

Note: This writing sample was prepared as part of an academic simulation from a pre-law class.

INTEROFFICE MEMORANDUM

TO: UN Secretary-General Javier Pérez de Cuellar

FROM: Estella Kixin Luo

SUBJECT: How the UN Should Address Apartheid in South Africa

DATE: October 22nd, 1985

Assignment

This memorandum addresses the legal and policy options available to the United Nations in responding to the human rights and security challenges posed by South Africa's apartheid regime.

Short Answer

There is a firm historical and legal foundation for United Nations intervention in South Africa. This memorandum concludes that coordinated international trade sanctions and commercial pressure, approved and implemented by the United Nations, constitute a lawful and effective means of addressing the human rights and security concerns arising from South Africa's apartheid regime. Such measures are consistent with the purposes and principles of the United Nations Charter and provide a peaceful mechanism for promoting compliance with international human rights norms.

Statement of Facts

South Africa's apartheid system establishes a legally enforced framework of racial segregation that restricts the civil, political, and economic rights of non-white populations. Key features of this system include the following:

- South Africa's so-called "Homeland" system divides national territory into smaller regions defined by ethnic, cultural, and racial classifications. These regions are designated as separate Homelands.
- Citizenship for individuals of native African descent, whether local or originating elsewhere on the African continent, is confined to an individual's assigned Homeland rather than to the South African nation as a whole.
 - Therefore, freedom of movement within South Africa is restricted. Individuals may travel or reside outside their designated Homelands only pursuant to temporary work permits.
- In The Homeland system operates alongside a broader legislative framework restricting land ownership and residence. This framework culminated in the Urban Areas Act of 1923, which limited Black South Africans' ability to purchase or occupy land outside government-approved areas.
- Political participation and voting rights are reserved almost exclusively for white citizens. Non-white populations are excluded from meaningful participation in national governance and are limited to electing white representatives to offices with minimal authority.
- Black South Africans have been subjected to decades of forced relocations, commonly referred to as "resettlements." These relocations include:
 - The displacement of Black farmers from regions overwhelmingly owned by white South Africans;

- The removal of Black residents from urban slums, where legal restrictions on education, land ownership, and employment perpetuate poverty; and
- The relocation of individuals designated as “surplus persons” by the apartheid government.

Taken together, these practices constitute systematic discrimination and forced population control. They are inconsistent with the principles articulated in the Universal Declaration of Human Rights and undermine the dignity of both individuals and states under international law.

Policy Options

Geopolitical considerations have historically constrained United Nations action on apartheid. The presence of regional conflict, including the war in Angola, and concerns regarding South Africa’s strategic capabilities have rendered direct military intervention under Chapter VII of the United Nations Charter politically contentious. Accordingly, this memorandum recommends the adoption of aggressively enforced economic sanctions as the primary response.

Consistent with prior Security Council actions, including Resolutions 181 (1963) and 421 (1977), which imposed mandatory arms embargoes, the United Nations may expand sanctions to restrict trade in additional sectors critical to the South African economy. Such measures could include bans on the import or export of the following goods:

- Gas, Oil, and other Petrochemicals.
- Metals including Aluminum, Iron and Steel.
- Luxury gems including Diamonds.
- Tech products including computer chips.

In addition to economic sanctions, this memorandum proposes the following complementary policy measures:

- That the United Nations facilitate diplomatic discussions between the United States and Cuba to reduce external support for the conflict in Angola;
- That the United Nations respond to requests by activist Nelson Mandela for the deployment of non-military observers to monitor human rights conditions within South Africa;
- That the United Nations establish a Victims of Apartheid Fund, supported in part by financial contributions from the United States, to provide humanitarian assistance to those harmed by apartheid policies.

Legal Framework

Under Article 39 of the United Nations Charter, the Security Council is authorized to determine the existence of any threat to international peace and security and to decide upon measures necessary to address such threats. Systematic racial discrimination, forced population transfers, and the denial of political rights under South Africa’s apartheid regime constitute a sustained threat to regional stability and international peace. South Africa’s practices further violate internationally recognized human rights norms, including those articulated in General Assembly Resolution 2200A. The Security Council has previously exercised its authority to impose embargoes and economic sanctions in response to comparable violations of international law. Economic sanctions are a recognized enforcement mechanism designed to constrain unlawful state conduct while avoiding armed conflict. Additionally, South Africa’s cross-border military actions during the Angolan conflict further strengthen the legal basis

for international action. These actions implicate violations of territorial sovereignty and reinforce the Security Council's jurisdiction to impose sanctions designed to restore regional peace and security.

Proposed Solutions & Recommendations

This memorandum concludes that the most effective course of action is the imposition of comprehensive economic sanctions targeting South Africa's National Party government. Such sanctions would restrict access to foreign imports, including certain agricultural products, pharmaceuticals, and industrial machinery, while limiting South Africa's ability to export high-value goods such as precious minerals, technology, and natural resources.

At the same time, international action should not exacerbate civilian suffering. Accordingly, sanctions should be accompanied by humanitarian initiatives aimed at supporting affected populations. These initiatives should include the deployment of human rights observers, diplomatic efforts to de-escalate regional conflicts, and the establishment of financial assistance programs for victims of apartheid.

Political Strategy

Although mandatory sanctions under Chapter VII of the United Nations Charter are legally justified, the apartheid crisis must be considered within the broader context of the Cold War. Regional conflicts, particularly the Angolan Civil War, risk transforming the humanitarian crisis in South Africa into a proxy confrontation between the United States and the Soviet Union.

The Angolan conflict reflects competing international alignments. The MPLA, supported by the Soviet Union and Cuba, is allied with the African National Congress, while UNITA, supported primarily by the United States, has aligned with the South African apartheid government. This dynamic has enabled the United States to justify its policy of constructive engagement with South Africa on anti-communist grounds.

Therefore, a central political objective should be the removal of this justification. The Secretary-General should pursue the following strategies:

- Initiating consultations with all parties to the Angolan conflict and facilitating negotiations between the United States and Cuba aimed at concluding a multilateral peace agreement;
- Promoting the deployment of United Nations peacekeeping or observer missions in Angola and South Africa to de-escalate interconnected regional conflicts and reduce the risk of superpower confrontation.

Conclusion

There is a sound legal basis for coordinated international involvement in response to South Africa's apartheid regime. International law permits a range of enforcement mechanisms; however, non-military economic sanctions represent the most appropriate and proportionate response under the circumstances. The implementation and continuation of such sanctions should be conditioned upon the dismantling of apartheid legislation and demonstrable progress toward equal civil and political rights for all South Africans.
