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Editor/Redakteur

Sara Pienaar

Assistant Editor/Assistent-Redakteur

Alan Begg

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Die Suid-Afrikaanse Instituut van Internasionale Aangeleenthede word deur sy Konstitusie daarvan weerhou om 'n mening oor enige aspek van internasionale aangeleenthede uit te spreek. Dit is daarom nie verantwoordelik vir enige sienswyse wat in hierdie publikasie weergegee word nie.

Smuts House Notes

'This organisation (the United Nations) is created to prevent you from going to hell. It isn't created to take you to heaven.'

Henry Cabot Lodge

Forty years is not a long time in the life of an organization which set itself the goal of saving 'succeeding generations from the scourge of war'. This is, however, an appropriate moment to pause and reflect on what has happened to the United Nations thus far and, even more importantly, what may happen in the immediate future.

Like all man's creations, the United Nations has been fallible. The frequent accusations of political bias, particularly against South Africa and Israel; abuse of the Charter in the Congo and elsewhere, and misuse of funds, as in the case of UNESCO, all contain a grain of truth. It is, however, a monstrous distortion of fact to lay the blame—as many are prone to—for almost all the world's ills at the door of the United Nations.

Great diplomatic compacts arise from the conjuncture of historical forces, and the Charter of the United Nations is no exception.

While the business of the Atlantic Charter (August 1941) was with war, not peace, it did emphasize the need for international co-operation. By employing the phrase 'Freedom from fear and want' it inadvertently raised a concept which has returned to haunt and frustrate the UN.¹ The recent demands for a new international economic order have their roots in a desire for economic equality.

The Moscow Declaration (October 1943) recognised 'the necessity of establishing at the earliest practicable date a general international organization, based on the principle of sovereign equality of all peace-loving states, and open membership by all such states, large or small, for the maintenance of international peace and security'. Of the foregoing words, 'the principle of sovereign equality' continually returns and dogs the organization's dealings with a number of states, particularly South Africa.

It was at Dumbarton Oaks (August–October 1944) that the details of the organization were fleshed out. The constitutional structure of the body emerged in the 'proposals for the establishment of a general international organization'. This saw 'an assembly in which all the members would be

represented and a council with a great power nucleus which would carry the main responsibility for peace and security'.² Hindsight shows that it has been a cumbersome structure which has very often been deadlocked over the most crucial issues of the day as a result of the veto. Historically, of course, it has never been possible to break away from Great Power dominance, and the Security Council system only reflects this reality.

Perhaps, however, there was no more poignant a miscalculation made in its establishment than the decision to accord 'big power' status to Chiang Kai-Shek's China at the Full Drafting Conference in San Francisco (April 1945). When, 27 years later, the 'anomaly was rectified', and Mao Tse Tung's China occupied the seat of the Taiwanese, it appeared to many that, in Daniel Moynihan's phrase, the United Nations had become 'a dangerous place'.

It is true, as many have pointed out, that wars have continued in the 40 years since San Francisco and that the United Nations has often been powerless to deal with these, and it is also true that the United Nations has been powerless to deal with the awesome growth of armaments, both nuclear and conventional.

While wars have continued these past 40 years, the causes have been aired for the most part in the General Assembly, and the fear of adverse pressure from the United Nations has often forced protagonists in conflicts to restrain their actions; but restraint is not the end of hostilities, to be sure. One noticeable achievement has been the restraint on hostilities which the UN Peace Keeping Forces have managed to exercise in Cyprus, Katanga, the Middle East and elsewhere. The UN remains the first international organisation to be provided with an independent armed force.

With regard to the weapons proliferation, the powerlessness of the UN's predecessor had demonstrated the ineffectiveness of arms control efforts at the multi-lateral level, and demonstrated the need earnestly to pursue the arms control efforts at the Super-Power and, where possible, at the regional level. But those who framed the Charter never held out arms control as a serious prospect for the UN. This limited capacity to deal effectively with arms proliferation makes the prospects for keeping the global peace more difficult for the UN.

In spite of failings in major areas, the UN has managed to reach out into the lives of ordinary people through its specialised agencies. The World Health Organisation (WHO) and the Food and Agricultural Organization (FAO) have brought health and happiness where it was not thought possible; proving, at the same time, that international co-operation can exist and vindicating those who dreamed the United Nations dream. Indeed, the UN's success through the specialised agencies greatly surpasses that of its predecessor.

As we look to the future, it is clear that a case can (and, perhaps, should) be made for the reform of the United Nations. A former U.S. ambassador to the

United Nations told this commentator in early 1984 that the United Nations had become bogged down in the South African and Israeli cases. He said that reform was needed to prevent such divisive issues cluttering up the agenda in the future. Reform will, however, be difficult and we may not see it in the next decade; but neither will we see the collapse of the United Nations between now and its Golden Jubilee.

Both in its content and its operations the United Nations has reflected the fallibility of human kind—our good and our evil. In a world in which nations remain deeply divided by language, religion, ideology, wealth and poverty, we should celebrate international co-operation at every anniversary rather than try to destroy organizations which seek to promote this goal.

Notes

1. Perhaps the easiest and most accessible book on the United Nations is: H.G. Nicholas, *The United Nations as a Political Institution*. Oxford University Press. In writing these notes I have relied on the fifth edition and have drawn randomly from pp. 1–13.
2. *Ibid.*, p. 4

Peter Vale,
Director, Institute of Social
and Economic Research,
Rhodes University.

Editor's Note

This issue of *International Affairs Bulletin* is devoted to one topic, South Africa's relationship with the United Nations, and is intended to mark the UN's fortieth anniversary. Future issues of the *Bulletin* will also tend to focus on specific topics. We would also welcome written suggestions from readers on appropriate topics, as well as views on papers already published.

Given the record of the relationship over forty years, it is not surprising that the UN is a controversial issue in South Africa. We have tried in this issue to reflect some of the widely differing perceptions and viewpoints on the UN among South Africans, but this is not intended to be a complete or fully balanced picture of South African attitudes and opinions.

The *Bulletin's* editorial staff were hoping for an article by more than one of South Africa's leading black writers; regrettably the envisaged contributions failed to materialise in time for this issue. Nevertheless, we remain optimistic that a representative black viewpoint will appear later. It is important to identify black perceptions regarding the impact domestically of international organizations, ranging from the UN itself, through the more narrowly representative OAU and Non-Aligned Movement, to the palpably militant options underwritten ultimately by the Eastern Bloc and to a lesser degree, Beijing.

Sara Pienaar

Sara Pienaar

South Africa from Paragon to Pariah: Contrasts between the League of Nations and the United Nations

The United Nations' fortieth anniversary has occasioned numerous assessments of its record in the global community and of its varying impact on the international issues which have arisen since World War II. Two of the world's problem areas have proved particularly resistant to any UN-imposed solutions. The one is the Middle East and more particularly Palestine, the Arabs and Israel. The other is, of course, South Africa.

Much has been written about both issues. The present author's intention is to examine from the historian's viewpoint South Africa's position in the international community since World War I and to explain why this country's record in the League of Nations contrasts significantly with its subsequent relationship with the United Nations. It will be demonstrated that there are three underlying reasons for this. They are first, the structure and membership of the two organisations; secondly the fact that the international morality or *Weltanschauung* of the inter-war period differed considerably from that after World War II; and only thirdly the domestic political, economic and social dynamics of South Africa.

I

The League of Nations arose from the deliberations of the Paris Peace Conference (January–June 1919) and its Covenant, or constitution, forms the first 26 articles of the Treaty of Versailles. Jan Smuts, together with President Woodrow Wilson and Lord Robert Cecil, contributed significantly to the League's creation and it was in this 'elder statesman' capacity that he contributed to the stirring preamble to the United Nations Charter in 1945. Article 1 of the Covenant defined the League's 'original members' as the 32 Allied and Associated signatories of the Treaty of Versailles with, in addition, a further 13 neutral states which were invited to accede. The South African representatives at Versailles, Generals Botha and Smuts, signed the Treaty under the somewhat ambiguous heading of 'British Empire', together with Great Britain, Canada, Australia, New Zealand and India. Although the exact nature of the dominions' status (and that of India) at the League was

Dr Pienaar Manning Research Director at the SAIIA. Her doctoral thesis has on South Africa and the League of Nations, 1929–1939.

initially a matter of confusion and even of resentment on the part of some League member states which believed that Great Britain was thereby unfairly possessed of more than one vote in the League Assembly, the South African, and some other governments (notably that of the Irish Free State which became a member in 1921) soon proved that they were no mere colonial appendages, but had minds and policies of their own. A striking example of this independent attitude is to be found in the stand taken by the South African representative, Charles Te Water, at the League Assembly in July 1936 when he denounced the lifting of the economic sanctions against Mussolini's Italy which had been imposed the previous October in response to that country's invasion of Ethiopia.

The League's membership was composed almost exclusively of states with white, or mainly white populations. Often accused of Euro-centricity, European states and European issues predominated at Geneva. As far as African Membership was concerned, only Liberia and South Africa were original members, since the criteria for membership included full self-government. Ethiopia joined in 1923 and Egypt in 1937. Among the nations of Asia, only India, China, Japan, Persia (Iran), Hedjaz (later Saudi Arabia) and Siam (Thailand) joined the League at its inception. Iraq entered in 1932 and Afghanistan in 1934. In Latin America some member states contained black and mestizo populations, but only the former slave state, Haïti, took a stand at Geneva against racial discrimination.¹ The South African government therefore found itself by and large in the company of people who took for granted that white élites should rule.

The League's structure was a simpler version of today's United Nations with an Assembly, Council, Secretariat and certain permanent committees. The bulk of the Covenant's 26 articles are concerned with threats to the peace, with disarmament (a hopeless quest!), with the pacific settlement of international disputes and with machinery (under Articles 15 and 16) to handle transgressing states which resorted to aggression. Only towards its close, in Article 23, does the Covenant start to tackle the problems of human injustice and inequality. Paragraph (b) obliges members 'to secure just treatment of the native inhabitants under their control' but nowhere is it suggested that 'rights' now considered indispensable to human dignity and in particular the right to participate in a democratic political system should be accorded to them. The South African government correctly therefore had no reason to expect that the League would interfere in its domestic affairs.

Somewhat different was the story of the South West African Mandate, well known to readers of the *Bulletin*. Not only did the South African government as mandatory power incur the wrath of the League Permanent Mandates Commission for its handling of the Bondelswarts rebellion of 1922² but less well known and perhaps more significant are the passages of arms over matters such as the inequalities in education. In 1930 it was

suggested to the South African government that to spend £11 000 on 'native' education and £120 000 on that for whites was highly inequitable in a territory where the black population outnumbered the white by 10 to one.³ This issue and others like it surfaced almost annually and always provoked strong criticism.

The South African government's treatment of its Indian Population was a potential embarrassment, since India (represented by its imperial government) was also a member of the League. In 1930 League member states were asked to adhere to the General Act for the Pacific Settlement of International Disputes which provided for compulsory arbitration between members. The South African government's reluctance to commit itself to this project was based on the apprehension that the Indian government might use it to concern itself with the lot of South Africa's Indians. General Hertzog told the British this quite unequivocally in 1930⁴ and went even further when replying to a question in the South African Senate in 1932. 'Why . . . should we bind ourselves to arbitration in regard to such domestic matters as those dealing with Asiatics or natives? We might be called upon to surrender everything and get nothing in return.'⁵

Notwithstanding South African reluctance to expose its domestic policies to international arbitration and despite its somewhat uncomfortable relationship with the Permanent Mandates Commission, it is nevertheless true to say that South Africa cut a more than respectable figure at the League both in debates on international issues such as Japan's invasion of Manchuria and Italy's of Ethiopia and by its participation in the League's non-political or functional organisations.

Having seen that South Africa's experience with the League was by and large a pleasant one, it is time to turn to the relationship, now forty years old, between this country and the United Nations. The structure and membership of today's United Nations together ensure that domestic developments in this country cannot escape international scrutiny and indeed involvement.

To turn first to structure, it is immediately apparent that the United Nations is a far more complex organization than its predecessor. As against the League Covenant's 26 articles, the UN Charter boasts 111, divided into 19 chapters, although both bodies' main aims have been the maintenance of international peace and security and the promotion of non-political co-operation. Because the UN's life is already twice as long as the effective life of the League of Nations, it has had the time to develop a whole range of codes, committees, commissions, regulations and declarations which have added, at least theoretically, to its scope and effectiveness. In particular, for our purposes, the Universal Declaration of Human Rights (1948) has exerted a strong influence over this country's UN relationship. The Declaration is the explicit expression of Article 55(c) of the Charter which obliges members to

promote universal respect for human rights and freedoms and in the course of its 30 articles it sets out standards, few of which are attained in many of the UN's member states and which strongly reflect the American ideals of the Chairman (Eleanor Roosevelt) of the Commission which formulated them.

South Africa's domestic policies attracted hostile comment from the very first session of the UN General Assembly and are still doing so now at its 40th. The Indian question soon became submerged in the more general issue of apartheid, the first anti-apartheid resolution as such being proposed in the General Assembly as early as 1952. Meanwhile the South West Africa/Namibia issue rumbled on in counterpoint year after year, bringing down on Pretoria still more hostility and unresolved now as it was in 1946 despite Security Council Resolution 435 of 1978 and the many efforts of the USA, Britain and other states to achieve a compromise satisfactory to both South Africa and the United Nations.

The South African government's reply to criticism of its domestic policies has traditionally been based on Article 2, paragraph 7 of the Charter which denies the UN's authority 'to intervene in matters which are essentially within the domestic jurisdiction of any state unless they threaten to cause a breach of the peace' (Article 39). It has up to now been powerful enough to ignore what it considers the UN General Assembly's unwarranted interference in its affairs and even to weather the sanctions which have been imposed upon it by the Security Council. Apartheid first came to the Security Council's notice in 1960 when it was condemned, but no action was called for. Over the next 17 years the General Assembly attempted almost every year to persuade the Security Council to impose mandatory diplomatic and economic sanctions and an arms embargo on South Africa. However, although the General Assembly achieved the necessary two-thirds majority in favour of such measures as early as 1962 when it also established the Special Committee on Apartheid, it was only in 1977, by Security Council Resolution 418, that a mandatory arms embargo was imposed upon South Africa. Consequently, although many UN member states have complied with the much broader but non-binding sanctions proposed by the General Assembly, South Africa's major trading partners, possessed of the veto, have gone no further than to ban arms sales to South Africa. As Professor John Barratt remarked a decade ago: 'The *significant* developments in this (the apartheid) controversy and the effective pressures for change in South Africa have occurred *outside* the Organization in recent years . . .'¹⁶ and this is still true today.

1985 may in retrospect mark a new stage in South Africa's relationship with the United Nations and in the Organization's ability to take a stronger stand on events within this country. Although this trend was discernible in the Security Council debates in early March (over arrests and the Crossroads disturbances) when South Africa was unanimously condemned, it was

strikingly apparent in the resolution sponsored by France (formerly a stout opponent of sanctions) in July and calling for voluntary economic sanctions after Uitenhage and the ensuing violence and unrest. Britain and the USA merely abstained on the vote which therefore passed by 13 : 0, though it is no doubt significant that they vetoed an amendment proposed by the six non-aligned members of the Council which would have made the sanctions mandatory. The irony here is that the South African government, once in the vanguard of the lobby which declared that League economic sanctions were the best guarantee of collective security, even to the extent of pressing for an oil embargo against Italy in 1935/6, now finds itself the object of an unprecedented and unequalled range of sanctions from the UN. At the time of writing (early October) it is clear that both General Assembly and Security Council will be much engaged with South African issues in the months ahead.

One of the chief weaknesses of the League lay in its less than universal membership. The United States' absence is well known and it is also true to say that with the exception of Britain and France, most of the major states and a good few minor ones came and went according to their mood. This is one of the few problems with which the United Nations has *not* had to contend, and from its inception in 1945 with 51 member states it has grown to include no less than 159 (October 1984). The only original UN members from Africa were South Africa and her former League colleagues, Egypt, Ethiopia and Liberia but the bulk of the more than one hundred states which have joined the UN since it started are from Africa and Asia. In fact to become a member of the United Nations is one of the first steps taken by any state newly released from colonial status and is an important stage in the establishment of its international legitimacy. That these former colonies should be hostile to what they understand to be South Africa's domestic policies is hardly surprising and this theme will be further developed below.

One of the consequences of international hostility to South Africa in the United Nations is that this country has never occupied a seat on the Security Council (though it has of course appeared there on numerous occasions including four so far this year). Its delegation has not been able to take its seats in the General Assembly since 1974 when the Credentials Committee advised that the delegation did not properly represent the people of South Africa. South Africa has been expelled or has withdrawn from most of the many international functional organizations which flourish under the UN umbrella including the International Labour Organization.

It is now time to consider why South Africa's domestic situation has been singled out for special attention at the UN. The cry of 'double standards!' is perhaps understandable when one knows that only a fortunate few of the UN's member states can boast of political and social systems which reach the high standards demanded of South Africa. Whatever the reasons, however, it

must be accepted that apartheid is one of the few issues on which East and West, First World and Third, Capitalist and Communist can agree, which they can jointly condemn, although they cannot decide upon mutually satisfactory action to counter it. The result is that South Africa's domestic policies have landed it in a uniquely isolated and friendless position in the United Nations, a position that bears no similarity to South Africa's League experience. The contrast was drawn, if crudely, by Zimbabwe's Foreign Minister, Witness Mangwende, when he called recently for the expulsion of South Africa from the UN and called it 'a tragic irony of history'⁷ that a founder member of the League should now be defying the international community by practising apartheid.

II

The League of Nations' aims were above all to prevent another European war. Even a superficial study of the Covenant will convince the reader that human rights in the modern sense were not an issue. War and aggression were held to be undesirable and states were expected to behave towards each other rather in the way that individuals of good background and strong principles like the Covenant's authors, would conduct their human relations. This was taken more or less for granted and can be discerned in expressions in the Preamble such as 'the prescription of open, just and honourable relations between nations' or 'the maintenance of justice and a scrupulous respect for all treaty obligations'. It is true that Article 7 promotes the then revolutionary principle that positions in the League Secretariat should be equally open to men and women, though few women ever held major posts there, and that Article 23 concerns itself with decent working conditions, the protection of the weak, the promotion of communications and the prevention of disease; but in general, the assumption was that states and individuals, but for the odd and exceptionally delinquent case, would respond to calls for reasonable debate and would acquiesce in the League's judgements. For this reason the League lacked 'teeth' and many, including Smuts, believed that it should not possess them.⁸ The imposition of economic sanctions by League members was not obligatory, and suggestions by insecure states such as France that the League should have its own army to enforce its will were turned down. Members preferred to rely rather on virtuous-sounding but unenforceable declarations such as the Pact of Paris, or Kellogg-Briand Pact, which 'outlawed' war, even when war was fast approaching.

A partial exception must be made for Article 22 which provides for the creation of the mandates system. In the principles set out for the 'tutelage' of the inhabitants of the former German and Turkish empires, their 'well-being and development' were to form 'a sacred trust of civilization' and in particular for 'the advanced nations' entrusted with their care. The League, and in particular the Permanent Mandates Commission, have often been accused of

paternalism, and of failing to insist on eventual independence for the peoples concerned. Certainly the PMC records in relation to South West Africa contain some statements that strike us unfavourably today such as Lord Lugard's view that opinions obtained from 'native' leaders by the 1936 South West Africa Constitutional Commission would be worthless 'as constitutional questions were beyond the understanding of the masses'.⁹ Nevertheless William Rappard, Miss Dannevig and others battled for fairer treatment for South West Africa's people and it is perhaps anachronistic to expect a group of privileged Europeans in the 1920s and 1930s to be wholehearted protagonists of decolonisation. As a recent writer has put it, the interwar period was a kind of crossroads at which the imperialist impulse had run out of steam and some people were starting to respond to the nascent anti-imperialist movements by questioning the real benefits of empire. Nevertheless he points out that there is a major contrast between the League's ambiguous attitude to empires and the treatment of their inhabitants and the UN's straightforward encouragement of decolonisation.¹⁰

Certain moral parallels may be drawn between the League and the UN through the International Labour Organization, a body which links them both. Even if the larger issue of black civil rights in South Africa and elsewhere was largely ignored between the wars, the ILO rejected the contention of South African government and employer delegates that local labour conditions justified non-compliance with ILO directives and conventions. Migrant labour in particular came under the spotlight several times and the annual conferences sometimes served as a platform for workers' representatives such as William Ballinger, Norman Nxumalo and, in 1927, Clements Kadalie, who termed himself 'the first African Ambassador' in Europe.¹¹ It may be noted in passing however, that South African workers' representatives at ILO conferences were almost invariably white and that the kind of class/colour conflict which was reflected in the famous banner inscribed 'Workers of the World Fight and Unite for a White South Africa'¹² which was carried in the 1922 Rand Rebellion was perhaps one reason why more attention was not paid to the problems of South Africa's black workers.

If the League did not, by and large, press for the political and economic rights of blacks, sharing it would seem, in the generally-held assumption that the time for such a debate was not yet ripe, what of the United Nations?

The UN was born into a sadder and wiser world than that of 1919. No longer could it be taken for granted that member states would behave 'decently' to each other and the experience of Hitler's Germany moreover, seemed to indicate that relationships between governments and the governed should also be subject to international supervision. The result has been that the United Nations' approach to *international* relations has been more hard-headed than was the League's, but that in regard to *human* relations it has been

a great deal more idealistic, in that it aimed from the start to intervene in and regulate them. The United Nations' determination to possess 'teeth' is shown in Chapter VII of the Charter where measures designed to permit the UN use of member states' land, sea and air forces are laid down and also in the denial of voting rights to non-Great Power parties to a dispute brought before the Security Council (Article 32). How and why the United Nations has been impotent to prevent international conflict is beyond the scope of this article as is the fact that, despite the reiterated belief that humans should behave decently towards each other, they have persisted, in many parts of the world, in treating each other cruelly, unjustly and repressively. Neither the Charter's preamble, reaffirming 'faith in fundamental human rights' nor the Universal Declaration of Human Rights has prevented this.

In South Africa's case, however, the negative consequences of its apartheid policies have earned it widespread ostracism and condemnation. In UN terminology, apartheid, along with nazism and genocide, is 'a crime against humanity' which must, according to a 1976 convention be 'punished'.¹³ Again, the cry of 'double standards' is often raised. Why single out South Africa? The answer lies, briefly, in the radical transformation of international morality which started soon after the end of World War II and in which racial discrimination, especially when institutionalized, has become anathema. The revelations of Hitler's concentration camps in 1945 is one reason for this. More important perhaps, is the post-war disintegration of the European empires, especially when the first of the new and violently anti-colonialist African states started entering the United Nations in the late 1950s. For the Western Powers, South Africa has become almost impossible to protect if they are to hold up their heads at the UN and maintain their links with the world's non-aligned states.

It is true that the United Nations has not persuaded the South African government to change its policies but it has acted as a catalyst and forum both in regard to apartheid and to South Africa's continued occupation of South West Africa/Namibia and has thus contributed in no small way to this country's present isolation, which contrasts so strongly with the acceptance it enjoyed among the League's community of nations.

III

Finally, and very briefly, what part have South Africa's domestic policies played in the story of her fall from favour? We shall see that racial discrimination existed in South Africa, as elsewhere in the late colonial period between the wars. However, when the world entered a new, post-imperial phase after 1945, South Africa remained behind, caught by the complexities of its history in a kind of time-warp that made it increasingly out of touch and out of sympathy with the rest of the world.

Taking the League of Nations period first, it will be recalled that few, if

any, people of colour enjoyed political rights in South Africa at that time. Under the 1909 South Africa Act, the Cape Province and Natal retained their pre-Union qualified and colour-blind franchise. The numbers of black voters were small and in 1930 90,7 per cent of all voters were white, the proportion increasing in that year to 95,5 per cent when white women were enfranchised.¹⁴ In 1936 Prime Minister J. B. M. Hertzog achieved what he had been unable to do ten years earlier, the removal of all African, as distinct from Coloured, voters from the Cape voters' roll and the creation of three separate Cape constituencies in which qualified African males would elect 'Native Representatives' to the House of Assembly. The Natives' Representative Council set up under the same legislation (*The 1936 Natives' Representation Act*) to advise the government was widely dismissed by blacks as a 'toy telephone' through which they could not communicate, let alone influence the government.

In other spheres too, interwar South Africa was hardly a multiracial paradise. Job reservation was well entrenched by legislation in 1911 and extended in 1924/5. Influx control to urban areas and the carrying of passes was formalised as early as 1923 with the *Natives (Urban Areas) Act* and legislation in 1913 and 1936 made it impossible for blacks to own land outside the reserves. Disparities in education and social services and virtually impenetrable racial barriers all existed, under governments whose policies were intended to separate or segregate black South Africans from whites.

What happened in South Africa after World War II was the logical (in the context of white politics at least) extension of what had happened before. Black urbanization had become a political issue after Smuts's ruling United Party set up the Fagan Commission in 1946. The Commission's report advised that blacks and whites were economically interdependent and that the former would have to be permanently resident in 'white' urban areas. In response to this the National Party appointed its own Commission headed by Paul Sauer which reported that the choice for South Africa lay between 'the path of equalization' which would mean granting 'equal political, economic and social rights to the non-White which in the long run, will mean national suicide for the white race' or 'the path of segregation',¹⁵ in other words what has come to be known as *apartheid* or separate development. The white electorate in 1948 swung to support the National Party which has proceeded in its 37 years in office to implement its promises with results that are now well-known. Under the Nationalist Prime Ministers Malan, Strydom, Verwoerd and Vorster, South Africa embarked on what was to become an increasingly lonely voyage. As the world adjusted to a new and egalitarian code in which it has become anathema to discriminate in terms of race, this country's political and economic systems developed, under Nationalist guidance, along lines intended to make South Africa's races separate, but equal. Today most of this country's leaders are prepared to concede that their

mission was a flawed one which could not succeed in the absolute sense in which it was originally intended. However, three and a half decades of apartheid, during which South Africa travelled a road diametrically opposed to that followed by the rest of the world, have had a dire and continuing effect on this country's relationship with the UN.

Conclusion

The process by which the somewhat *ad hoc* separation/segregation policies of Smuts and Hertzog became the rigidly institutionalised system of post-Verwoerdian South Africa has been well told by many historians.¹⁶ Suffice it here to say that the international focus on and condemnation of South Africa's domestic policies has grown in response not only to the realities of the South African situation but also to the structural differences and contrasting moral climates of the League and the UN, of the pre- and post-World War II environments. This country's descent from paragon to pariah, from a respected and active member of the international community to the defensive and embattled figure it cuts today must be viewed as the consequence not only of its domestic political dilemmas but also of the changing international environment.

Notes

- 1 *League of Nations Official Journal*, Records of the Second Assembly, plenary sessions, p. 356
- 2 See, for example John Dugard, *The South West Africa/Namibia dispute*, p. 83
- 3 *Permanent Mandates Commission*, Minutes XVIII, p. 136
- 4 *F O 371/14976* pp. 177-180
- 5 *Senate Debates*, 11 May 1932, col. 458 (my italics)
- 6 C J A Barratt, 'The United Nations and Southern Africa', in *Thesaurus Acroasium* (Thessalomki) vol. II (1976) *The Law of the United Nations* (author's italics)
- 7 *Zimbabwe Herald*, 10 May 1985
- 8 See, for example, Hancock and Van der Poel (eds) *Selections from the Smuts Papers*, vol. V, pp. 445-8
- 9 *Permanent Mandates Commission Minutes* XXVII, p. 162
- 10 Yves Collant, 'La Societe des Nations et ale Colonialisme', in *The League of Nations in Retrospect*, Proceedings of a Symposium organized by the UN Library and the Graduate Institute of International Studies, Geneva 6-9 November 1980
- 11 H J and R E Simons, *Class and Colour in South Africa 1880-1950*, p. 361
- 12 ed C F J Müller, *500 Years*, p. 409
- 13 *UN Action in the Field of Human Rights*, pp. 237-8
- 14 C M Tatz, quoted in (ed) J Breitenbach, *South Africa in the Modern World 1910-1970*, p. 313
- 15 *Verslag van die Kleurlingvraagstuk-Kommissie van die Herenigde Nasionale Party* (1947) p. 2
- 16 See for example T R H Davenport, *South Africa A Modern History*, Chapters 14-20

South Africa and the United Nations: A brief survey of the relationship

I. Introduction

The contrast between South Africa's status at the birth of the United Nations four decades ago and its position in the organization today is remarkable. At the San Francisco Conference Prime Minister J. C. Smuts was considered one of the foremost world statesmen present. He had personally prepared the first draft of the Preamble of the UN Charter, and he was elected Chairman of Commission II of the Conference. He represented a country which had played a very creditable role for its size as one of the Allies in World War II and which was one of the 51 founding members of the new organization. South Africa thus seemed destined in 1945 to play an active role in the development of the UN and in the work of its various organs. Today, however, that unfulfilled destiny is but a dim memory. For the past decade, in fact, South African representatives have been excluded from the UN General Assembly, its subsidiary bodies, most related international agencies and all UN-sponsored conferences. Although South Africa remains a member and its flag flies with all the others in front of the UN headquarters, it could hardly be more isolated in this international organization, with a total membership now of 159 countries.

South Africa's problems began in the earliest days of the UN over two issues: the future of the former mandated Territory of South West Africa (now known as Namibia), and race policies within South Africa itself. After forty years neither issue has been resolved; instead South Africa's relations with the UN have become progressively worse. All UN organs, including the International Court, have been involved.

At first attempts were made, using the multilateral machinery of the UN, to resolve these disputes *within* the organization by negotiations between

*Professor John Barratt is Director-General of the South African Institute of International Affairs and is a former South African Foreign Service Officer. From 1958 to 1965 he was a member of the Permanent South African Mission to the UN in New York and attended the annual General Assembly Sessions during that period. He is the author of a chapter entitled 'South African Diplomacy at the UN' in the recently published book *Diplomacy at the UN*, edited by G.R. Berridge and A. Jennings, which is reviewed in this issue of the *Bulletin*.*

member states, including South Africa. This was in accordance with the Charter's aim in Article 1 to bring about, among other things, the 'settlement of international disputes' and 'harmonising the actions of nations' to that end. But since the mid-sixties any prospect of a resolution of the disputes through multilateral and conference diplomacy within the General Assembly and the Security Council, or through even-handed legal proceedings in the International Court, has largely disappeared. There is now clearly a contest between the UN majority on the one hand and the South African government on the other, which is reflected particularly in the long list of condemnatory and punitive resolutions passed annually by the General Assembly and in the government's defiant disregard of them.

It is true that, during the past eight years, there have been negotiations on the Namibian issue between South Africa and the group of five Western States (which were in 1977 all members of the Security Council), and this Western 'contact group' has acted under a broad mandate of the Security Council (Resolutions 385 and 435). But the contact group is by no means representative of the full UN membership, and the actual negotiations have clearly taken place *outside* the UN context, with the hope simply of obtaining Security Council approval of the eventual agreement. In fact, negotiations in this form were initiated by the United States and the other Western states precisely because there was no hope of a resolution of the Namibian issue *within* the UN. The Western 'contact group' has thus in a sense tried to perform a 'third-party' diplomatic role between South Africa and the UN. The majority view, as reflected in General Assembly resolutions, does not by any means reflect a positive and encouraging attitude towards these negotiations. This has been especially evident since 1981, when the Americans took over the initiative in all contacts with the parties involved in Southern Africa, and when the controversial linkage of the Namibian issue with the Cubans in Angola was introduced.

The only exceptional occasion in the past two decades, when diplomatic methods more clearly of UN origin at last began to come to grips with an issue involving South Africa was in 1972-3, when the Secretary-General, Dr Kurt Waldheim, personally intervened to attempt negotiations with the South African government over Namibia. These efforts were eventually terminated by a decision of the Security Council because no concrete results were being achieved. But even these abortive negotiations can be considered to have been more in the nature of 'third-party' diplomacy, with the UN on one side and South Africa on the other, rather than an exercise in multilateral diplomacy within the UN. (A similar negotiating effort over the *apartheid* issue had been started by Secretary-General Hammarskjöld in 1960-1, prior to his death).

While the Namibian issue has, at least until 1985, been the more critical one, and has been universally recognised as an international issue, it must be

seen against the background of the South African government's domestic racial policies which have been of such concern to the United Nations and particularly to other African countries. It is in fact the intense feeling about these policies that has caused the acute controversy over Namibia. If it were not for *apartheid* and the policies derived from that ideology, which have been applied both in South Africa and in its dependent Territory in the past, it is probable that the international legal question of the Territory's future status would long ago have been settled. It may well be, therefore, from a realistic viewpoint, that the Namibian conflict and the related dispute with the UN over the Territory's future will never be resolved until South Africa's own internal problems, debated as a separate issue at the UN over the years, are first overcome. In which case, the prospects for an internationally accepted, independent and stable Namibia in the near future are not bright!

II. Highlights of the Deteriorating Relationship since 1945

Both issues were placed on the agenda of the first session of the General Assembly, when Smuts was still Prime Minister, and have remained there ever since. South African domestic policies were raised initially in the form of an item on the treatment of people of Indian origin in South Africa. In 1952 (four years after the Smuts government was ousted by the National Party) another item on the government's *apartheid* policies was added, and the two items were soon joined together under the one heading 'Policies of Apartheid of the Government of South Africa'.

During the first fifteen years of the UN, the annual General Assembly debates on both the treatment of Indians and the wider issue of *apartheid* were focussed to a large extent on the legal issue of whether the Assembly had the right to consider these items at all. The South African government argued that its domestic policies fell within the terms of Article 2, paragraph 7, of the Charter, prohibiting UN intervention in any matter 'essentially within the domestic jurisdiction' of a member state (the only exception being if the provisions of Chapter VII of the Charter came into play, which was not the case at this early stage). South Africa even proposed that an advisory opinion be sought from the International Court of Justice, but this proposal was not accepted by the majority. South African delegations each year presented their legal objections, while they boycotted all discussions on the merits of the issue. Western states generally, and particularly those with colonial responsibilities, supported the South African legal arguments which they also applied, *mutatis mutandis*, in respect of the General Assembly's discussions of their own colonies.

In the case of South West Africa, however, the question of the Assembly's right to discuss the issue was never disputed. Although South Africa argued that the mandate had lapsed with the dissolution of the League of Nations, and that the UN therefore had no authority to supervise the administration of

the Territory, it admitted that South West Africa had an 'international character'. However, in those early years the Assembly's debates on this issue were also focussed on the legal aspects of attempts by the majority to persuade the South African government to enter into a trusteeship agreement for the Territory with the UN. The government maintained that it was under no legal obligation to do so. An Advisory Opinion of the International Court in 1950, requested by the General Assembly, supported the South African position on that particular point, although it also declared that the UN did have the right to exercise supervisory functions and that South Africa could not determine and modify the international status of the Territory without the consent of the United Nations. These latter two aspects were, of course, not acceptable to the South African government. Two further Advisory Opinions were given by the Court in 1955 and 1956, which extended the scope of the United Nations' supervisory function.

A special committee was appointed by the General Assembly for the purpose of studying and reporting on the administration of the Territory, and its reports contained strong criticisms of South African policies and practices, mainly in regard to discrimination on a racial basis and the denial of rights to the indigenous peoples. South African representatives, rejecting UN authority to exercise supervisory functions, did not attempt to deal systematically with these criticisms or even to engage in general debate on internal conditions of the Territory. However, attempts were made during these years, from both sides, to find a solution through negotiations between General Assembly committees or commissions and the South African government. At the 1958 Session of the General Assembly, for instance, a Good Offices Committee was appointed under the chairmanship of Sir Charles Arden-Clarke of the UK, and there was even talk of a 'new approach' to the question. The Committee visited South West Africa, and its report suggested *inter alia* the possibility of a partition of the Territory, with the northern part becoming a Trust Territory. This was obviously an attempt to find a compromise with the South African government's approach, but the report was given no serious consideration by the General Assembly.

The mood of the General Assembly, with its gradually expanding number of newly independent Asian and African members, was by the end of the fifties moving towards a harder position. Negotiations with the South African government, which was increasingly being viewed as intransigent, were less and less considered as an option for settling the South West Africa dispute. Ways were now being sought to force the South African government to comply with General Assembly demands, a course of action which required Western assistance. As the International Court's authority was strongly promoted by Western states, the Court was seen as a means which could effectively be used to bring about South African compliance. But this would require a binding decision against South Africa, rather than

simply an advisory opinion.

While the pressures on the South African government within the United Nations had been building up during the 1950s, the country's representatives were playing a relatively normal role in the organisation, participating fully in the meetings of the General Assembly and its committee. They participated towards the end of the decade in negotiations for the setting up of the United Nations Economic Commission for Africa, and in 1959 the South African Foreign Minister was even elected to a Vice-Presidency of the General Assembly as the agreed Commonwealth candidate. South Africa's membership of the Commonwealth group, even though the group was never a cohesive voting bloc in the UN, did at least give South African representatives the opportunity for contacts and the exchange of information with representatives of a variety of other states. During the annual General Assembly session South Africa was also represented at the meetings of the group of sixteen states which had contributed to the UN force in Korea, a group which included predominantly Western, but also some other, states.

The year 1960 was, however, a turning point for South Africa, as it was for the United Nations as a whole. Membership had slowly been growing with the addition of ex-colonial countries from Asia and a few from Africa. Then in 1960, the year of the Declaration against Colonialism (Resolution 1514 XV), the doors were thrown open and sixteen new states from Africa entered in that year alone, followed by others in each succeeding year, until very soon the African states comprised the largest bloc of members of the UN.

In addition to these dramatic changes in the UN, which seriously affected South Africa's position as a member state and would in any case have hastened its isolation, there was in 1960 serious racial conflict within South Africa, associated ever since with the name of Sharpeville. As a result, the domestic South African issue was brought for the first time before the Security Council as constituting a possible threat to international peace. The Council adopted a resolution on 1 April 1960, not only deploring the loss of life, but calling on the government to initiate measures aimed at bringing about racial harmony based on equality. The resolution also requested the Secretary-General to make arrangements for upholding the purposes and principles of the Charter.

In the General Assembly the question of sanctions against South Africa was seriously introduced for the first time in late 1960. Although the sanctions proposal failed to gain the necessary two-thirds majority, a significant change had now taken place. Western countries, with the exception of Portugal, no longer supported South Africa's legal case, based on Article 2(7), against UN consideration of the question of *apartheid*.

Following the Security Council's resolution of 1 April, Secretary-General Dag Hammarskjöld initiated his efforts to negotiate with the South African government on its domestic policies with a visit to South Africa in January

1961. On his return to New York he reported that, although his discussions with Prime Minister Verwoerd had not produced agreement, they had served a useful purpose and he hoped they would continue. The South African government invited him for a further visit in January 1962, but in September 1961 this dialogue was cut short by Mr Hammarskjöld's untimely death in a plane crash, during a visit to Africa in connection with the Congo conflict. The Secretary-General used the so-called 'Peking formula' to arrange his contacts with the South African government. As in the case of negotiations with China in 1954/55, the South African government was not prepared to accept the competence of the UN Security Council, but it recognised the Secretary-General's authority under the United Nations Charter.

One can only speculate now as to whether this exercise might have had a positive effect on South Africa's relations with the UN and on developments within South Africa itself. While it is unlikely that there would have been a significant outcome from the dialogue, given the hardening position of both the UN majority and the South African government, it was reported that several South African diplomats said after Mr Hammarskjöld's death that no talks created such doubt about the policies of apartheid in Prime Minister Verwoerd's mind as those with the Secretary-General in January 1961.

Following this abortive diplomatic exercise, South Africa's position in the UN continued to deteriorate, and no similar opportunity in regard to South Africa's internal racial policies has occurred again in the UN context. In 1962 a two-thirds majority was achieved in the General Assembly for a resolution (1761 XCII), recommending sanctions and requesting the Security Council to take all appropriate measures, including sanctions, to secure South Africa's compliance with UN resolutions. This resolution also established the Special Committee on the Policies of Apartheid to review and report on South African developments between General Assembly sessions, and this Committee soon became the centre of all UN activity on South Africa, keeping the issue by various means continuously before public attention throughout the world.

On the initiative of the African group, the Security Council also held a series of meetings in 1963 and 1964. It appointed a group of experts and subsequently an expert committee to study what could feasibly be done about the South African question. But their reports did not result in the Council taking any mandatory action under Chapter VII of the Charter, because of the opposition of the Western permanent members. It did, however, adopt non-mandatory resolutions calling upon member states to cease the sale of arms and military equipment to South Africa.

While these developments were taking place on the *apartheid* issue, the issue of South West Africa was threatening to become even more critical. At the Conference of Independent African States in Addis Ababa in June 1960,

the governments of Ethiopia and Liberia (which like South Africa had also been members of the defunct League of Nations) reported that they intended to institute contentious proceedings against South Africa in the International Court, which they did in applications filed with the Court in November of the same year. The applicant states insisted that the *mandate* was still in force, that South Africa continued to have duties thereunder, and that the United Nations was the proper supervisory authority, whose consent was required for any modifications of the terms of the mandate. They maintained further that South Africa had violated and was continuing to violate the Covenant of the League and the Mandate in its administration of the Territory. South Africa, they claimed, disputed the above contentions and this dispute could not be settled by negotiations.

The South African government raised preliminary objections to the jurisdiction of the Court, but these were over-ruled by a majority decision in December 1962. The case on the merits then proceeded with the filing of written pleadings and subsequently with oral hearings which were eventually concluded in November 1965. Finally, after nearly six years, the judgement was given on 18 July 1966. On the casting vote of the President, the Court rejected all claims of the applicant states, finding that Ethiopia and Liberia had no legal right or interest in the subject matter of the claim. It was therefore not necessary to determine whether the applicants' claims should be rejected on any other grounds. In other words, the Court did not, after all, rule on the merits of the case. Needless to say, this judgement came as a surprise to almost all concerned and caused consternation among those who had been waiting to use an expected judgement against the South African government as the basis for strong Security Council action.

During the years 1960-66, while the matter was before the International Court, the General Assembly and its South West Africa Committee had continued to discuss the question and to pass resolutions, despite South African objections that the matter was *sub judice*. In 1962 there was even a visit to the Territory, with the government's agreement, by the Chairman (Mr Carpio) and Vice Chairman of the South West Africa Committee. But the visit ended in considerable controversy over a joint communiqué issued in Pretoria at the end of the visit, which *inter alia* stated that there was no threat to international peace in South West Africa. After returning to UN headquarters, the Chairman denied that he had agreed to the communiqué. As a result, the development of the issue of the UN was not substantially affected by this visit, except that the controversial outcome contributed to South African suspicions regarding the motives and objectivity of the General Assembly and of the UN generally. This increasing mistrust of the UN on South Africa's part has since, rightly or wrongly, become a major factor in any attempts to negotiate a resolution of this dispute.

There was no further serious attempt at negotiations for another ten years.

After the Court's judgement in 1966, South West Africa became a live issue again in the political arena of the General Assembly. The judgement, bitterly resented by many black African states in particular, did not provide the anticipated opportunity to obtain mandatory Security Council action against South Africa. Therefore the only recourse was to take further action in the General Assembly, in spite of the fact that its powers to take effective action were limited, according to any strict interpretation of the Charter. Towards the end of 1966 a resolution (2145 XXI) was adopted by an overwhelming majority (only Portugal and South Africa voting against, with France, Malawi and the UK abstaining), which decided that the Mandate was terminated, that South Africa had no other right to administer the Territory, and that henceforth South West Africa would come under the direct responsibility of the United Nations. In a declaration before the vote, the South African delegation maintained that the resolution would be *ultra vires* and invalid, and this position has been maintained by the South African government every since, in regard to all developments based on Resolution 2145.

Apart from the legal question, however, the practical implementation of the resolution has proved impossible; South Africa is still administering the Territory nineteen years later; and the UN has been unable to avoid at least *de facto* recognition of South Africa's role as administering power in the negotiations initiated in 1977 with Security Council approval. The General Assembly attempted to implement its 1966 resolution, by establishing in 1967 a UN Council for South West Africa and a UN Commissioner to administer the Territory until independence. Because of South African objections, however, the Council has never been able even to visit the Territory or to have any discussions with the government. (There was at least one decision in the flurry of post-1966 activity which has had an effect on the Territory, namely the decision in General Assembly Resolution 2372 (XXII) in 1968 to change the name of South West Africa to 'Namibia'. This name has now become accepted and is used universally, except by the South African government.

Although the Security Council became involved in the issue of Namibia for the first time in January 1968 and adopted several resolutions condemning South African actions in the Territory then and in the following years, the next significant development was a further Advisory Opinion by the International Court in 1971, which had been requested by the Council. For the first time the Court held that South Africa was 'in illegal occupation of the Territory' and under an obligation to withdraw its administration immediately. The Court held further that members of the United Nations were obliged to recognise the illegality of South Africa's presence in the Territory. In October 1971 the Security Council endorsed the Advisory Opinion in Resolution 301, adopted with no votes against and only France

and the UK abstaining. This resolution *inter alia* called once again on South Africa to withdraw from the Territory and on all states to assist in giving effect to the Advisory Opinion. Needless to say, South Africa did not accept the Court's Opinion or the legality of the Council's resolution.

There now seemed to be little room left for compromise or negotiation on Namibia. Surprisingly, however, in spite of this apparent inflexibility on both sides, a two-year period of détente followed in relations between the UN and South Africa on this issue. In February 1972 the Security Council, faced with the reality that it could not dislodge the South African administration from Namibia, decided to hand the matter over to the Secretary-General. He was asked (in Resolution 309) to initiate contact 'with all parties concerned' in order to establish 'the necessary conditions so as to enable the people of Namibia . . . to exercise their right to self determination and independence'. Dr Kurt Waldheim visited South Africa and Namibia, at the invitation of the South African government, and held wide-ranging discussions. Further discussions were held in New York, and in August 1972 the Security Council authorised Dr Waldheim to continue with his contacts and to appoint a personal representative (Dr Alfred Escher of Switzerland) to assist him.

It should be noted that the negotiations which Dr Waldheim and Dr Escher had with the South African government were not confined simply to means of implementing the Security Council's and General Assembly's demands that South Africa should withdraw from the Territory. The Secretary-General's mandate, as he interpreted it, was a broad one, and he was willing to consider South Africa's own proposals for the exercise of self-determination in Namibia, which were of course different from those envisaged by the UN majority. He conveyed South African views back to the Security Council which again, in December 1972, invited him to continue his efforts (although Dr Escher was not re-appointed).

Although the negotiations continued in 1973, they gradually ran out of steam. The Secretary-General concluded, in a report of 30 April 1973 (UN document S/10921), that the position of the South African government was still far from coinciding with that established in the resolutions of the UN on Namibia. He left it to the Security Council to decide whether he should continue the negotiations, and in December the Council eventually decided that they should be terminated.

At the very time of these abortive negotiations with the Secretary-General over Namibia a threat was building up against further participation by South African Delegations in the General Assembly. At the 1970, 1971 and 1972 sessions the credentials of the South African Delegation were challenged, and the Assembly decided on each occasion to withhold approval of the credentials, although not formally to reject them. South Africa's right to participate in Assembly proceedings at these sessions was thus not affected.

At its 28th Session in 1973 the Assembly decided to reject the South African credentials, but, as the result of a ruling by the President, the Delegation was allowed to continue to speak and vote at all meetings. Then in 1974, when the Assembly repeated its decision rejecting the credentials, the President did *not* rule that the Delegation could continue to participate in the proceedings. Since the 29th session in 1974, therefore, the South African seats in the General Assembly and in all its Committees have been vacant.

The consideration of the *apartheid* issue has continued annually in the General Assembly, and between sessions in various subsidiary bodies, with the adoption of many more condemnatory resolutions, including recommendations for various forms of sanctions by member states against South Africa. But the only significant further development on this issue has occurred in the Security Council which, in November 1977, acting for the first time on this issue in terms of Chapter VII of the Charter, imposed a mandatory arms embargo on South Africa. This was a direct result of the world-wide reaction to violent disturbances in South Africa in 1976-1977, and to the banning and detention of a wide range of organizations and individuals by the South African government in October 1977. While the arms embargo, supported by the Western states, has no doubt caused considerable inconvenience to the South African government, it has obviously not yet had the intended effect of weakening the government militarily. It has in fact contributed to the development of a growing arms industry within South Africa itself.

The critical domestic situation since mid-1984 has drawn considerable attention from the General Assembly and Security Council, as well as other UN organs and subsidiary bodies. The government's regional policies have also increasingly come under the Security Council spotlight in recent years, with the consideration of complaints of South African 'aggression' against some of its neighbour states. During 1985, for instance, these have included complaints by Angola and Botswana, in regard to military incursions into their respective territories. The South African government has maintained that these were pre-emptive or retaliatory raids against SWAPO and ANC insurgents operating from the two countries into Namibia and South Africa. Although these raids have been unanimously condemned by the Security Council, no resolution has been adopted under Chapter VII of the Charter, requiring further mandatory action against the South African government by all member states.

While the government has for many years been inclined to disregard the perennial debates and resolutions of the General Assembly on *apartheid*, Namibia and its regional policies, it has tended to take proceedings in the Security Council on these issues more seriously. The South African Permanent Representative to the UN has appeared regularly during the past year to make statements before the Council on behalf of the government,

whenever issues concerning South Africa are being considered. This is the only UN organ where South African representatives are still able to exercise the right of a *member state* to be heard on issues affecting it, and the government clearly intends to exercise that right. It cannot but be aware that the Security Council is the one UN organ which can take effective action, provided the five permanent members of the Council acquiesce in such action (such as the mandatory arms embargo in 1977). The Security Council therefore remains a potential threat which cannot be disregarded by the government, even if it regards the Council's resolutions on Southern African issues as politically biased or often, in its view, actually illegal in terms of the Charter.

White South Africans and The United Nations

Background

In 1977 South Africa earned itself the distinction of becoming the first United Nations (UN) member ever to have Chapter VII measures taken against it.¹ The occasion of the adoption of the Security Council resolution on the arms embargo was attended by 'an archetypal white couple' who whispered to each other in Afrikaans: 'Waarom bly ons lid van hierdie gemors?'² ('Why do we stay a member of this mess?')

This anecdote seems to suggest that the 'archetypal' white South African is Afrikaans speaking and views the United Nations with disgust and cynicism. Is this a true picture?

South Africa's white community is not a homogeneous society. The two dominant groups are divided along language, cultural and political lines. Afrikaners, although not a monolithic group,³ have traditionally flocked together under the National Party's banner of Afrikaner nationalism. Their numerical strength brought this party to power in 1948—two and a half years after the establishment of the UN. The acrimonious relationship between this international organization and South Africa has for all practical purposes coincided with white Afrikaner rule in South Africa. To that extent that couple in New York might be 'archetypal'.

It should be pointed out that South Africa's problems in the United Nations started before 1948. At the very first session of the General Assembly (GA) in 1946 South Africa came under attack for the discriminatory treatment of the local Indian population.⁴ This was an important sign of things to come. South Africa's internal racial policies are to a large degree the key to any analysis of the problematic relationship between this country and the world body. It is also fundamental in understanding the white attitude towards the UN. The Smuts government was not dominated by the ideology of Afrikaner nationalism as the subsequent National Party governments were and still are. South Africa under Smuts was a respected

Professor Erasmus is Professor of International Law in the Dept. of Public Law, Faculty of Law, University of Stellenbosch.

member of the Western community and of the Allied war effort against the Axis powers. Smuts himself was a venerable international figure. It is today almost inconceivable that a white South Africa could have drafted the preamble to the UN Charter, especially if we recall the words of that statement:

We the Peoples of the United Nations determined . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and . . . to promote social progress and better standards of life in larger freedom . . .

Although there is no single white South African opinion with respect to the UN, it is fair to state that there is a dominant one which is closely connected with the official government standpoint. The discussion of this 'white' perception should be put against the background of a brief discussion of the historical development and present nature of white politics in South Africa.

The United Nations of 1985 is not the United Nations of 1945. Insight into developments in the nature, composition and priorities of this organization since 1945 is essential for understanding the South Africa/UN relationship. Changes in the UN are related to changes in international relations in general.

South African perceptions of the UN had to be influenced by the actions taken by that body against this country. What it takes to maintain a white South Africa under contemporary international conditions inevitably leads to confrontation with international opinion as represented by the UN. Examples are South Africa's internal racial policies, its presence in SWA/Namibia and raids into neighbouring countries. To this the UN has reacted with numerous resolutions, declarations and sanctions. Their success, or lack of it, again influences local opinion.

A government that has to cope with a hostile international environment has to consolidate its domestic power base. In a world of interdependence self-proclaimed isolation and autarchy becomes impossible. This is even more true of South Africa with its open economy. The South African government has to operate under the constraints of these international realities while simultaneously taking into account the views and demands of the local white population. The latter may have grown out of expectations created by government policy. Group loyalty and shared perceptions of the national interest could go a long way in providing general support. 'Educating' the population cannot, however, be neglected. A well-informed public might be tempted to criticize those in power and the way they play the international game. On the other hand a less-critical view of South Africa's international position, often the result of years of exposure to a specific viewpoint and even propaganda (eg South Africa's importance for the West or the determination not to 'sell Namibia out to the UN') could hamper a

change in policy. Sympathetic or even controlled media then become vital. In this regard the extent to which the general public has an impact on the formulation of foreign policy has to be determined and taken into account. In South Africa's case domestic issues (eg race relations) have a very direct bearing on the country's international standing. Policy-makers therefore cannot ignore the implications that changes in the one will have on the other.

Race in International Relations

The Second World War finally brought to a conclusion the process started by World War I—the demise of the Eurocentric world order of the nineteenth century. Among the casualties were their colonial empires. In his useful little book, Hugh Tinker shows how this not only entailed the loss of political control over a large part of the world, but also the loss of what one could describe as the 'white' paradigm of international order.⁵ Colonial empires, extra-territoriality, imperialism—these were the devices that secured white domination. They largely disappeared after World War II. This had profound implications for the international order under a United Nations based on self-determination and universality. Smuts discovered this to his disappointment at the very first session of the GA. His country's internal racial policy came under attack and his suggestion to integrate South West Africa into the Union was rejected.

It is sometimes asked how South Africa could have embarked on the journey towards entrenched racial discrimination at the very moment the world was proclaiming universal human rights. Those occupied with building Afrikaner political power lost sight of what was happening on the international level—that the relationship between white and non-white had become a worldwide relationship. The world of the 1930s was after all a 'white' world in the sense that almost no black or brown states existed. Securing white domination under these conditions was accepted and even normal. But the world of the 1950s was different. It had to live down the memories of the holocaust and it started to dismantle the colonial empires. It soon became completely unacceptable that a white minority could devise a set of laws to secure white supremacy. The new majority of decolonized peoples in the UN made sure that this insult should not escape the spotlight of world attention.

Even if South Africa's self-centredness and isolation had not resulted in a failure to understand the new international environment (and by the end of the 1950s Dr Verwoerd showed full awareness of this) the political choices made the result inevitable. It was considered a matter of either white or black domination. In the words of a former prime minister: 'South Africa can only remain a white country if we continue to see that the Europeans remain the dominant nation; and we can only remain the dominant nation if we have the power to govern the country and if the Europeans, by means of their efforts,

remain the dominant section.³⁶

In this the government enjoyed the support of the majority of whites. South Africa was set on an irreversible collision course with the UN.

A Changed United Nations

When the UN was founded in 1945 it counted 51 members. Of those only four were from Africa: Egypt, Ethiopia, Liberia and South Africa. In 1985 the African members alone number 51. Total membership is 159. The majority of these new members are former colonies. At least 120 would refer to themselves as Third World countries. This majority has resulted in fundamental shifts in the concerns and style of the UN.

Western countries were the spiritual founding fathers of the UN, with American planning and influence, bolstered by victory in the War, of particular importance. South Africa felt quite at home in this company and even made important contributions through Prime Minister Smuts. This has all changed. Third World countries now dominate in numbers and in determining priorities.

The UN was conceived to be a universal organization, based on the principle that all states enjoy sovereign equality. This laid the foundation for future Third World influence — at least in the GA. But it wasn't planned to be a world government or superstate. Sovereignty still ruled. The Charter prohibited interference in domestic affairs and the GA could not take binding decisions. The Security Council was a novelty, but its power to take binding decisions against members was reserved for the maintenance of international peace and for the odd occasion when Big Five unanimity could be achieved. But international politics are not static. Adaptations in the concept of domestic jurisdiction show the effect of changed realities and perceptions on the application of what is so conveniently termed a 'principle'. This is clearly demonstrated by the South African case.

South Africa on the UN Agenda

The idea of sovereignty became the corner-stone of South Africa's defence and counter-attack at the UN. In doing so a conservative and legalistic interpretation of the Charter was adopted which was shared by very few of the other members. South Africa's favourite UN principle is the one contained in Article 2(7):

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

When reading through the South African statements one gets the impression that the UN Charter is a clear and simple legal document capable of only one interpretation. To quote from one of the numerous letters by the

Minister of Foreign Affairs to the Security Council and written in response to a discussion of South Africa's internal policies and regional actions:

The Organization has suffered a grave loss of credibility . . . while the remedy is no secret . . . It is simply to observe the Charter . . . As you know, the United Nations was not created with the object of discussing the internal situation in any country: this is specifically excluded by Article 2(7) of the Charter.⁷

The fact of the matter is that the question of domestic jurisdiction is 'pre-eminently a political matter.'⁸ The drafting conference at San Francisco deliberately refrained from citing international law as the standard of judgment.⁹ The truth is that any effort to prescribe precise legal meaning to domestic jurisdiction was certain to fail. It was:

a formula which left everyone free to place his own interpretation upon the Article in the future in the hope that he would make it prevail. Far from representing a definite concept which would be a clear guide for future action, and which would resolve conflicts in this very delicate field of international action, the adoption of Article 2(7) merely postponed the division of opinion which would be certain to arise in the future.¹⁰

Seen from this point of view it was inevitable that South Africa would invoke legalistic defences in order to try and protect her internal policies from international scrutiny. The only other alternative would have been to argue the case on its merits, i.e. the merits of apartheid. And this is exactly what the international community wants to do—discuss the substance of South Africa's racial policies. The matter has now been internationalized and legal technicalities are not going to change that.

There were occasions when South Africa has tried to defend her racial practices on their merits. In 1947 a document entitled 'Treatment of Indians in the Union of South Africa—Union Government's Statement to the United Nations General Assembly' was submitted. The argument then was that the Charter did not deal with 'every conceivable right', but only with fundamental rights, those so essential for the dignity of the human person as to command recognition in all countries. (That stage was reached sooner than expected—if not in practice, then at least in theory.) South Africa then argued that discrimination was not necessarily evidence of oppression, cruelty or inhumanity, but that it was designed to preserve racial and cultural identities. These arguments grew increasingly unacceptable and were soon abandoned. The only remaining defence was to deny the authority of the UN even to discuss the issue.

The domestic jurisdiction clause, despite its political dimension, contains a number of recognized exceptions, some dating back to the organization's founding. At the San Francisco Conference it was asserted that if the fundamental freedoms of individuals 'were grievously outraged so as to create conditions which threaten peace or obstruct the application of provisions of the Charter, then they cease to be the sole concern of each

state'.¹¹ It should be remembered that this was said at a time when the accepted wisdom was still to consider human rights issues as primarily a domestic matter. This is no longer the case. Gross violations of human rights are certainly not considered as essentially within the domestic jurisdiction of states.¹² It cannot be denied that apartheid is generally viewed a gross violation of human rights. Even the South African government will today admit this but will of course add that 'apartheid is dead'. For the world it is not. And it will become increasingly difficult to issue the death certificate. What could have been an important step five years ago (such as scrapping the Prohibition of Mixed Marriages Act or the Immorality Act) is without any impact today. International concern (as it is for South African blacks), is now largely about political power.

The evolution of the UN has produced a trend towards the enlargement of international jurisdiction at the expense of domestic jurisdiction in general. Today it is unlikely that matters such as breaches of international law, infringements of the rights of other states, threats to international peace or progress towards self-determination will be regarded as within a state's exclusive domestic jurisdiction.¹³ Again the general trend is against South Africa. Her racial policies, military actions against neighbouring states and homelands policy are regarded by many as breaches of international law and aggression against other states are illegal in terms of the right of self-determination of peoples.

These developments are of a general nature and can be said to apply to the international community as a whole. Despite what the local press would want us to believe, the violations in Kampuchea, Afghanistan, Uganda etc are from time to time condemned in various UN organs. But it cannot be denied that South Africa has gained a special, *sui generis* status. She is singled out for special criticism. Apartheid has been declared an international crime, not only another gross violation of human rights. The reason is to be sought in the affront caused by the entrenched, legalized and pervasive South African version of racial discrimination.

This brings one to the special function of the Security Council. White South Africans love to emphasize UN double standards as evidenced by the failure to take steps against the super powers or their allies. Examples which are often cited are the Soviet invasions of Hungary, Czechoslovakia and Afghanistan.¹⁴ This necessitates a brief discussion of an aspect often overlooked by South Africans—that the UN consists of six main organs with different functions and powers. Of special importance is the 15 member Security Council.

This is the only organ that may take binding decisions and where a veto can be exercised. The Soviet Union, as one of the five permanent members possessing the right of veto, will naturally veto anti-Soviet resolutions. So will the Americans, French, British and Chinese also exercise their veto in

order to protect close allies. In this manner the USA, France and the UK have saved South Africa numerous times, especially in earlier years. Gradually however a certain level of universal, anti-South Africa unanimity has come into being. This made possible the adoption of the arms embargo in 1977. Had it not been for Western support, which of course fluctuates along with government changes in those countries, harsher measures would have been adopted much earlier. Political developments within South Africa have considerable influence on the willingness to support her in the UN.

The domestic jurisdiction clause does not protect a state against 'enforcement measures under Chapter VII.' This exception is written *expressis verbis* into Article 2(7). Only the Security Council may take Chapter VII measures, and then only with respect to acts of aggression, breaches of the peace and threats to the peace. These terms are not defined in the Charter. The reality is that an act of aggression or a threat to the peace is what the Security Council says it is. That a threat to the peace or an act of aggression might occur without the Security Council taking any action is quite true. This is political reality. The existence of the veto can be criticized on many grounds, but it reflects the realities of the international power configuration since 1945. It was the guarantee that ensured great power membership. It is also a 'safety-valve that prevents the United Nations from undertaking commitments in the political field which it presently lacks the power to fulfil.¹⁵ The adoption in 1977 of an arms embargo against South Africa is the only example ever of Chapter VII measures against a member state.

The GA knows no veto and adopts resolutions on the basis of majority voting, although the trend is increasingly towards consensus decision-making.¹⁶ These resolutions, with the exception of those taken under Article 17 on the allocation of budget contributions, are recommendations and not binding as such. This does not mean that they are without political or legal significance. Resolutions adopted by large majorities reflect an international political consensus. In legal terms they may be evidence of customary law.¹⁷ They may also be evidence of the correct interpretation of the UN Charter.¹⁸ The fact is that when for instance the GA condemns a state for breaking international law or for committing aggression, that constitutes considerable pressure and even a *prima facie* indication of illegal behaviour.

Third World countries are in the majority and because of the principle of equality and the one-state-one-vote rule that flows from that, they dominate this body. The GA may discuss all matters within the scope of the Charter¹⁹ and 'any questions relating to the maintenance of international peace and security brought before it by any member of the United Nations, or by the Security Council . . .'²⁰ The result has been the adoption of numerous anti-South African resolutions. These are always met with a negative South African reaction which stresses the point of their non-binding character.

Does this reflect a realistic understanding of the present nature of the GA?

Although the official reaction might not reveal the true understanding and although there might exist wide-spread antipathy in some Western countries *vis-à-vis* the present UN, the GA's past achievements should not be ignored. It is due largely to this body that certain political trends have eventually become accepted international norms.

The Security Council, as a result of East-West deadlock, never lived up to expectations. South Africa and Rhodesia are the only examples where it was able to elicit enough agreement in order to take some real action. The result was an increase in importance for the GA. One commentator has noted that it was in this latter body that 'the most pressing issues of the post-war years have been examined.'²¹ Examples are the control of nuclear weapons, peace-keeping operations in the Middle East, Congo, Cyprus etc, the use of outer space and decolonization. Many countries came to view the GA as a more effective organ and through their actions enhanced its importance. For the weaker states this 'transfer of power to the GA'²² has offered a splendid opportunity to push for their own advantage and causes.

It should be remembered that the International Court of Justice is another of the principal UN organs. On six occasions the Court has ruled on different aspects of South Africa's presence in and control over Namibia. Again it is important to know something about the workings of this body. The court knows two types of proceedings. Contentious proceedings result in binding decisions in disputes between states. Advisory opinions are just that—opinions on legal matters given by the Court, on request, by international organizations such as the UN. These opinions are not binding.

The Court handed down advisory opinions on Namibia in 1950, 1955, 1956 and 1971. The last one affirmed the termination by the GA and Security Council of the mandate and declared South Africa's presence there to be illegal. South Africa ignored it—again on the technical basis of it not being binding. The only contentious proceeding on Namibia resulted from a claim brought by Ethiopia and Liberia. This resulted in two rulings. In 1962 the Court decided the preliminary issue of jurisdiction. In 1966 it reversed its own decision and decided not to hear the matter. This came about as a result of the death of one of the judges and the casting vote of the president. It was not an acquittal of South Africa on the merits.

The doctrinal foundation of the UN might be that of liberalism, but not the 19th century version of the night-watchman state. It is rather the 20th century one of New Dealism, as Claude describes it. This has meant a more assertive and activist organization. This trend has gone hand in hand with the influx of newly independent states. The priorities are no longer those of 1945, the days of the East/West conflict. The emphasis is now primarily on the needs of the new members, on their quest for self-determination. This started with political self-determination (decolonization) and has come to focus on economic development. Self-determination has also become linked with a

basic human rights issue, namely that of racial discrimination, a characteristic also of colonialism.²³

The legal approach to human rights started with the adoption of the Universal Declaration of Human Rights in 1948 (South Africa, Saudi Arabia, and the communist member states were the only countries not prepared to support its adoption). Numerous other covenants and declarations followed — culminating in the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention on the Suppression and Punishment of the Crime of Apartheid (1973). The latter even provides for individual criminal responsibility. The names of some well-known South Africans already appear on the 'wanted' list.²⁴

Apartheid itself was described as race conflict threatening international peace as early as 1952.²⁵ The idea itself was accepted with the horrors of the Nazi concentration camps still fresh in most minds. In 1966 in the SWA Cases Judge Tanaka stated that 'the norm of non-discrimination or non-separation on the basis of race has become a rule of customary international law.'²⁶

The hostility towards South Africa has grown to the point where the most fundamental UN principle, that of preserving international peace, is being re-interpreted. Although this is not shared by the majority of Western countries, UN resolutions increasingly call for a new just war doctrine — the use of armed force in wars of national liberation.²⁷ In terms of this view, peoples such as South Africa's and Namibia's blacks (and the Palestinians) who are denied the right of self-determination, are entitled to fight for it and are entitled to international support. The 1977 Protocol I²⁸ now expands the concept of international armed conflict to include 'armed conflicts in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination . . .'. The objective with this expansion was to ensure the application of international humanitarian law to these conflicts and to award the participants prisoner of war status. Again the result is to internationalize the matter and take it out of the context of a purely domestic 'law and order' issue.

South Africa is still a member of the UN but does not participate in the activities of the GA any more since the credentials of the South Africa delegation were rejected in 1974. The reasoning behind this step was that the majority of the people of this country were deprived of their most elementary rights and freedoms as a result of the policy of apartheid. It was therefore only logical that 'the representatives of the Government of South Africa could not legitimately represent the people of South Africa in the United Nations.'²⁹ This was the first instance where credentials were rejected on the 'representative quality' of the government in question. When credentials had been questioned previously,³⁰ it was done on the basis of the lack of effectiveness or where two rival governments existed. Had it not been for the

fact that expulsion of members is a matter requiring a recommendation of the Security Council, South Africa would have been expelled from this organization some time ago already.³¹

South Africa's counter-arguments

This section will take a look at South Africa's official responses to UN criticism and some popular misconceptions among white South Africans.

South Africa still maintains an official UN delegation. It does not participate in GA activities, but does appear at Security Council meetings which deal with South Africa. Correspondence with the Chairman of the Security Council or the Secretary-General is still circulated as official UN documents. Official statements by the Department of Foreign Affairs are regularly issued. The style is in general combative and anything but reconciliatory. It is probably fair to conclude as one commentator recently did, that the South African government expresses nothing but contempt for the UN.³² This view will be widely shared by the white population.

The Minister of Foreign Affairs does not hesitate to issue statements on the UN or to write letters to the Secretary-General—often going into considerable detail in his response to speeches and reports emanating from that body. A quotation from one of these letters will show his barely-concealed irritation. It also portrays his view that the UN has no respect for legal norms, for fair play or even the truth:

In denying South Africa its lawful place in the General Assembly to present its case, to provide relevant facts which no one else is in a position to do, and to defend itself against unfounded allegations and distortions of facts, moreover, the General Assembly has revealed itself as the intransigent party and reinforced the belief that it is incapable of being objective. In addition it betrays its insecurity in that it is afraid of hearing an opposing view—afraid of the truth. Over the years it has manoeuvred itself into the untenable position of listening to only one side in respect of South West Africa/Namibia. In following this course it not only acts in a manner contrary to accepted legal norms and principles, but also in violation of the Charter and its own Rules of Procedure...³³

In the same letter the Minister also argues that the UN has become politically irrelevant, and because of its obvious bias, can make no useful contribution to solving the problems of Namibia. What is especially irksome to him is the GA's description of SWAPO as the 'sole and authentic representative of the Namibian people'. This has caused the Minister to write in another letter that the UN 'disqualifies itself from serious consideration as an organization with a meaningful role to play in the settlement process.'³⁴

The Minister is also a *real politiker*. He makes the point that South Africa has fundamental interests in Namibia³⁵ and UN support for SWAPO that could result in a victory at the polls is not the way to serve these interests.

The Minister has developed quite an impressive array of arguments over

the years. One of his objectives is to discredit the UN in the eyes of 'responsible countries'. In order to make this point, one which is not without merit, he argues along the following lines: for many years South Africa has been subjected to a 'hate campaign', a 'vendetta' and a 'persecution mania'.³⁶ But it became too exaggerated to be credible. 'Responsible' countries began to realise the futility of this campaign, especially when it is borne in mind that South Africa has no opportunity to defend itself. What then happens hopefully is that 'responsible' countries start to vote against or abstain from voting for anti-South African resolutions and that 'people become inquisitive to visit this bad country and once they got here they discovered that the country was not all that bad after all . . .'³⁷

The Minister was moved to great indignation when the GA held an emergency meeting on South Africa's new constitution in 1983. His press statement should be quoted in some detail. It epitomizes the rejectionist approach of the government and emphasizes the lack of moral justification, the hypocrisy, the selective morality and the double standards that prevail in the UN. The statement also focuses on the breach of the Charter rules. Finally the Minister plays his ace — what South Africa is in fact doing, is to give effect to a sacred UN principle, the right of self-determination of peoples. South Africa's interpretation of this principle further entails that it will not be prescribed to on how to solve the internal problems. Such an idea is in principle unacceptable. That the prescription should come from the UN, is simply unthinkable:

South Africa has for years been accustomed to the excesses of the General Assembly. However, with this latest effort the General Assembly has attained a new level of absurdity. It is remarkable that those countries sponsoring the draft resolution, the vast majority of which do not know the meaning of the word democracy, which have no freedom of expression, and no independent judiciaries should feel themselves qualified to dictate to South Africa how it should run its affairs. It is also quite clear that these States have little knowledge and understanding of the United Nations Charter. If they understood the Charter better they would realise that it directly prohibits interference in the domestic affairs of States, that States are not required to base their constitutions on its precepts and that in any case, South Africa's new Constitution is entirely consistent with the promotion of the central principle of the Charter which proclaims the right of all peoples to self-determination. Evidently the proposers of this 'emergency meeting' do not approve of the proposition that South Africa's Whites, Coloureds and Indians and its other constituent peoples should have the right to determine their own futures.

The General Assembly's activities affecting South Africa are based on ignorance, characterised by hypocrisy and motivated by malice. However, the future of South Africa will be determined, not by the General Assembly or by any outside agency, but by the peoples of South Africa themselves.

Local media such as the radio and television services and especially the Afrikaans press, give wide coverage to statements like these. The tenor and

the atmosphere are shared and reproduced in various commentaries. In essence, this is what the white perception of the UN is.

South Africa's anti-UN sentiments seem to fall into three categories—moralistic, legalistic and political. The first deals with the hypocrisy, double standards and selective morality of UN members, as well as the idea that no country with dirty hands should criticize another. The legalistic arguments focus on aspects such as the interference in South Africa's domestic affairs, the violation of the principle of universality (brought about by the rejection of our credentials) and the instigation of violence by supporting 'terrorist' movements such as the ANC and SWAPO. The result is that in terms of political efficacy the UN is unsuitable for any role in the peaceful settlement of South Africa's problems. This is largely the result of the UN's biased position. In white eyes the UN has disqualified itself, lacks credibility and moral justification, is unfaithful to its own law and not at all to be trusted with the interests and future of white South Africans.

A final remark may be made with respect to South Africa's traditional anti-communist standpoint. South Africa still emphasizes its strategic importance for the West in its struggle against international communism. *The total onslaught against this country (less often referred to in recent times) stems inter alia from the power struggle between the East and West.*³⁸ This link can be extended to include the UN—which supports terrorist movements against South Africa. In the words of Prime Minister Botha (as he then was): 'Then there is the OAU, which plays its role at the UN and in its own right as an instigator and director of international action against the Republic of South Africa'.³⁹

Conclusion

The present article has largely equated white opinion of the UN with that of the present government. To some extent this might be unfair to those white South Africans who have traditionally opposed the present government and its policies. It is difficult to determine whether this latter group has indeed formed a positive opinion of the UN. This might be the case in so far as they share in the UN's condemnation of apartheid and military operations in neighbouring states. From time to time one will find indications to this effect in the local English press. The true reasons for these people's opposition is however not because they want to support the UN, but because of what they perceive to be in the best interest of this society. Some might even at the same time harbour serious misgivings about the UN and its effectiveness. After all—the UN has yet to bring apartheid or South Africa's rule over Namibia to an end.

That the supporters of the present government, the majority of whites, share the official view of the UN, is clear. Those white voters to the right of the ruling National Party will be even more hawkish in their outlook and in

their condemnation of the UN.

One should guard against simplistic assumptions about the role of the public in the formulation of foreign policy.⁴⁰ It seems however fair to conclude that the majority of the white population is not particularly well-informed about the UN and that it supports the government's standpoint. It is in the nature of Afrikaner politics to unite in the face of external 'onslaughts'. Afrikaans newspapers illustrate the support for the government quite clearly. The level of their analysis in this regard is everything but sophisticated. One would e.g. look in vain for a link between the aspirations of local blacks and UN criticism of South Africa. Anti-UN feelings have formed over a long period and will not disappear easily. The 'talk house' picture of the UN, the conception that it is controlled by an unruly collection of Third World despots bent on extracting money from the rich while brutalizing their own populations, does not augur well for a fundamental change. The cynicism about the UN in the Western world is enthusiastically shared by most white South Africans.

There also exists a widely shared viewpoint in South Africa that the press should act 'responsibly' and with 'loyalty' in matters like these. This was pointed out quite clearly by the Steyn Commission of inquiry into the mass media of 1982.⁴¹ This is of particular importance in the context of the total onslaught as identified by that Commission.

Positively inclined media are considered valuable assets in the local political game. It is also necessary in the context of the government's 'reform' policy. It is noteworthy to recall that South African television and radio are state controlled—falling under the Department of Foreign Affairs. Two senior former officials of that department (and both former ambassadors at the UN) are in charge.

Does the existence of the UN make a difference to South Africa's international dilemma? It succeeds quite effectively in singling out specific issues. It can generate political pressure in its own right and is therefore an independent political actor. In that sense it has made the world a far more difficult place for this country. On the other hand the UN reflects international political realities. It certainly exploits existing sensitivities and factual positions—it does not create them out of thin air. It is inevitable that South African whites will, in general, have a negative picture of the 'UN'. What the UN demands from them in the final analysis is to relinquish the complete political control that they enjoy. But this demand flows from the nature of the domestic political dilemma. It is not a creation of the UN. The anti-UN white mood results partly from frustration about the success the UN has had in mobilizing international opinion against their idyllic world. Like many former colonial settlers they blame the UN for stirring up things long before the time was ripe.

This article has not tried to make a value judgment of either the UN or the

white South African standpoints. The aim was to describe them. In the final analysis it could however be asked why South Africa still bothers to remain a member of this hostile organization. The answer is because South Africa is part of an interdependent world. The Minister of Foreign Affairs once faced the same question. His answer contained the following very true statement: 'Unfortunately nothing will be solved by leaving that organization' 48

Notes

- 1 Chapter VII of the UN Charter provides for sanctions with respect to threats to the peace, breaches of the peace and acts of aggression. UDI Rhodesia, the first country to have such sanctions adopted against it, was not a UN member.
- 2 Reported by Hugh Robertson in *The Argus* 25 October 1985, 15.
- 3 The *Financial Mail* of 1 November 1985 contains a leading article on the growing split in Afrikaner ranks. Afrikaner intellectuals especially seem to be affected.
- 4 For a discussion see eg D J J Timmermans *De Bydrage van Generaal J C Smuts in het Totstandkomen van het Handvest der Verenigde Naties* MA dissertation University of Pretoria 1969, 159.
- 5 *Race, Conflict and the International Order—From Empire to United Nations* Macmillan Press London 1977.
- 6 J G Strydom, quoted by Adam and Gilhorne 117.
- 7 UN Doc S/13986 5 June 1980.
- 8 Imis L. Claude *Swords into Plowshares—The Problems and Progress of International Organization* 4th Edition Random House New York 1971, 184.
- 9 Claude 183, Akehurst *A Modern Introduction to International Law* George Allen and Unwin 4th edition 169.
- 10 Lawrence Preuss *Compulsory Jurisdiction of the International Court of Justice* cited by Claude 183.
- 11 *United Nations Conference on International Organization Selected Documents* 483.
- 12 Akehurst 169.
- 13 Akehurst 169.
- 14 For further examples see eg the work by the Dutch writer De Lint, with the lovely neutral title of *The United Nations—The abhorrent Misapplication of the Charter in respect of South Africa*, Tjeenk Willink Holland 1976, Hercules Booyens *Volkereg—'n Inleiding* Juta 1980.
- 15 Philip C Jessup cited by Claude 147.
- 16 Article 18 of the Charter determines that decisions on 'important questions' shall be made by a two-thirds majority of the members present and voting. Decisions on other questions are made by a majority of the members present and voting. Important questions include matters such as the maintenance of international peace, the election of non-permanent Security Council members and members of ECOSOC and the Trusteeship Council, the admission, suspension and expulsion of members.
- 17 See further Gabriella Rosner Lande 'The Effect of the Resolutions of the United Nations General Assembly' in Robert S Wood (ed) *The Process of International Organization* Random House New York 1971, Rosalyn Higgings *The Development of International Law through the Political Organs of the United Nations* OUP London 1963.
- 18 Akehurst 177.
- 19 Article 10.
- 20 Article 11.

21. Lande 200.
22. Stanley Hoffmann 'A Evaluation of the United Nations' in Wood (ed) 85.
23. See in this context Ruth B. Russell 'Changing Patterns of Constitutional Development' in Wood (ed) 131.
24. According to this UN list 260 prominent South Africans are allegedly guilty of 'the crime of apartheid'. Included on the list are a former Minister of Police, Prisons and Justice and a head of the security Police. See further *Race Relations Survey* 1984, 820.
25. Russell 131.
26. *ICJ Reports* 1966, 293.
27. In 1977 an international diplomatic conference adopted 'Protocol I Additional to the Geneva Conventions (of 1949) and Relating to the Protection of Victims of Armed Conflicts'. Several national liberation movements attended—including the ANC and SWAPO.
28. Text in *inter alia* Roberts and Guelff *Documents on the Laws of War* Clarendon Press Oxford 1982, 389.
29. Report of the Credentials Committee, UN Doc A/6208, 20 December 1966. For a discussion of the legal and political aspects involved, see further Erasmus 'The Rejection of Credentials: a Proper Exercise of General Assembly Powers or Suspension by Stealth?' *South African Yearbook of International Law (SAYIL)* Vol 7, 1981, 40.
30. China, the Congo, Hungary and Yemen. See Erasmus 42–43.
31. Article 6 of the Charter provides that a member which 'has persistently violated the Principles contained in the present Charter may be expelled from the Organization upon the recommendation of the Security Council'.
32. Hugh Robertson *The Argus* 25 October 1985.
33. Letter dated 11 September 1981. Reproduced in *SAYIL* 1981, 194.
34. Letter dated 10 March 1981 *SAYIL* 1981, 189.
35. Letter dated 2 March 1981 *SAYIL* 1981, 194.
36. *Hansard* 1 February 1983 cols 112–3.
37. *Ibid*
38. *Hansard* 1 May 1980 col 5295.
39. *Ibid* col 5296.
40. For a valuable discussion see Geldenhuys chapter 6.
41. See eg *Report of the Commission of Inquiry into the Mass Media* 999.
42. *Hansard* 20 May 1980 col 6750.

David Tothill

Forty Years On: Reflections on the United Nations

If they think about it at all, South Africans don't like the UN. '*Die V.V.-nui*', as Mr John Vorster called it, probably sums up their attitude. They are not alone in their derision and contempt. Writing in December 1984 of 'darkest Unoland', of how the annual sessions of the General Assembly sink without trace in a sea of verbiage, unhonoured and unsung, *The Economist* no doubt touched a chord in many of its Western European and North American readers. Derision and contempt were not what the victorious Allied powers had in mind for the new international organization when it opened its doors in 1945. The United Nations was then the best hope for mankind as it entered the atomic age. Only hopeless idealists still see it that way.

The major powers lost much blood and treasure in the Second World War and they wanted a guarantee that the political weaknesses of the international community which Hitler exploited so successfully would not arise again. Perhaps this was a pipe dream, but there was a lot of idealism around at the time. The sixty million war dead were fresh in their graves and the United Nations was to 'save succeeding generations from the scourge of war.' Roosevelt, Churchill, Smuts and the other grandees who created the organization did not foresee that in less than a generation it would be dominated by countries which did not exist at the end of the Second World War and whose preoccupations lie far from those of a developed world intent on the preservation of 'international peace and security,' the UN's principal purpose. (Smuts's eyes, though, were opened at the General Assembly's first session.) Instead, the United Nations developed into a forum where a tyrannical majority manipulates the rules of procedure and abuses the Charter to deny opponents an opportunity even to put their case. Intended to be 'a centre for harmonizing the actions of nations', according to Article 1 of the Charter, the organization has become a political weapon in the hands of those who can command a majority at its meetings.

What led inexorably to the image of the UN as an international Frankenstein's monster was the haphazard expansion of its membership

Mr Tothill is a former South African Ambassador to the European Office of the United Nations, Geneva

down the years and, particularly, the fact that each state's vote in the General Assembly, the most important deliberative body because it (supposedly) seats all members, has the same value. The original membership of 51 states was made up of 20 Latin American states (39 per cent of the membership), 12 Western states (23 per cent), four African states (Egypt, Ethiopia, Liberia and South Africa) (8 per cent), nine Asian states (18 per cent) and six Communist states, including three of the Soviet Union's constituent republics (12 per cent). By 1962 the collapse of western colonialism had more than doubled the membership. The 159th member, Brunei, was admitted on 21 September 1984. There are now 33 Latin Americans (21 per cent), 22 Western States (14 per cent), 51 Africans, including South Africa (32 per cent), 40 Asians (25 per cent) and 11 Eastern European or Communist states (7 per cent). The United States has 234 million inhabitants and an annual GNP of over \$3 000 000 million (more than 32 per cent of the world's GNP). In the Assembly it is on a par with the smallest member state, the Seychelles, with 66 000 inhabitants and a GNP of \$160 million (0.0015 per cent of the world's GNP).

In 1945 and during the Cold War period of the next decade and a half, the United States and its allies controlled the organization. The Soviet Union was at a numerical disadvantage in the Assembly but could protect its position in the Council by means of the veto. Ironically, it was only because the Soviet Union boycotted the Council's proceedings in 1950 that the latter could set up the United Nations Force which (with South Africa's help) eventually liberated South Korea.

South Africa's special problems made it a natural victim of the new system. Its troubles started as early as the first session of the Assembly when the Charter's domestic jurisdiction clause (Article 2(7)) was ignored on the issue of the treatment of South African Indians, an item proposed by India. Article 2(7) has been a dead letter ever since in respect of South Africa's domestic affairs. Gradually our difficulties grew in intensity until, with the great influx of newly-independent African members in the early 1960s, the framework of the UN's anti-apartheid campaign was in place. As far as its anti-South African rhetoric is concerned, little has changed at the United Nations since I attended my first full General Assembly session in 1965—except the faces. Debates of that year could be given this year's date and few people would be the wiser.

At the 1965 session I was the object of a procedural manoeuvre to prevent me from putting South Africa's case. Apart from Foreign Minister Eric Louw who was censured by an irate Assembly at the 1961 session, I think I was the first member of our delegation personally to experience the intolerance which, nine years later, was to deny the Republic the right to participate in General Assembly sessions at all. In November 1965 I was making a fairly mild speech in the Administrative and Budgetary Committee, warning against the use of UN facilities for propaganda against

member states when, shortly before I was due to conclude, I was interrupted by the Nigerian representative on a point of order.

The chairman of the committee, a Tunisian, upheld the Nigerian's view that my remarks were not relevant to the subject under discussion—budgetary provision for the Office of Public Information (which had already begun to put out anti-South African propaganda) and I was cut short in mid-sentence. The indefatigable Nigerian proposed at the next meeting that since my remarks had been found out of order they should be expunged from the record. Over my protests, the committee concurred by majority vote. I remember well that the Irish representative was one of the few to speak out against this unconstitutional procedure. Other western representatives seemed hypnotized, much as a bird is by a snake. Relevance was not the issue; South Africa was. In any case, if relevance to an agenda item was the test for judging statements at the UN, few would survive. I was to make many statements at subsequent Assembly sessions, but none had such a dramatic impact on its audience.

In 1962, at the instance of the African states, the General Assembly set up what was then called the Special Committee on Apartheid. The Committee's first chairman was Diallo Telli, the permanent representative of Guinea. Clerical support was provided by a unit set up specially for the purpose in the UN secretariat. Both the Committee and the unit were, of course, living proof of continuous violations of the Charter's domestic jurisdiction clause. The Committee monitored and gave its version of events in South Africa. It was my job as the junior member of South Africa's UN mission to monitor the Committee. I did this by following its meetings, most of which were held in public, and maintaining regular contact with the head of the secretariat unit, an engaging but devious Indian from Madras. Our paths were to cross from time to time until his retirement twenty years later.

At least in its early days the committee provided African representatives with the opportunity to make a name for themselves. Diallo Telli certainly used it to do so, later becoming Secretary-General of the Organization of African Unity. His successor as permanent representative and chairman, Achkar Marof, did his best to ride the chairmanship to fame if not fortune. Perhaps he succeeded too well because his President, Sekou Touré, came to regard him as a threat. He was imprisoned then killed. The same fate eventually befell Diallo Telli. In the words of Daniel Patrick Moynihan, 'the UN is a dangerous place, especially for Third World delegates who grow too big for their britches'.

Both the committee and the secretariat unit are still very much in business. Anti-apartheid activity at the UN and elsewhere has become a veritable industry under their direction, with a large turn-over of funds and many vested interests.

More than 75 per cent of United Nations members are Third World

countries. In the result, the hostility between the United States and the Soviet Union, the most prominent feature of the organization's early years, has been pushed into the background. The Russians play along with the Third World, but the Americans often oppose it, thereby suffering many defeats in the Assembly. A famous defeat was the Assembly resolution of 1975 equating Zionism with racism. In its political form the Third World was born in Bandung in 1955. It became a force at the United Nations in the early 1960s. Its numerical strength is such that its causes now dominate the organization — and more than that. Third World countries use their built-in majority in the Assembly and in bodies such as the Commission on Human Rights to prevent scrutiny of their own well-documented shortcomings. Thus, the UN will never pass resolutions on genocide in Cambodia or human rights violations in Milton Obote's Uganda and elsewhere in Black Africa.

Hypocrisy prevails at UN headquarters. There virtue is measured not in good works but by a political orthodoxy manifested in the number of votes a state can muster in its support. Idi Amin's Uganda could count on an awful lot. Small wonder that the organization is accused of 'double standards.' South Africa is pilloried not because it is worse than other countries but because it is the target of African hostility and African causes are sacred at the UN. This is a matter not of moral force but of numbers, the African group being the largest of the five into which the membership is divided. Few causes dear to non-Third World states, stand a chance of success without African support. Horsetrading is therefore an inevitable part of the UN scene. South Africa, the friendless one, not a member of a group, finds itself in the middle.

He who pays the piper does not call the tune at the United Nations. On the contrary, the instigators of most of the organization's programmes are those who contribute the least to its budget [\$1,6 billion for 1984–85]. Seventy-nine Third World states, half of them African, together contribute 0,79 per cent, or 0,01 per cent each. Ten years ago the smallest contribution was 0,02 per cent, ten years before that 0,04 per cent. The Third World's share of the expenses has dropped as they have increased. Eleven western states and Japan carry the organization financially, contributing about 70 per cent of the budget. The United States alone is responsible for 25 per cent.

Special meanings attach to words at the United Nations where Charter provisions are tortured into highly tendentious interpretations.

Take 'aggression'. Notwithstanding its dictionary definition — 'an unprovoked attack or warlike act' [Webster's New World Dictionary] — it is applied to many sins of omission and commission in the hope of setting into motion specific machinery laid down in the Charter for use against aggressors. Threats to the peace, breaches of the peace and acts of aggression are all matters falling within the purview of the Security Council, not the General Assembly. The reason why African-inspired General Assembly

resolutions represent the situation in South Africa as a threat to international peace and security is not because this is true, but because the radical Africans want to bring it within the scope of Charter articles empowering the Security Council to take enforcement action.

'Genocide' is another well-worn label which has been hung on South Africa for years (in the face of contradictory evidence supplied by regular population censuses) because of its emotive connotations in the West.

Blow the clouds of rhetoric away and South Africa's actual importance on a scale of UN issues is revealed. For example, U Thant devoted less than two pages to the Republic out of a total of 454 in his memoirs on his ten-year term as Secretary-General [*View from the UN* (1977).] In essence, all he had to say was: 'It is painful to report that all the UN resolutions and initiatives have had little practical effect . . .' [p.45.]

In forty years the Charter has been amended only to enlarge the Security Council and the Economic and Social Council to take account of the organization's ballooning membership. The veto power vested in the five permanent members of the Security Council has stalled other amendments. Otherwise, this basic document would long since have been changed to reflect changing UN realities and so eliminate the need for 'newspeak.' Indeed, only the veto power has saved the UN from complete surrealism. Of course, without their veto power, none of the great powers would remain in the organization. In the circumstances, Third World countries make do with the *instruments to hand*. They adroitly use terminology cherished, invented even, by the West. But it is applied against their own particular bogeymen. Against Israel, for instance, and in favour of the PLO; against South Africa and in favour of the ANC and SWAPO. To put it simply, one man's terrorist is another's freedom fighter. A handful of States want the terrorist to be punished, most, the freedom fighter to be rewarded.

For the Third World 'true terrorists were those who denied the most elementary human rights to the people of Namibia, Mozambique, Angola, Palestine and Southern Rhodesia' a summary of remarks made at the 1972 session when the Assembly was debating whether or not to debate the question of terrorism. Angola, Mozambique and Zimbabwe are today exempt from their strictures.

The matter had its genesis in the murder of nine Israeli athletes in the Olympic Village during that year's Olympic Games. Secretary-General Waldheim, then in his first year of office, had proposed the inscription of an item on the Assembly's agenda: 'Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms.'

Before the item was taken up in the agenda, and on grounds that the original wording 'would inevitably create the unfortunate and totally false impression that the Secretary General favoured the Western Powers', Third

World states secured the addition of a rider to the title so that it read:

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair, and which cause more people to sacrifice human lives including their own, in an attempt to effect radical changes.

The end result of a lengthy debate was the Assembly's decision to do nothing except appoint a committee to consider the written observations of states on the question of terrorism, and to include the item on the agenda of its next session.

Western leaders, most recently Mrs Thatcher in the General Assembly on 24 October 1985, have only just succeeded in persuading the UN to adopt binding measures against terrorism. Its failure to do so earlier obliged members to take unilateral action, as the United States did over the hijacked ship *Achille Lauro*.

In the UN constellation New York is the sun and Geneva the moon, a pale and watery moon, because New York is where the action is, at least in the political sense. I knew this before I went to Geneva. A five year stay there from 1975 confirmed it. A highlight of my Geneva experience was leading the South African delegation to the 23rd International Conference of the Red Cross in Bucharest, Romania, in October 1977, an adventure made possible only by the ICRC's commendably firm stance on the matter of the host government granting visas to all participants. Supposedly a 'universal' organization, the United Nations could learn from the ICRC in this regard. My first-hand acquaintance with the United Nations commenced in 1964 when I was posted to South Africa's Permanent Mission in New York as a Third Secretary. John Barratt, then a Second Secretary and a member of the mission since 1958, met my wife and me and our small daughter on arrival at Kennedy Airport. Three weeks earlier Pik Botha, also a Second Secretary, and a colleague in the South West Africa Section of the Department of Foreign Affairs, had been among the party seeing us off at Pretoria Station. Those were the days of leisurely travel and we took a mailship from Cape Town to Southampton before flying from London to New York. I remained in New York until 1970, attending in the process the 19th to 24th regular sessions of the General Assembly, each year representing South Africa in the Fifth Committee and other Main Committees. The 1971, 1973 and 1974 sessions again saw me as a member of the South African delegation.

It was in 1974 that the Algerian President of the Assembly ruled that the latter's rejection of South Africa's credentials was not merely a procedural method of expressing its rejection of apartheid (a ruling given by previous Presidents since 1970) but tantamount to saying in explicit terms that it refused to allow the South African delegation to participate in its work. That was a clear violation of Article 5 of the Charter because a right and privilege of

membership, which participation in the Assembly's work certainly is, can be suspended only on the recommendation of the Security Council.

South Africa has not been seated in the General Assembly hall since that time. Our public participation in United Nations affairs has been limited to Security Council meetings on issues of interest to us, primarily South West Africa.

A pundit pointed out in a television news programme recently, with surprise, that South Africa's statements in the Security Council were sometimes delivered after the Council had adopted its resolution on the subject under discussion and that the South African representative's remarks had no influence on the contents of the resolution. This displays ignorance of United Nations practice. United Nations resolutions are rarely the outcome of public meetings. Public statements are statements for the record, in some cases designed more for the audience back home (as in a national parliament) than to impress fellow delegates. The real work of negotiation takes place behind the scenes, often in one of the watering holes on United Nations premises. The drafters of a resolution try to win as much support as possible for their text. In the case of the Security Council, a resolution's sponsors usually seek to formulate it in such a way as not to draw a great power veto unless, of course, that is their objective.

South Africa is not the only country to call for a return to the original spirit of the Charter. Most western states from time to time allow pious exhortations to that effect to pass the lips of their representatives in New York.

But while the organization's image stands almost as low in western public estimation as in our own, some western governments actively use its chambers to court the Third World. Its Secretaries-General are wont to say that the United Nations mirrors the imperfections of the world, that it is as good or as bad as its members. That may be so. Unfortunately, it tends to magnify existing imperfections as well as providing a forum for the unveiling of new ones. Since its power and authority have fallen into irresponsible hands, it often creates problems where none existed. One need not look much beyond its resolutions on South Africa for example. South Africans are conditioned by the Republic's experiences to write off the United Nations. But complacency should be discouraged. Such teeth as the organization possesses are being applied remorselessly against us.

Every so often Swiss voters are asked to pronounce on the question of their country joining the United Nations. Some years ago the Geneva newspaper *La Suisse* advocated UN membership for Switzerland on grounds that it could then influence the organization's decisions rather than having to submit to them. That was unrealistic. Not even the United States can move the Assembly in a direction it doesn't want to go. Those who think otherwise should read the entertaining and instructive books by William Buckley

[*United Nations Journal: Delegate's Odyssey* (1974)] and Daniel Patrick Moynihan [*A Dangerous Place* (1978)] on their experiences at the UN.

What can South Africa do? Not much that it hasn't done already. What can the West do? Not much more unless Western countries are prepared to use their financial muscle to veto programmes they dislike. This seems to be the only weapon they possess. For mini-states already ensconced in the General Assembly are unlikely to support action to curb their voting rights, a symbol of national independence.

In this regard, it is interesting that the United States is threatening to reduce its contribution to 20 per cent unless the General Assembly's voting system is reformed to give due weight to members' contributions. The United States has left UNESCO. The United Kingdom has followed suit. Some years ago the United States departed the ILO for a while. Withdrawal, at least from UN specialised agencies in order to register disapproval, is therefore a serious option. But, against the background of what happened when the Soviet Union absented itself from the Security Council in 1950, withdrawal from the UN itself may not be viewed as a practical proposition.

South Africa has been the target of many resolutions in the forty years of the United Nations' existence. That these have had little practical effect, although painful to U Thant, is our consolation. More dangerous is the hostility building up against us in our major trading partners, in which connection it is unlikely that UN resolutions have played a direct rôle.

Book Review

DIPLOMACY AT THE UN

Edited and Introduced by G.R. Berridge and A. Jennings, Leicester University; published by Macmillan London and St. Martin's New York 1985; 227 pp.

1985 marks the fortieth anniversary of the founding of the United Nations. It also marks the 40th anniversary of the burial in 1945 of the League of Nations which had in fact died six years earlier, aged 20 years. Has the UN with its great age and wider experience, fared any better in dealing with the vexing international problems of the 20th century?

It is against this background that the present volume seeks to examine the UN forty years on.

The editors — both lecturers at the University of Leicester — state the two main purposes of the book as, firstly to clarify the work on the UN, and secondly to say something about the value of the UN's contribution to the diplomatic solution of problems which face states individually and collectively. To this end they have assembled a series of 13 essays by academics — active and lapsed — as well as some others who toil in the field of international affairs. Their essays deal with the various forms of diplomacy — third party, multilateral and bilateral — and they seek to describe the *machinery* and evaluate the role the various agencies of the UN can and do play in these fields.

In an essay which bridges the gap between the League of Nations and the UN, G.L. Goodwin, Emeritus Professor of International Relations at London University, sets the scene with some thoughtful comments on 'Power politics and the UN'. He argues that 'on present evidence the UN may itself . . . render the task of achieving a more orderly world more difficult'. As 'evidence' he cites *inter alia* the attempts to steamroller a new international economic order through the General Assembly and the propagation of the concept of 'just' wars. He says that there were some signs that the perils of such 'pharasaical attitudes' are being recognised, but he warns that if the UN were merely to continue to 'foster confrontation rather than compromise' there would be reason to wonder whether the UN, 'far from simply reflecting an ugly world could in some ways be making it uglier.'

This is a refrain that one encounters in one way or another elsewhere in the contributions.

Peter Calvocoressi, writer and publisher, has equally frank reflections on the Security Council which he feels has not contributed to the settling of disputes but rather to 'freezing' them. In part he ascribes this to the inability of the Council to use the teeth it was given in Chapter VII, which has become

a dead letter. He argued that the logic of invoking Chapter VII in the cause of peace is to 'threaten or make war'. In consequence the Council has shied away from it. He concludes that the Council is like a child of whom its parents expect too much—doomed to disappoint and to 'carry the cross of exaggerated expectations'.

The General Assembly fares no better from Maurice Keens-Soper, a lecturer in politics at Leicester University. In his piece on the GA, he says that 'events have thus far falsified the assumptions upon which the General Assembly was reared', because diplomacy is a confidential art and cannot be practised successfully in a public debate in the UN, which is to attempt 'diplomacy by rhetoric'. To remedy the situation he suggests a change of role for the Assembly. 'The public spectacle of the GA could serve a much needed purpose in dramatizing issues which it is not equipped to resolve. But this role needs to be subordinate and disciplined so that it can be an expression of and not a substitute for serious negotiations'. But one is tempted to ask if this counsel of despair is ever likely to be accepted by the rank and file membership of the UN, to most of whom the General Assembly had taken on another meaning of its own.

Nor does the office of the Secretary-General escape from critical evaluation. Alan James, Professor of International Relations at Keele University, suggests that, apart from Hammarskjöld, none came up to expectations. U Thant was 'lacklustre' and Waldheim 'rarely put a foot wrong'! In mitigation he adds that it is probably too much to expect of the Secretary-General that he should fill the vacuum left by his employers!

Sir Anthony Parsons, British diplomat and former UK Representative at the UN, nevertheless believes that the Secretary-General should make more frequent use of Article 99 of the Charter which authorises him to bring matters which threaten the maintenance of peace, to the attention of the Security Council. In this way the Council can be encouraged to take pre-emptive action before disputes reach a point where peaceful solutions become impossible. He recognises that the Secretary-General is ill-equipped to do this but proposes the establishment of UN political presences in major trouble spots—a species of UN ambassador reporting directly to the Secretary-General. One doubts though that such an innovation would be acceptable to the great powers in disputes in which they are involved.

It is fair to say that Professor Jack Spence of Leicester University and a widely quoted authority on South African affairs takes a less apocalyptic view. He offers the Falklands crisis as a case study. It is his contention that there is a measure of truth in the argument that the UN did little more than mirror the conflict in an institutionalized setting, with the Security Council used as a propaganda forum. However, he feels that this obscures some interesting and significant aspects of the UN role throughout the crisis. He finds it important that members of the organisation did in fact engage in

debate and he believes that this acted as a restraining influence 'which is not a trivial achievement'. Prof. Spence makes a valid point in suggesting that while the UN did not succeed in averting the crisis, matters could have been much worse if the UN did not 'mirror the conflict'. (Sir Anthony Parsons makes a related point when he says that the UN, from being a potential instrument of coercion and enforcement has evolved into an 'instrument of persuasion'.)

In another case study John Barratt, Director-General of the SAIIA, writes on 'South African Diplomacy at the UN' to illuminate efforts at bilateral diplomacy in New York. As he points out, a diplomatic presence in New York can serve a useful purpose but South Africa's opportunities for bilateral diplomacy there have been seriously hampered by continued isolation, ostracism and denial of forums. To this one may add the low ebb of SA's credibility.

Despite the occasional glimmers of hope it is difficult to avoid the impression that most of the contributors found it 'easy to write pessimistically', as Professor Susan Strange of the London School of Economics puts in her contribution. She refers specifically to the economic side of the UN's activities when she reviews the multilateral economic diplomacy under UN aegis. The 'utterly futile goings-on' at which UN delegates spend so much time and effort drive her, in despair, to suggest other mechanisms. One suggestion is the replacement of GATT and UNCTAD with a new body — the Production and Trade Organisation. She admits that the idea has not taken off, partly because it would greatly circumscribe the present freedom of the USA 'to run with the liberal hares and hunt with the protectionist lobby', and partly because the LDCs (less privileged countries) 'also want it both ways'.

'Wanting it both ways' probably sums up the problem in a wider sense. All countries do tend to want it both ways. In democratic societies where a domestic electorate has to be satisfied first, self-interest places great limits on the ability of elected governments to abridge their own freedom of action and to accept sacrifices for the sake of greater global harmony. Authoritarian societies, while not hampered to the same extent by this consideration, are by their very nature not normally enlightened enough to make moves in that direction.

In any event, does the answer lie in revised structures? The League, after all, did not fail because its mechanism was faulty. Was its failure not due in large measure to the absence of a collective will among its members; because for each one of its members the pursuit of self-interest was paramount?

There is no indication that the situation on this crucial point has changed since the advent of the UN.

Diplomacy at the UN, composed as it is of critical essays by experts on the subject, provides a useful insight into the workings of the UN — its failures

and its possibilities. As can be expected it also raises many questions which remain unanswered. Amongst these the most important is to what extent is the UN part of the solution and to what extent part of the problem? This is another way of putting the question posed in the quotation from Prof. Goodwin's essay — is the UN simply reflecting an ugly world or is it making it uglier?

J.S.F. Botha
former South African Ambassador
to the United States

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