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Chairman: Mr. Thor THORS (Iceland).

AGENDA ITEM 23

The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2719, A/AC.76/13, A/AC.76/L.20) (*continued*)

1. Mr. ORTEGA (Chile) congratulated the Commission on the good work it had been able to do despite the South African Government's refusal to co-operate in any way. Although the Union of South Africa was one of the signatories of the Charter, its Government considered itself exempt from any obligation to implement the principles of Article 1, paragraph 3. A policy of racial discrimination was being pursued by a small minority against the vast majority of the population; yet the Government claimed that Article 2, paragraph 7 of the Charter precluded any United Nations action in the matter.
2. If that thesis was correct, the United Nations could no longer be regarded as the highest expression of international democracy. That was obviously not true; a new international conscience was growing up and was helping the Organization to deal not only with the problems created by imperialism but also with the general problems of the underprivileged.
3. His delegation had consistently supported resolutions aimed at ending discrimination of any kind and promoting respect for human rights. The Organization and its specialized agencies had done a great deal of work in that direction; they must persevere in their efforts to eradicate the monstrous theory that human rights were to be granted or withheld according to the colour of the individual's skin. The Second World War had been fought in order to destroy the Nazi concept of an Aryan master-race, and the United Nations Charter, which had been to some extent the outcome of that war, emphasized the principles of democracy which should govern the life of nations. Failure to observe those principles would lead ultimately to the disintegration of the world Organization.
4. The United Nations was partly a political Organization and it must therefore expect to meet with frustration in its great task of building up the tradition

of human brotherhood. Technical progress had made it possible to overcome many of the barriers of nature, but the many serious spiritual barriers had still to be surmounted.

5. The United Nations Commission's report (A/2719) showed that the South African Government had recently enacted a large body of legislation which represented a direct threat to human rights. The Commission had reported that such a policy would seriously endanger the national life and the foreign relations of the Union of South Africa and would jeopardize the peaceful co-existence of the racial groups in the Union.

6. His delegation felt most strongly that the United Nations should make further efforts to terminate so deplorable a situation, and had accordingly co-sponsored the draft resolution (A/AC.76/L.20) before the Committee. He earnestly hoped that the South African Government would agree to co-operate in seeking a solution.

7. Mr. Perry (New Zealand) emphasized the concern of his Government with problems of human rights. New Zealand's practices accorded closely with the principles of the Charter and the standards of the Declaration of Human Rights. However, to agree on principles and accept them for itself was one thing; to claim that the declaration of principles voided all restrictions on the right of the United Nations to inquire into the situation in one country or on the desirability of so doing, was quite another matter.

8. He did not deny that even the most private matters could rightfully be exposed to public scrutiny in certain circumstances, that is, if they were such as to constitute a direct threat to the peace. He repeated what his delegation had said at the seventh session (14th meeting) on this point, namely that an act did not constitute a threat to the peace simply because someone said it did. Similarly, internal affairs might cease to be matters of exclusively domestic concern if they formed the subject of international obligations assumed by a Government, but his delegation knew of no such obligations assumed by South Africa which might remove the question before the Committee from the sphere of domestic jurisdiction unless that obligation was found in the Charter. The human rights articles of the Charter were too general in terms to constitute a specific obligation on the part of a Member State.

9. A majority of the Committee felt that the question of competence had been finally settled and that Article 2, paragraph 7 did not apply to the South African racial legislation. They also maintained that a majority decision was sufficient thereafter to remove a question from the domestic sphere. His Government was not prepared to accept that bald doctrine; it continued to entertain honest doubts regarding the Assembly's competence. Those doubts were reinforced by the Commission's report, which had gone into the details of the

Union of South Africa's economic, social and cultural policies.

10. His delegation still doubted whether action by the Assembly was likely to assist in a solution of the problem, and still thought that the establishment of the Commission had not been a helpful measure. Condemnatory speeches and resolutions would not afford any solution, and might in fact have the opposite effect. Insufficient regard had been paid in the debate to the complexity of the problems facing the South African Government. It was difficult to see what purpose would be served by any further reports from the Commission. His delegation did not impugn the motives of the Commission's members, but it was not satisfied that its second report displayed throughout the necessary detachment and impartiality. He noted that the Commission regretted the New Zealand Government's refusal to supply it with information. The reasons for that were on record. In that connexion, he agreed with the United States representative's observation (44th meeting) that the Commission had fallen into the regrettable error of seeking to judge one country by the situation in another.

11. It was basic to New Zealand's way of life that all its people, of whatever race, enjoyed equally full political, economic, social and civil rights. That happy situation had been achieved by a process of change in accordance with what was now the intention of the Charter, namely, that signatories should move towards, not away from the promotion of human rights and fundamental freedoms for all, without distinction. The limits of Assembly action should be set by that concept. If the Assembly went beyond that limit and took up particular cases in which its competence was in doubt, it might lose prestige and delay rather than accelerate the process of evolution.

12. His delegation would vote against the joint draft resolution.

13. Mr. HUDICOURT (Haiti) regretted that United Nations efforts to promote the liberation of mankind had so often ended in deadlock. In the case in point, the deadlock had been brought about largely by the South African Government's refusal to co-operate with the Commission set up by the General Assembly to study the racial situation in the Union of South Africa. The South African representative had indeed informed (42nd meeting) the Committee that his Government would reject any offers of help in improving that situation because it considered such offers to be arrogant and partial. The Haitian representative felt that the accusation of arrogance might have been made because the Commission had had one coloured member and the United Nations itself included three coloured nations and thirty nations of mixed blood. Nevertheless, it was the right and duty of the Assembly to offer assistance to any Member of the Organization if it seemed necessary to do so.

14. He congratulated the Commission and its Chairman on their report, which he found extremely moderate in tone. It cited evidence of flagrant, repeated and deliberate violations of the fundamental principles of the Charter. The South African Government had been urged to put an end to that situation, but had repeatedly declared that it would not do so. Accordingly, the Commission had limited itself to making suggestions regarding the possibilities of a peaceful settlement of the question; but it might be asked whether the Assembly itself could continue to exercise such restraint.

The question arose whether it should consider recommending the imposition of sanctions as provided by the Charter. It was clear, however, that as the Charter stood, such a course would be impossible, since it would be blocked by one or more of the permanent members of the Security Council. The voting in previous years on the question before the Committee showed that at least two of those members upheld the theory that the Assembly had no competence, whilst a third had often abstained. Since the application of sanctions was not possible, the Assembly must consider what to do.

15. He himself regarded the question of competence as settled. The United Nations was constantly evolving and was not bound by the traditional concepts of international law. It had drawn up covenants on human rights in which new, progressive concepts of international law were enshrined. The colonial Powers which had consistently supported the South African view on the question of competence had defended their position by reference to the provisions of Article 2, paragraph 7 of the Charter, but its real explanation was to be found in statements made in 1949 and 1950 by the new Prime Minister of the Union of South Africa: that the supremacy of the white race must be preserved, and that there must be no miscegenation. It was clear that if the Commission were allowed to investigate the situation in South Africa, similar Commissions could investigate analogous situations in other territories. The United States representative himself had said that the question should not be limited to the Union of South Africa, a view which the Haitian delegation supported.

16. The South African representative had asserted that racial unrest in his country had been fomented by communism. That argument was traditionally put forward to denigrate nationalist or freedom movements; but it was iniquitous to try to stifle such movements by branding them as communist.

17. All over the world the myth of white supremacy was being dispelled. On the American continent and in Asia and Africa, blood had been shed in the struggle for independence of the coloured races. The United Nations should intervene to ensure that the lessons of history were understood and applied.

18. Unlike some other delegations, the Haitian representative had no doubts regarding the facts reported to the Commission by El Salvador, Brazil and his own Government; he had lived in all three countries and could vouch for the fact that they had solved their racial problems and maintained a policy of strict non-discrimination. Haiti had fought its war of independence against the Whites, not because they were Whites, but because they wanted to be masters of the indigenous population. In the 150 years since the winning of independence, every White seeking Haitian nationality had been accepted, in line with the precedent set immediately after the war of independence, when German and French soldiers of the Leclerc expedition had been spared by the Haitians and given Haitian nationality.

19. The treatment of the Negroes in the United States was a blot on the history of that great nation, and most Americans were ashamed of it. Alan Paton, a South African, in his study of the progress of the American Negro for *Colliers Magazine*, had concluded that discrimination resulted in the destruction of the sense of justice, progress and human dignity. He had warned the South African Government that if the white population of South Africa rejected a solution of the racial

problem by evolution, they would ultimately have to face a solution by revolution, and that time was running out.

20. Mr. Hudicourt then reviewed the terms of the draft resolution which his delegation had co-sponsored (A/AC.76/L.20). Haiti could not agree with those who held that the United Nations Commission could no longer be useful. The persistent refusal of South Africa to co-operate with it should not daunt the Assembly in its efforts to achieve a peaceful settlement; it must defend the principles of the Charter even if it could not achieve immediate practical results; it had committed itself by past action on the question, and to abandon its efforts would be to admit defeat and to crush the hopes of the 10 million coloured people of South Africa and of other peoples in similar circumstances. Haiti was convinced that however wretched and deplorable the situation of the non-Europeans in South Africa was, it could only be temporary; the tide of human progress could not be stemmed, and one day they would free themselves from the bonds of oppression and exploitation by others and enjoy the full rights which the United Nations was called upon to guarantee to all men.

21. Mr. HAMDANI (Pakistan) emphasized that the question of competence, which had been repeatedly debated by the Assembly, was not one of the intrinsic merits of Article 2, paragraph 7 of the Charter, but rather of its applicability to the item under discussion. That, as had been stated by Committee IV/2 at San Francisco¹, was a matter to be interpreted in each particular case by the organ concerned. Accordingly, the domestic jurisdiction clause had quite properly been invoked in connexion with the *apartheid* item; but the Assembly had repeatedly decided that it was not applicable. South Africa's position on the Commission's report was ambiguous: on the one hand, it had refused to co-operate with the Commission on the ground that it was an illegal body and had been established in contravention of Article 2, paragraph 7, while on the other hand it had taken part in the Committee's debate to criticize parts of the Commission's report. The implication seemed to be that the South African delegation accepted the other parts of the report, although it had rejected the document as a whole.

22. The report was a well-documented and objective study, and the Commission and its Chairman were to be commended upon their excellent work. If South Africa had objected to the preparation and presentation of the report, it had had ample opportunities to co-operate with the Commission at every stage and to present its views and comments. The South African representative had said that his Government was amenable to constructive advice from friendly sources; it must be inferred that advice from the United Nations Commission was considered unfriendly. Pakistan welcomed the information given by the South African representative; it only regretted that such information had not been given to the Commission at the appropriate time.

23. The Commission's report presented a discouraging picture of the racial situation in South Africa. On the basis of the information available to it, the Commission had concluded that the laws and regulations enacted since its first report were as incompatible with the obligations assumed by the Union of South Africa under the provisions of the Charter relating to human rights as the measures previously adopted. It had also drawn

attention to the psychological effect of the *apartheid* policy on the spiritual and moral development of the population and on its social life. In that respect, its findings coincided with those of the United States Supreme Court in its anti-segregation decision of 17 May 1954. Pakistan endorsed the Commission's conclusions, and drew particular attention to its statement that it was for the Government and the people of South Africa to solve the problem; the United Nations was merely offering assistance in accordance with the purposes and principles of the Charter. However, the Commission, after studying the various solutions proposed, had come to the conclusion that the road of gradual integration was the only one likely to lead to a peaceful future acceptable to all.

24. The South African Government had dismissed the Commission's findings as biased and based on superficial knowledge gleaned from unreliable information. That was not so; the Commission's suggestions had been offered in all humility and merely as a guide.

25. Pakistan had co-sponsored the joint draft resolution in the hope that it would contribute to a peaceful settlement of the race conflict in South Africa. It was important to recognize the changes that were taking place on the so-called dark continent; it was for sober statesmanship to give them direction.

26. Mr. HEYWOT (Ethiopia) supported the joint draft resolution because it provided a further opportunity to carry out the obligations of the Charter and the Declaration of Human Rights, which all Member States without exception had undertaken to respect. In the present multiracial world, the principle of the equality of all men must be enforced if international understanding was to be achieved. Ethiopia acknowledged the complexity of the problem and did not expect racial discrimination in South Africa to be eliminated at one stroke. However, it felt justified in hoping that the growing awareness, in South Africa and outside it, of the interest of people everywhere in a solution would induce the Union Government to put an end to the injustices arising from its *apartheid* policy.

27. Mr. LAWRENCE (Liberia) rejected the argument that Article 2, paragraph 7 precluded any discussion of the *apartheid* item; the Preamble and many other Articles of the Charter authorized every action the United Nations had taken thus far and made it clear that the Assembly was competent to deal with the question.

28. The position of the South African Government was without parallel. In a world steadily progressing towards the elimination of prejudice and towards greater equality, South Africa had chosen to carry out a national policy of injustice based on fear and to adopt an attitude of studied indifference to the concern and disapproval expressed by world opinion in the United Nations. As a Member of the Organization and signatory of a Charter which proclaimed respect for the human rights of all racial, religious and national groups, the least South Africa could do was to take note of the aspects of its policy which the Organization had found incompatible with United Nations principles, and to correct the situation in its own way. Persistent refusal to co-operate gained nothing for either side in the conflict: the white Europeans of South Africa or the 10 million coloured inhabitants.

29. In view of the situation in the Union, it had been ironic to hear the South African representative declare that his Government was determined to keep the coun-

¹ United Nations Conference on International Organization, IV/2/42 (2).

try democratic, and to hear other States praising South Africa as a champion of democracy because it had contributed to the fight against aggression in Korea. Democracy was based on the principle that government was to be carried out with the consent of the governed. Surely the vast majority of non-Europeans in the Union did not support the *apartheid* policy. Nor was it clear what principles of democracy South Africa had fought for in Korea when a responsible member of its Government could coldly state, as a matter of principle, that the natives of his country must not be given the strike weapon.

30. The key to South Africa's policy was its determination to maintain the indigenous population as a perpetual reservoir of cheap labour. The interests of the European minority had been adequately safeguarded by the laws in force before the implementation of *apartheid*, but the white leaders of the country had feared the coloured population's desire for self-improvement and the exercise of political rights, and had decided to suppress such aspirations by an anti-social system unworthy of rational men and incongruous in contemporary society. *Apartheid* meant separateness; in a world in which interdependence and co-operation were the rule of survival, South Africa could not long stand alone on that policy.

31. The racial situation in South Africa would lead to a chain reaction; the result was bound to be destruction. For example, the Bantu people, a proud and fearless race, were being oppressed by the white leaders of South Africa through the Bantu Education Act, the avowed purpose of which was to instil in them a feeling of inferiority which would make them accept perpetual white domination. Moreover, the racial policies of South Africa were being extended to the north in an attempt to destroy the traditions, economy and family life of the African peoples. *Apartheid*, in fact, was being exported as a way of life. Inevitably, it must lead to conflict.

32. South Africa's racial policy could not be viewed in isolation: it had world-wide repercussions, and no State should allow itself to be prevented from taking a forthright stand against the cancer of racism either by considerations of expediency or by arguments based on Article 2, paragraph 7. Any human enterprise based on injustice must ultimately fail. South Africa could not change the course of history; its re-education scheme was doomed to failure and its whole discriminatory policy was beset with pitfalls that would lead it to destruction. South Africa chose to ignore world opinion and to persist in its unjust and fallacious policy, but it would not long be able to seek protection behind Article 2, paragraph 7. However, there was still time for it to reconsider, to change its course and to guarantee equal rights, education and justice to all sections of its population. The way was still open, and the Liberian delegation appealed to it to adopt the just course.

33. Liberia paid tribute to the Commission and its able Chairman for their excellent reports, and had joined in sponsoring the draft resolution to continue the Commission.

34. Mr. MUÑOZ (Argentina) said that Argentina had no racial problem, and its people supported wholeheartedly the concept of the equality of all human beings laid down in the United Nations Charter.

35. The United Nations had some responsibility as regards the affirmation of human rights and the promotion of their general observance. There was some justification for the General Assembly trying to find a solution in extreme cases, where the great majority of a State's inhabitants did not enjoy legal and social equality. However, the Argentine delegation fully recognized the difficulties the Union of South Africa faced in its efforts to deal with the problem of the co-existence of different races. Accordingly, and in view of the South African Government's refusal to co-operate, the United Nations should proceed cautiously and with discretion. Problems involving human relations could not always be solved by resolutions, which could not take full account of all the facts peculiar to a given situation. Affirmations of the General Assembly's competence were of academic value only, and it should be borne in mind that a Member State might feel compelled to withdraw from the United Nations in order to avoid being constantly attacked. The United Nations must show understanding and seek a peaceful solution under which racial equality could be promoted without trespassing on the sphere of domestic jurisdiction.

36. The Argentine delegation congratulated the Commission and its Chairman on the constructive work they had been able to do despite manifest difficulties, and would vote for operative paragraph 1 of the joint draft resolution (A/AC.76/L.20). However, it did not agree with all the conclusions contained in the report. For that reason the Argentine delegation, together with the Brazilian and Cuban delegations proposed the amendments contained in document A/AC.76/L.21. The first amendment called for the deletion of the fifth paragraph of the preamble, because the view it expressed was simply an affirmation in extreme terms of what had already been stated in the preceding paragraphs. Moreover, its wording bore an unfortunately close resemblance to the terms used in Chapter VII of the Charter in referring to threats to the peace. It was unwise to prejudge the future in that way.

37. The object of the amendment to operative paragraph 4 was to eliminate the lengthy enumeration of Articles of the Charter, which would be confusing to the reader, and replace it by a form of words which would concentrate attention on the basic purpose of the draft resolution.

38. The Argentine delegation doubted whether any useful purpose would be served by asking the Commission to continue its work, as proposed in operative paragraphs 6 and 7. An important stage in the consideration of the problem had been reached, and the General Assembly should await the results of the invitation conveyed in operative paragraph 5. That paragraph had been drafted on the obvious assumption that the Commission had made suggestions which could help in the solution of the problem. The Argentine delegation could therefore not vote for operative paragraphs 6 and 7, and its vote on the joint draft resolution as a whole would depend on the outcome of the votes on the amendments and on the latter paragraphs, the usefulness of which it doubted.

39. Mr. PALAMAS (Greece) said that at previous sessions the Greek delegation had disagreed with the majority opinion that the United Nations was competent to deal with the question under discussion. The South African Government naturally adhered to its original argument that the question was a matter of domestic jurisdiction barred under Article 2, paragraph

7 of the Charter; but it would be unrealistic to ignore the fact that despite all the legal contentions the Assembly had dealt with the question year after year, thus arousing world public opinion on the issue.

40. The policy of *apartheid* was undoubtedly an internal problem of the Union of South Africa; but at the same time it was a matter of international concern as well, because of the increasing penetration of international factors into the national life of States. The South African Government, without necessarily subscribing to the General Assembly's views on its own competence, should not ignore the international aspects of the problem.

41. Greek laws guaranteed equal rights to all citizens regardless of race, religion or colour; but admittedly in Greece the problem was of ideological and political interest only. The problem faced by the South African Government was much greater and more complex, and its solution required patience and understanding, for progress could be made only gradually. Unfortunately, the South African Government did not seem to be pursuing a policy likely to further the human rights principles of the Charter; accordingly the General Assembly should express its views, in a form acceptable to the Government of a sovereign State. The Greek delegation considered that if United Nations action was to be helpful the friendly nature of the Organization's concern must be emphasized; it therefore particularly appreciated the reference to brotherly help in paragraph 355 of the report. Steps should be taken to convince the South African people and Government that the United Nations did not intend to interfere in their national life, and that it simply wished to express its hope and confidence that the South African Government would grant all its people equal and decent treatment. Anything likely to create bitterness and resentment must be avoided, for the reactions in South Africa might lead to a deterioration in the lot of the coloured people in that country. It would be wise to follow the path of mildness pointed out by Mahatma Gandhi, and prove once more that non-violence was a more effective weapon than violence.

42. Racial discrimination was only one aspect of the problem of violence exercised by the strong against the weak. That problem was a psychological and philosophical one; the doctrine of force and domination made no distinction between coloured and non-coloured peoples, as was apparent in the case of Cyprus. The Union of South Africa was not solely responsible for the concept of force, which was prevalent in many forms throughout the world. The United Nations would succeed in its efforts to give practical effect to the provisions of the Charter relating to human rights and fundamental freedoms only if it used its political and moral authority to promote genuine universal democracy.

43. Mr. RODRIGUEZ FABREGAT (Uruguay) congratulated the Commission on its constructive work and paid tribute to its Chairman for his contribution to the solution of the problem. It was gratifying to note that the General Assembly was studying the question in a spirit of cordiality, and was endeavouring to co-operate with the South African Government in seeking a solution in accordance with the principles of the Charter.

44. The Uruguayan delegation wished only to contribute to human progress; it had been somewhat discouraged to note from paragraph 22 of the report that the South African Government had not changed its attitude and continued to affirm that the General Assembly had exceeded its competence and had adopted unconstitutional resolutions. That position was unjustified; Article 2, paragraph 7 of the Charter, on which it was based, must be interpreted in the light of the Preamble, of the Universal Declaration of Human Rights and of the many other provisions which emphasized the need to maintain and promote human rights. Uruguay had always supported and still supported the principle of non-intervention in the domestic affairs of other States. The crux of the problem was to be found in the word "essentially" in Article 2, paragraph 7 which in effect meant "entirely". That was the operative word which delimited the national and international spheres of action, and on which the United Nations as an international system had been established. In subscribing to the Charter of the United Nations, Member States had undertaken certain obligations and duties, which included the observance of human rights; moreover, the General Assembly had on previous occasions, in connexion with similar questions, established its own competence to deal with matters relating to human rights. The problem of human rights transcended the domestic jurisdiction of States, and the basic principles set forth in the Preamble of the Charter were not negated but rather clarified by the subsequent Articles. The South African Government was bound not only by its obligations under the Charter but also by the provisions of the mandate granted by the League of Nations over South West Africa, and the United Nations had every right to know what laws were being applied to the inhabitants of that Territory.

45. When, at the fourth session, the question of human rights and fundamental freedoms in Bulgaria, Hungary and Romania had been discussed, the argument of domestic jurisdiction had been challenged by the United States and other representatives. It had been emphasized that freedom was the heritage of all men, that it was the duty of the General Assembly to maintain and promote human rights, which were of universal concern, and that the competence of the United Nations to deal with such problems could not be contested by reference to Article 2, paragraph 7.

46. The South African Minister of Native Affairs, according to paragraph 56 of the report, had stated that education should not create wrong expectations on the part of the Natives. But surely the very purpose of education was to arouse in people the hope and desire for self-realization and betterment. Unfortunately the purpose of education in the Union of South Africa was to keep people isolated from one another according to their colour, and to maintain and perfect the system of racial discrimination. The Latin-American countries could boast heroes of all races and colours; they offered an example of the way in which different races could work together in the fulfilment of what the South African Minister of Native Affairs had called wrong expectations, and they found it difficult to remain unmoved by the situation in the Union of South Africa. The international community was fully entitled to express its opinion on human rights; human progress

was impossible where a policy of racial superiority was pursued.

47. The Uruguayan delegation considered that the Commission should continue its work and persevere in

the difficult task of seeking, with the co-operation of the South African Government, a solution of the problem.

The meeting rose at 6.15 p.m.