equipment; and (c) the export and sale of oil; further decided that those measures should, in the first instance, remain in force for a period of twelve months, after which the Council should meet again to determine whether the South African regime had fully met the requirements of: (i) abolishing apartheid; (ii) rescinding the ban on all political parties and other mass democratic movements; (iii) the release of all political prisoners; (iv) allowing the exiles to return without fear of arrest; and (v) commencing meaningful dialogue with the genuine leaders of the majority of the South African people.

**Decision of 16 March 1988 (2799th meeting): resolution 610 (1988)**

By a letter dated 15 March 1988 addressed to the President of the Security Council,<sup>79</sup> the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentences passed by the regime of South Africa on Mojolefa Reginald Sefatsa, Reid Molebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joshua Khumalo, Francis Don Mokhesi, known as the Sharpeville Six, as well as its recent decision to execute them on Friday, 18 March 1988.

At its 2799th meeting, on 16 March 1988, the Council included in its agenda the letter dated 15 March 1988 from Zambia and considered the item at the same meeting.

Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,<sup>80</sup> which was voted upon and adopted unanimously as resolution 610 (1988). The resolution reads as follows:<sup>81</sup>

*The Security Council,*

*Recalling its resolutions 503 (1982) of 9 April 1982, 525 (1982) of 7 December 1982, 533 (1983) of 7 June 1983 and 547 (1984) of 13 January 1984, in which, inter alia, it expressed its grave concern that the Pretoria regime's practice of sentencing to death and executing its opponents has adverse consequences on the search for a peaceful resolution of the South African situation,*

*Gravely concerned at the deteriorating situation in South Africa, the worsening human suffering resulting from the apartheid system and, inter alia, the South African regime's renewed state of emergency, its imposition on 24 February 1988 of severe restrictions on eighteen anti-apartheid and labour organizations and eighteen individuals committed to peaceful forms of struggle and the harassment and detention of church leaders on 29 February, all of which further undermine the possibilities of a peaceful resolution of the South African situation,*

*Having considered the question of the death sentences passed on 12 December 1985 in South Africa on Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma*

*Joseph Khumalo and Francis Don Mokhesi, known as the Sharpeville Six, as well as the decision to execute them on Friday, 18 March 1988,*

*Conscious that the court proceedings of the Sharpeville Six show that none of the six young South Africans convicted of murder was found by the Court to have caused the actual death of the Councillor and that they were convicted of murder and sentenced to death only because the Court found that they had a "common purpose" with the actual perpetrators,*

*Deeply concerned at the Pretoria regime's decision to execute the Sharpeville Six on Friday, 18 March 1988, in defiance of worldwide appeals,*

*Convinced that these executions, if carried out, will further inflame an already grave situation in South Africa,*

1. *Calls upon* the South African authorities to stay execution and commute the death sentences imposed on the Sharpeville Six;

2. *Urges* all States and organizations to use their influence and take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the Sharpeville Six.

By a letter dated 16 March 1988 addressed to the Secretary-General,<sup>82</sup> the representative of South Africa transmitted the text of a statement issued on the same date regarding the adoption by the Security Council of resolution 610 (1988). In that statement it was maintained that the Government of South Africa strongly objected to the Council's discussions, which interfered, in disregard of the provisions of the Charter, not only in an internal South African matter but also a matter that was the result of the due process of law.

**Decision of 17 June 1988 (2817th meeting): resolution 615 (1988)**

By a letter dated 16 June 1988 addressed to the President of the Security Council,<sup>83</sup> the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentences passed by the regime of South Africa on the Sharpeville Six, as well as the decision of the Pretoria Supreme Court on 13 June 1988 to reject the appeal to reopen the case to ensure a fair trial.

At its 2817th meeting, on 17 June 1988, the Council included in its agenda the letter of 16 June 1988 from Zambia and considered the item at the same meeting. Following the adoption of the agenda, the President drew the attention of the Council members to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,<sup>84</sup> which was put to the vote and adopted unanimously as resolution 615 (1988). The resolution reads as follows:<sup>85</sup>

*The Security Council,*

*Recalling its resolutions 503 (1982) of 9 April 1982, 525 (1982) of 7 December 1982, 533 (1983) of 7 June 1983 and 547 (1984) of 13 January 1984 and 610 (1988) of 16 March 1988 in which, inter alia, it expressed its grave concern that the Pretoria regime's practice of sentencing to death and executing its opponents has adverse consequences on the search for a peaceful resolution of the South African situation,*

*Gravely concerned at the deteriorating situation in South Africa, the worsening human suffering resulting from the apartheid system and, inter alia, the South African regime's renewed state of emergency on 9 June 1988, its imposition on 24 February 1988 of severe restrictions on eighteen anti-apartheid and labour organizations and eighteen individuals committed to peaceful forms of struggle and the harassment and detention of church leaders on 29 February, all of which further*

<sup>79</sup>S/19624.

<sup>80</sup>S/19627, subsequently adopted as resolution 610 (1988).

<sup>81</sup>For the vote on the draft resolution (S/19627), see S/PV.2799, pp. 2 and 3.

<sup>82</sup>S/19632.

<sup>83</sup>S/19939.

<sup>84</sup>S/19940, subsequently adopted as resolution 615 (1988).

<sup>85</sup>For the vote on the draft resolution (S/19940), see S/PV.2817, p. 2.

undermine the possibilities of a peaceful resolution of the South African situation,

*Having considered* the question of the death sentences passed on 12 December 1985 in South Africa on Mojalefa Reginald Sefatsa, Reid Malebo Mokoena, Oupa Moses Diniso, Theresa Ramashamola, Duma Joseph Khumalo and Francis Don Mokhesi, known as the Sharpeville Six, as well as the decision to execute them,

*Conscious* that the Court proceedings of the Sharpeville Six show that none of the six young South Africans convicted of murder was found by the Court to have caused the actual death of the Councillor and that they were convicted of murder and sentenced to death only because the Court found that they had a "common purpose" with the actual perpetrators,

*Deeply concerned* at the decision on 13 June 1988 of the Pretoria Supreme Court to reject an appeal to reopen the case to ensure a fair trial,

*Deeply concerned also* at the Pretoria regime's decision to execute the Sharpeville Six in defiance of worldwide appeals,

*Convinced* that these executions, if carried out, will further inflame an already grave situation in South Africa,

1. *Calls once again upon* the South African authorities to stay execution and commute the death sentences imposed on the Sharpeville Six;

2. *Urges* all States and organizations to use their influence and take urgent measures, in conformity with the Charter of the United Nations, the resolutions of the Security Council and relevant international instruments, to save the lives of the Sharpeville Six.

By a letter dated 17 June 1988 addressed to the Secretary-General regarding the adoption by the Security Council of resolution 615 (1988),<sup>86</sup> the representative of South Africa contended that the Council had again considered a matter that had no connection with the Charter of the Organization, and that the case of the "six convicted murderers of Mr. Kuzwayo Jacob Dlamini" and the exemplary manner in which the South African Courts of Law had been dealing with it to that day had no bearing whatsoever on the maintenance of international peace and security, which remained the main purpose of the United Nations. He further stated that the Government of South Africa strongly objected to the Council's latest deliberations, which amounted to blatant interference in the internal affairs of South Africa.

**Decision of 23 November 1988 (2830th meeting): resolution 623 (1988)**

By a letter dated 23 November 1988 addressed to the President of the Security Council,<sup>87</sup> the representative of Zambia requested an urgent meeting of the Council to consider the question of the death sentence passed by the re-

gime of South Africa on Paul Tefo Setlaba in the light of the intention of the South African authorities to implement the death sentence.

At its 2830th meeting, on 23 November 1988, the Council included in its agenda the letter of the same date from Zambia and considered the item at the same meeting.

Following the adoption of the agenda, the President drew the attention of the members of the Council to a draft resolution submitted by Algeria, Argentina, Nepal, Senegal, Yugoslavia and Zambia,<sup>88</sup> and initiated the voting procedure.

The representative of the United Kingdom of Great Britain and Northern Ireland, speaking in explanation of vote before the vote, stated that his Government had often joined in appeals for clemency by the Council where the cases concerned had clearly been political and there were extenuating circumstances or grounds for doubting the fairness of the judicial process, but that, after having looked carefully at the circumstances in the case of Mr. Setlaba, they were unable to support the draft resolution before the Council.<sup>89</sup>

The representative of the United States of America, also speaking in explanation of vote before the vote, stated that his Government had made abundantly clear its opposition to the continuing violence in South Africa and that, while it remained unalterably opposed to the system of apartheid, it had also clearly conveyed its view that there must not be violations of the human rights of any South African citizens. He added that, regarding the particular case before the Council, they could not ignore the fact that the individual concerned had admitted that he had been a party to the act of the murder of another South African for which he had been convicted and that, therefore, his Government must abstain in the vote.<sup>90</sup>

The six-Power draft resolution was then voted upon and adopted by 13 votes to none, with 2 abstentions, as resolution 623 (1988).<sup>91</sup> The resolution reads as follows:<sup>88</sup>

*The Security Council,*

*Having learned with grave concern* of the intention of the South African authorities to implement the death sentence imposed on Mr. Paul Tefo Setlaba, an anti-apartheid activist, on the basis of so-called "common purpose",

*Strongly urges* the Government of South Africa to stay execution and commute the death sentence imposed on Mr. Paul Tefo Setlaba in order to avoid further aggravating the situation in South Africa.

<sup>86</sup>S/19944.

<sup>87</sup>S/20289.

<sup>88</sup>S/20290, subsequently adopted as resolution 623 (1988).

<sup>89</sup>S/PV.2830, p. 3-5.

<sup>90</sup>Ibid., p. 6.

<sup>91</sup>For the vote on the draft resolution (S/20290), see S/PV.2830, pp. 6 and 7; see also chap. IV of the present *Supplement*.