

# GENERAL ASSEMBLY

SEVENTH SESSION

Official Records



AD HOC POLITICAL COMMITTEE, 15th

MEETING

Thursday, 13 November 1952, at 10.30 a.m.

Headquarters, New York

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Chairman: Mr. Alexis KYROU (Greece).

**The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/2183, A/AC.61/L.6, A/AC.61/L.8) (*continued*)**

[Item 66]\*

1. Mr. ARZE QUIROGA (Bolivia) said that his delegation was fully prepared to congratulate the Union of South Africa on the progress which it had achieved, but that the situation as regards race conflict in South Africa had caused world public opinion to demand the elimination of an endemic evil which was threatening both the peace of the international community and the safety of the South African population itself. The problem before the Committee was a political one and it raised the issue of collective security, a principle of fundamental importance to the United Nations. That principle, however, must not be taken as a pretext for perpetuating any given state of affairs, whether good or evil. Mankind had already made great strides under the protection of the United Nations Charter and it was important to ensure that that instrument was not applied in so rigid a manner as to detract from the welfare of the peoples of the world.

2. Bearing in mind all the difficulties of the problem, and regretting the failure of the United Nations so far to achieve a compromise solution, the Bolivian delegation had joined in sponsoring the eighteen-Power draft resolution (A/AC.61/L.8) because it was in line with the action already taken by the Committee on the closely related question of the treatment of people of Indian origin in the Union of South Africa.

3. Mr. MOSTAFA (Egypt) wished to present a few general considerations on the subject under discussion. He outlined the position in the Union of South Africa, where a small white population of British and Dutch origin was seeking to maintain its supremacy over a numerically superior native and Indian group. He

pointed out that the native and Indian groups were refused freedom of movement, free choice of residence and equal remuneration for their work. In 1946 the General Assembly, by its resolution 44 (I), had condemned the treatment to which people of Indian origin were subjected in the Union of South Africa, and in 1950, by resolution 395 (V), it had called upon the South African Government to suspend implementation of the discriminatory Group Areas Act. The accession to power of the Nationalist Party had brought about a further deterioration in the situation. A policy of discrimination based purely on race was being enforced, and the decisions of even such august authorities as the Supreme Court at Bloemfontein had been overruled in order to implement that policy. A special High Court of Parliament had even been instituted to declare the Government's actions legal, but the opposition had taken steps to have that procedure declared unconstitutional by the Supreme Court. That did at least prove that there were still people in the Union of South Africa prepared to take action in defence of human rights.

4. Equality before the law and in the political field was a characteristic of the present-day world, and it was the duty of the United Nations to condemn any denial of such equality as demonstrated in a policy of racial discrimination which could only result in international friction. All Members of the United Nations must be concerned in helping the oppressed peoples to fulfil their aspirations, rather than in seeing that fulfilment brought about in some other way contrary to the purposes and principles of the Organization. The Egyptian representative felt that a modification in the racial policy of the Union of South Africa was indispensable, and that the United Nations should assist the South African Government in bringing about such a modification by implementing the appropriate provisions of the Charter.

5. Mr. Mostafa felt that the commission of inquiry, whose establishment was proposed in the joint draft resolution, of which his delegation was a co-sponsor, was fully in keeping with United Nations precedent,

\* Indicates the item number on the agenda of the General Assembly.

and would enable Members, at the General Assembly's next regular session, to express their views with a fuller understanding of the question in the light of the commission's findings.

6. Mr. LACOSTE (France) thought that the South African delegation had a cogent point in bringing up the question of competence, which was a matter of primary importance. Before taking up any item on its agenda, the Committee should be satisfied beyond any doubt that consideration of such an item was within its competence under the Charter. The Charter was not designed to give the Organization all-embracing powers. Nor was the Organization intended to sit in judgment on the application by Member States of their own constitutions, laws and policies within their national boundaries.

7. Some speakers had referred to Article 13, paragraph 1 (b) and Articles 55 and 56 of the Charter. The object of those Articles, however, was to promote international co-operation in such matters as the realization of human rights, respect for the principle of equal rights and self-determination of peoples, higher standards of living, and economic and social progress and development. The main provisions on the question of intervention in the internal affairs of States were covered by Article 2, paragraph 7, of the Charter. The French delegation considered the discussion of the item before the Committee to be a clear case of intervention in the internal affairs of a Member State and in direct contravention of that Article. It would therefore support the draft resolution (A/AC.61/L.6) submitted by the delegation of the Union of South Africa.

8. Mr. BOKHARI (Pakistan) explained that certain very cogent reasons had led his delegation, together with seventeen others, to sponsor a draft resolution calling for constructive action on the item under discussion. The racial inequalities in the Union of South Africa had aroused the moral indignation of many peoples. The situation in that country had been described in detail in many publications. Those who had refused to face it squarely and had persisted in a discussion of competence must have done so not out of ignorance, but because they preferred to maintain a discreet silence regarding the shocking and inhuman treatment of the non-white population of South Africa.

9. The laws enacted and recently strengthened by the South African Government were avowedly designed to keep the native and coloured inhabitants at the lowest possible level of civilization. They were denied land, forced to live in segregated areas, prevented from earning more than a specified wage, and deprived of educational, trade-union and political rights. Their dignity as human beings was being degraded by the discriminatory practices which refused them access to common public facilities and placed them in economic subservience to the white population.

10. It was painful to the Pakistani representative to have to describe human beings by their colour, but the terminology employed by the South African Government left him no choice. The only place in the world where the representatives of that Government sat side by side with others not of their colour was the United Nations. Moreover, a leader of the South African white community had said that racial inequalities had been divinely ordained and should be perpetuated. If such

was the racial doctrine of the Nationalist Party of South Africa, the people of Pakistan repudiated it with all their force, for it was a blasphemy according to their religion and to the principles on which their country had been founded. That was the primary motive of the Pakistani delegation in sponsoring the draft resolution before the Committee. It had no political motives. On the contrary, it wished to continue to enjoy friendly relations with the Union of South Africa and to widen its commercial relations with that country. Nevertheless, the degree to which world opinion had been outraged by that Government's racial policies was significantly reflected in the large number of States which had joined in submitting the joint draft resolution.

11. It had been argued that the laws and policies of the South African Government were exclusively matters falling within the domestic jurisdiction of a State as provided under Article 2, paragraph 7, of the Charter. It had further been asserted that that Article, in spite of repeated references to respect for human rights in other Chapters, was overriding and that the San Francisco signatories had so agreed. Nevertheless, even on legalistic grounds, that argument had not always been upheld. Professor Kelsen, in his study of the *Law of the United Nations*, had conceded that Article 2, paragraph 7, might be restricted by Chapters IX and X, and in support of that position had reported part of a discussion between a United States Senator and a representative of the United States Department of State. On the basis of that report, it would appear that matters originating under domestic jurisdiction and dealt with internally by national governments, if they affected other nations, were considered to have international repercussions and therefore to be of concern to other nations under international law. Furthermore, the interchange revealed that, at least in the view of that representative of the State Department, the United Nations provided the proper machinery for investigation and recommendation with respect to racial questions originating locally, but fraught with international consequences which were potentially explosive. The situation in South Africa fitted that description most accurately. Again, as the representative of Norway had stated (13th meeting), it must be viewed not on the basis of rigid legalistic interpretations, but in terms of its impact in the moral sense.

12. The dispute on the issue of competence respecting the South African situation was part of a widespread struggle. There was a struggle going on in almost all the organs of the United Nations which was directed at forcing the colonial Powers to relax their grip on vast subject populations aspiring to self-determination. Obviously, the Union of South Africa was not a colony or a colonial Power, but inasmuch as it was a country where people of one race in their own native land were being subjected to indignities and relegated to a lower stage of civilization to the advantage of a minority representing the early conquerors of the country, it was practising a form of colonialism. The colonial Powers in their respective colonial areas had acquired the best lands, and were exploiting the raw materials therein for the benefit of the home economy, supporting a surplus population in colonial activity and enjoying a higher standard of living than they would have in the home country. When they were asked to alter their inflexible policies, the issue of com-

petence was immediately raised. Apart from the political committees of the General Assembly, the same issue was being raised in the Third Committee in connexion with the drafting of a clause in the Covenant on Human Rights concerning the right of peoples to self-determination; in the Fourth Committee, for the purpose of excluding representatives of the African peoples from making direct representations; in the Fifth Committee, by attempting to reduce the means for propagating United Nations activities in backward countries; and in the Sixth Committee, by devising measures to create legal delays.

13. In the struggle against colonialism, the European colonial Powers and their friends were clearly arrayed against the smaller nations, especially those of Asia and Africa. They were conspicuously absent from the list of sponsors of the draft resolution before the Committee. On the other hand, the position of the United States was heartening and its sincerity all the more genuine because it had taken its stand only after a period of genuine hesitation. Indeed, the struggle against colonialism was based on the democratic principles professed and practised in the United States. Those waging that battle were glad to have the support of the countries of North and South America. Yet, to the South African representatives, the attitude of countries like Mexico, where a harmonious blending of racial groups was a reality, was something to be looked down upon with contempt.

14. The colonial Powers must realize that the struggle against colonialism was being fought in their own ultimate interest; they must realize that they ran the greatest risk by mishandling that explosive problem. The problem of race relations and the exploitation of one people by another was not merely the problem of South Africa; it was acute throughout the continent of Africa. In order for white minorities to perpetuate their supremacy over much larger numbers of non-whites, the South African Government had decided to beat down the latter so long as they had the power to do so. Other European Powers invoked various pretexts, such as their civilizing mission, in order to justify oppression in their colonies. They did not seem to realize that, with 4 million white persons in a continent of from 150 to 200 millions—more than half of whom were in South Africa—the lives of the white minority were being placed in the gravest jeopardy. They would be forced to defend themselves indefinitely against vast numbers of Africans determined to get back their native land. It was vain for the white settlers to try to entrench themselves by raising legal technicalities in the United Nations in an effort to shrug off the realities of the situation and to compel the world to leave them alone. To leave them alone was to sanction a struggle to the death between the Africans and their white masters. For so long as the latter continued to enforce their position by brute force and inhuman laws, a final, bloody clash was inevitable. Pakistan, and the countries sharing its views, did not wish to see the blood of Europeans or Africans shed in such a holocaust.

15. Moreover, a violent, bloody revolution in the continent of Africa would not necessarily be inevitable if the United Nations exercised one of its basic functions properly. The strong moral right of the African peoples to rebel could not be denied. The right and indeed the

duty to rebel in certain circumstances was consecrated in the American Declaration of Independence. The non-whites of Africa had at least the same grievances as the people of the American colonies once had against their masters. Their rebellion sprung from the desire to change governments which they considered tyrannical. To overthrow tyranny was the highest aspiration of free men. Nevertheless, revolutions did not have to take place by stealth, murder, rape, arson. Fortunately, the United Nations possessed the means and the wisdom to transform what would otherwise be a bloody revolution into a bloodless one. The United Nations could help to ensure a balanced, constructive solution of the colonial problems of Africa. Confronted with the prospect of a whole continent embroiled in violence which might lead to a world war, the question of the competence of the United Nations to deal with the subject lost all significance.

16. The United Nations could not prevent war by closing its eyes to the perpetuation of circumstances which must lead to war. The possibility that the conflict between the whites and the non-whites throughout the world might take precedence over the prevailing struggle between communism and anti-communism must compel all nations to pause to think and to act rightly. The heritage of European culture and its liberal tradition was a justifiable cause for pride. But the small nations had joined with Pakistan to call a halt to the European process of civilizing with the whip and the gun and the enforcement of white superiority in the colonial parts of the world. The United Nations should not be deterred from abolishing that process by the short-sightedness of some who failed to realize that the problem of racial inequality and persecution was clearly a threat to international security and to the security of white and non-white alike. Pakistan looked forward to a world where Europeans and non-Europeans and peoples of all races would share their resources and their culture toward the building of a better world. It was not sufficient for European Powers to point to their great and beautiful achievements, for they merely served as a façade behind which they carefully concealed the sordid and shocking conditions imposed on colonial peoples. Pakistan and those who shared its view wanted to look behind that façade.

17. The joint draft resolution did not call for punitive measures against the South African Government; it was not intended to humiliate the white minority in that country or to clamour for revenge on behalf of the non-whites. The racial policies of the South African Government were suicidal for both races. That was why the proposal called for a fact-finding commission to establish whether, in fact, the situation in South Africa did have international repercussions or whether it was a purely local affair. In the latter case, there was nothing more to be said in the United Nations. If, however, it was found to be a threat to world security, it was the duty of the Organization to act on the pledge made in the Charter that it would attempt to prevent a third world war.

18. Pakistan was a small Power with no vested interest in the matter. It had found it painful to raise the question of racial persecution and if the feelings of the South African representative or the leaders of that country had been hurt, he would offer ample apology.

Nevertheless, the United Nations could not, in view of the world importance of the problem, brush it aside on a technicality or merely refer the problem of its competence to the International Court of Justice. An increasing number of governments and peoples were con-

cerned to find a constructive solution to that most serious problem, and they would continue to be so concerned so long as it remained unsolved.

The meeting rose at 11.55 a.m.