

At the same meeting, the draft resolution was voted upon and adopted by 14 votes in favour, none against and no abstentions.<sup>864</sup> One member (China) did not participate in the vote.<sup>865</sup> The draft resolution read as follows:<sup>866</sup>

*The Security Council,*

*Recalling* its consensus adopted on 28 February 1974 (S/11229),

1. *Takes notes with appreciation* of the Secretary-General's report, which was circulated to the Security Council on 20 May 1974 (S/11291);

2. *Welcomes* the reported determination on the part of Iran and Iraq to de-escalate the prevailing situation and to improve their relations and, in particular, the fact that both countries have agreed through the Secretary-General's Special Representative, acting in the exercise of the Secretary-General's good offices, to the following points:

(a) A strict observance of the 7 March 1974 cease-fire agreement;

(b) Prompt and simultaneous withdrawal of concentrations of armed forces along the entire border, in accordance with an arrangement to be agreed upon between the appropriate authorities of the two countries;

(c) The creation of a favourable atmosphere conducive to achieving the purpose stated in the following subparagraph, by refraining totally from any hostile actions against each other;

(d) An early resumption, without any preconditions, at the appropriate level and place, of conversations with a view to a comprehensive settlement of all bilateral issues;

3. *Expresses the hope* that the parties will take as soon as possible the necessary steps to implement the agreement reached;

4. *Invites* the Secretary-General to lend whatever assistance may be requested by both countries in connexion with the said agreement.

After the vote, the representative of the United Kingdom stated that it was not appropriate to discuss the precise relationship between the Secretary-General and the Security Council on a resolution dealing with an agreement entered into bilaterally between the parties to a dispute, particularly when no amendment to that effect had been moved to paragraph 4 of the draft resolution. Nothing in that resolution, and nothing that had taken place in the Security Council that day had in anyway altered the relationship that existed between the Secretary-General and the Security Council.<sup>867</sup>

## RELATIONSHIP BETWEEN THE UNITED NATIONS AND SOUTH AFRICA

### INITIAL PROCEEDINGS

By a letter dated 9 October 1974<sup>868</sup> addressed to the President of the Security Council, the representative of Tunisia, in his capacity as the Chairman of the African Group at the United Nations, requested a meeting of the Security Council to review the relationship between the United Nations and South Africa in conformity with General Assembly resolution 3207 (XXIX) adopted on

<sup>864</sup> 1770th meeting, following the intervention by China.

<sup>865</sup> For the applicability of article 27, paragraph 3, see in chapter IV, part III.

<sup>866</sup> Resolution 348 (1974).

<sup>867</sup> 1770th meeting, intervention by the United Kingdom.

<sup>868</sup> S/11532, *OR, 29th year, Supplement for October-December 1974*, p. 25.

30 September 1974. Under that resolution the General Assembly had called on the Security Council to review the relationship between the United Nations and South Africa in the light of the constant violation by South Africa of the principles of the Charter of the United Nations and the Universal Declaration of Human Rights.

The Council held 11 meetings between 18 and 30 October 1974 to consider the item. In the course of the discussion, the President (United Republic of Cameroon), with the consent of the Council, and at their request, invited the representatives of Algeria, Bangladesh, Barbados, Congo, Cuba, Czechoslovakia, Dahomey, Egypt, the German Democratic Republic, Ghana, Guinea, Guyana, India, Kuwait, Liberia, Libyan Arab Republic, Madagascar, Mali, Mauritius, Morocco, Nigeria, Pakistan, Qatar, Romania, Saudi Arabia, Sierra Leone, Somalia, South Africa, the Syrian Arab Republic, Tunisia, Uganda, the United Arab Emirates, the United Republic of Tanzania, Upper Volta, Yugoslavia and Zaire to participate in the debate without the right to vote.

The Council also decided to extend invitations under rule 39 of its provisional rules of procedure to Mr. David Sibeko of the Pan Africanist Congress of Azania, Mr. Duma Nokwe, of the African National Congress, Noel Mukono of the Zimbabwe African National Union, T. George Silundika of the Zimbabwe African People's Union and Mr. Theo-Ben Gurirab of the South West Africa People's Organization.

At the 1796th meeting on 18 October 1974, following the adoption of the agenda<sup>869</sup> the Council began its discussion of the question with statements by the representatives of Tunisia, Somalia and Sierra Leone.

The representative of Tunisia\*, representing the African group, stated that the political and social system practised in South Africa was in total violation of, and in flagrant contradiction with, the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights. Furthermore, South Africa, in violation of Article 2 of the Charter, had continued illegally to occupy the Territory of Namibia, despite the fact that in 1966 the General Assembly had terminated its Mandate, and it had sent troops to Southern Rhodesia and maintained them there, defying both the administering Power and the United Nations. Moreover, in violation of Articles 5 and 25 of the Charter, it had refused to apply the Security Council decisions that imposed sanctions on Rhodesia under Chapter VII of the Charter and had continued to maintain political, economic, military and other relations with the minority régime in Rhodesia. The representative of Tunisia then said that in view of South Africa's attitude during the past twenty-nine years of its membership in the United Nations, his delegation would urge the Council to invoke Article 6 of the Charter and expel South Africa from the Organization.<sup>870</sup>

The representative of Somalia\*, speaking as current Chairman of the Council of Ministers of the Organization of African Unity had also called for the invocation of Article 6 of the Charter. He stressed that in its consideration of the relationship between the United Nations and South Africa, the Council must also take into account its own conclusion

<sup>869</sup> 1796th meeting, President's opening statement.

<sup>870</sup> *Ibid.*, intervention by Tunisia.

that the situation in South Africa was a threat to regional peace and security which could well escalate into a threat to international peace and security. The Council could not turn away from the responsibility of considering whether South Africa should be expelled from the United Nations. Objective consideration of the facts would show that South Africa's continued presence as a Member State made a mockery of international law and morality.<sup>871</sup>

The representative of Sierra Leone\* taking note of the demands for the expulsion of South Africa from the United Nations stated that whatever decision was taken at the conclusion of the debate would have a direct relevance to the conditions of life and respect for the human dignity of millions of citizens in the southern part of Africa. The Council should carry out its onerous duties with sincerity and without flinching from whatever decision it believed would serve the principles of the Organization and serve to further respect for human dignity.<sup>872</sup>

The representative of Egypt\* stated that South Africa's *apartheid* policy was not limited to South African territory but encompassed southern and northern Africa as well where acts of aggression and threats to international peace and security were repeatedly perpetuated by South Africa and its allies. The collaboration between South Africa and Israel in the military, political and economic spheres had also represented a serious threat to international peace and security. It was therefore vital for the United Nations to adopt certain measures against South Africa, including expulsion from the Organization and observance by Member States of a total boycott in its dealing with the South African régime.<sup>873</sup>

The representative of Nigeria\*, asserting that South Africa's policies and actions had created a threat to international peace and security called for the exclusion of the South African régime from participation in the Organization under Articles 5 and 6 of the Charter of the United Nations. In discussing the argument that South Africa's expulsion from the Organization would violate the principle of universality, he stated that that principle could be upheld only in accordance with the principles of the Charter and not as a means to condone and defend gross violations of the Charter. Otherwise, Articles 5 and 6 would be rendered meaningless.<sup>874</sup>

The representative of Mauritius\* stated that it was intolerable and destructive of the United Nations to allow a régime, which openly opposed the collective decisions of the Security Council and the General Assembly, to continue participation in their decision-making process. Also intolerable was that three permanent members—France, the United Kingdom and the United States—which maintained close military contact with the South African régime should be allowed to veto any constructive resolution to apply the provisions of the Charter, particularly Articles 5 and 6.<sup>875</sup>

The representative of Madagascar\* stated that the fact was that once the South African Government had refused the good offices of the Organization, attacked the consti-

tutionality of its resolutions and decisions, rejected the recommendations under Chapters VI and XI of the Charter, and ignored the innumerable appeals for co-operation under Articles 1, 13, 55 and 56, the Organization itself became a party to the dispute, thus creating a situation for which no express provision was made in the Charter. The logical consequences of that situation were covered by Article 6, concerning expulsion and Articles 41 and 42, on sanctions and the use of force, two articles not mutually exclusive. In the case of South Africa, the pertinent Articles of Chapter VI had already been applied when the Organization set up good offices commissions, called for mediation and ordered inquiries conducted by a group of experts of the Council. Article 40 was invoked when the Council decided to institute an arms embargo. For 28 years the Organization had seen South Africa persistently infringe Charter principles, thus calling for the application to itself of Article 6. As for Article 27, it was necessary to clarify its scope with a view to applying its provisions in relation to Chapter VII of the Charter. Looked at in political terms, if one or more States had given diplomatic, political and military support to South Africa, and perhaps were prepared to go on doing so, it could be concluded that they too bore responsibility for the reprehensible actions of the South African régime. In that case they became a party to the dispute, and Article 27 of the Charter would be applicable to them.<sup>876</sup>

Also calling for the expulsion or suspension of South Africa from the United Nations were the representatives of Algeria\*, Byelorussian SSR, China, Congo\*, Cuba\*, Dahomey\*, the German Democratic Republic\*, Ghana\*, Guinea\*, Guyana\*, India\*, Indonesia\*, Iraq\*, Kenya, Kuwait\*, Libya\*, Mali\*, Mauritania, Morocco\*, Pakistan\*, Peru\*, Qatar\*, Syria\*, Tanzania\*, Uganda\*, Upper Volta\*, United Republic of Cameroon, Yugoslavia\* and Zaire\*.

The representative of the USSR, in supporting the demands for South Africa's expulsion from the Organization stated that the South African régime had been able to defy the United Nations owing to the support it enjoyed from certain western Powers, members of the North Atlantic Treaty Organization as well as from transnational monopolies belonging to them. He urged the permanent members of the Council not to put any obstacles in the move to exclude South Africa from the United Nations.<sup>877</sup>

The representatives of Bangladesh\*, Czechoslovakia\* and Liberia\* called for more effective steps against South Africa in the face of its continued defiance of the United Nations and the representative of Austria while conceding that expulsion was one alternative, suggested that other possibilities ought to be explored as well.<sup>878</sup>

The representative of Barbados\* proposed that the Security Council give the South African Government a final deadline by which it must report to the Council its complete withdrawal from Namibia. Consistent with Article 40 of the Charter, the Council might, before making recommendations or deciding upon measures provided for in Article 39, call upon South Africa to comply with

<sup>871</sup> 1796th meeting, intervention by Somalia.

<sup>872</sup> *Ibid.*, intervention by Sierra Leone.

<sup>873</sup> 1797th meeting, intervention by Egypt.

<sup>874</sup> *Ibid.*, intervention by Nigeria.

<sup>875</sup> *Ibid.*, intervention by Mauritius.

<sup>876</sup> 1801st meeting, intervention by Madagascar.

<sup>877</sup> 1806th meeting, intervention by the USSR.

<sup>878</sup> For texts of relevant statements, see: 1808th meeting: Austria; 1798th meeting: Bangladesh; 1801st meeting: Czechoslovakia; 1803rd meeting: Liberia.

certain provisional measures with respect to withdrawal from Namibia, in order to prevent an aggravation of an already grave situation threatening international peace and security. It would be for the Council to decide upon the nature of the provisional measures. In any case, it would be clear that the Council would, by that act, have taken preventive action, within the meaning of Article 5 of the Charter, against South Africa.<sup>879</sup>

The representative of Saudi Arabia\* proposed that the supporters of South Africa ought to persuade it to transfer authority over Namibia to the Trusteeship Council within a period of two years after which Namibia would become an independent State.<sup>880</sup>

The representative of Australia said that his delegation would support moves to expel South Africa from the Organization as his country had decided that moral considerations on the question had to be decisive. However, he stressed that the expulsion of South Africa, should it come about had to be treated as a special and exceptional action which must on no account be applied indiscriminately to countries that might happen to attract the opposition of a majority in the Assembly or in the Council in respect of particular acts alleged to be contrary to the Charter.<sup>881</sup>

The representative of South Africa\* stated that his Government's position in regard to Article 2, paragraph 7 of the Charter was well known. South Africa's participation in these proceedings, in so far as they related to the internal affairs of South Africa, should not be construed to mean that South Africa had changed its position in regard to that Article, ~~but~~ should be seen as flowing from willingness to discuss its differences with other countries genuinely interested in a constructive solution to them. He asserted that there was no valid reason for singling out South Africa's relations with the United Nations and that it was just a political move in pursuance of a vendetta being conducted by certain Member States. It had been said that South Africa had disregarded resolutions of United Nations organs; but those resolutions were based on inadequate, prejudiced and often grossly distorted information which was not objectively weighed to separate facts from ignorant or malicious misrepresentations. There had been demands in the Council for the expulsion of South Africa from the Organization and in other organs of the Organization attempts had been made to prevent South Africa from exercising its rights and privileges of membership, something not only manifestly illegal but which had set a dangerous precedent. Such course of action might benefit one or two countries remote from the region who had pursued political designs of their own but certainly not anyone in South Africa and least of all the people in whose name such an action was being urged.<sup>882</sup>

The representative of Costa Rica stated that although South Africa deserved some form of sanction because of its reluctance to act in accordance with the principles of the Charter, expulsion was much too grave an action to take in this instance, specially, since all other means provided in the Charter had not been exhausted. Thus his delegation could not support a call for South Africa's expulsion although it was prepared to support action for immediate suspension of South Africa from the United Nations for as long as it continued to practice *apartheid* and refused to abide by the decisions of the United Nations concerning Namibia.<sup>883</sup>

The representatives of France, the United States and the United Kingdom also opposed the expulsion of South Africa from the United Nations. While deploring the policy of *apartheid* practised by that country, they asserted that expulsion of a Member State would create a dangerous precedent and would also remove it from the pressures of international opinion.<sup>884</sup>

#### Decision of 30 October 1974 (1808th meeting):

*Rejection of the draft resolution submitted by Iraq, Kenya, Mauritania and the United Republic of Cameroon*

At the 1802nd meeting on 25 October the Council had before it a draft resolution<sup>885</sup> submitted by Kenya, Mauritania and the United Republic of Cameroon and later co-sponsored by Iraq under which the Security Council would have recommended to the General Assembly the immediate expulsion of South Africa from the United Nations under Article 6 of the Charter in view of that country's refusal to abandon its policies of *apartheid*, its refusal to withdraw from the territory of Namibia and its military and other support of the illegal régime in southern Rhodesia in violation of the pertinent resolutions of the Security Council.

At the 1804th meeting the President drew attention to a draft resolution submitted under rule 38 by Saudi Arabia.<sup>886</sup> Under the draft resolution, the Security Council would urge South Africa to transfer without undue delay its authority over Namibia to the Trusteeship Council; request the Secretary-General to appoint two co-administrators from neutral countries to administer Namibia together with South Africa during the period of transfer; and request the United Nations Commissioner for Namibia to assist by co-ordinating the transfer of power from South Africa to the Trusteeship Council.

At the 1808th meeting on 30 October 1974, the four-Power draft resolution was rejected by 10 votes in favour, 3 against with 2 abstentions.<sup>887</sup>

<sup>883</sup> 1808th meeting, intervention by Costa Rica.

<sup>884</sup> For texts of relevant statements, see 1808th meeting: France, United Kingdom, United States.

<sup>885</sup> S/11543, OR, 29th year, Supplement for October-December 1974, pp. 34-35.

<sup>886</sup> S/11547, OR, 29th year, Supplement for October-December 1974, p. 36.

<sup>887</sup> 1808th meeting, following the intervention by Mauritania.

<sup>879</sup> 1802nd meeting, intervention by Barbados.

<sup>880</sup> 1797th meeting, intervention by Saudi Arabia.

<sup>881</sup> 1807th meeting, intervention by Australia.

<sup>882</sup> 1800th meeting, intervention by South Africa.