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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 and Corr.1, A/AC.61/L.8/Rev.1, A/AC.61/L.9, A/AC.61/L.11) (*continued*)

[Item 66]*

1. Mr. TRUJILLO (Ecuador) associated himself with the Chairman in his appeal to the Committee (11th meeting) to conduct the discussion with moderation and to maintain it on the highest possible level. International relations could not be improved or difficult problems satisfactorily settled unless their discussion was conducted in a manner calculated to lead to better understanding. The question of race conflict in South Africa was extremely difficult, and acrimonious language was not likely to bring it nearer a solution.

2. He recalled his delegation's position on the closely related question of the treatment of people of Indian origin in the Union of South Africa. While it had voted for the relevant paragraph in the draft resolution recommending the establishment of a good offices commission (A/AC.61/L.7), because it felt that the proposed commission constituted the most effective means of bringing the parties together, it had voted against the paragraph urging suspension of the enforcement of the Group Areas Act. The Act had been implemented by the South African Government in the exercise of its full and due sovereignty; the United Nations would be intervening in the internal affairs of South Africa by enjoining upon that Government any action respecting it.

3. The facts concerning the *apartheid* policy were well known. The principal measures taken by the South African Government to carry it out had been enumerated in the explanatory memorandum (A/2183) submitted by the States requesting inclusion of the item in the General Assembly's agenda. The memorandum had concluded that the solution of South Africa's racial prob-

lem must be sought not in the domination of one race by another, but in a partnership of races on a basis of equality and freedom.

4. Yet, the representative of South Africa insisted that the issue of competence must first be resolved and had introduced a motion to bar the United Nations from any consideration of his Government's policies (A/AC.61/L.6). The laws of the United Nations had been laid down in the Charter and it was in that instrument that firm evidence was to be found of the Organization's competence. It was significant that Field-Marshal Smuts, the eminent leader of South Africa, had summed up in the seven paragraphs of the Preamble to the Charter, which he helped to draw up, the reasons for the establishment of the United Nations. The purposes and principles set forth in Chapter I implicitly proclaimed the abandonment of absolute sovereignty which recognized only the force of each State. The signatories of the Charter had renounced part of their right to ensure their own security in favour of the overriding need to ensure the collective security of all States.

5. The representative of Ecuador reviewed the main provisions of the Charter by which Member States had voluntarily pledged themselves to promote respect and observance of human rights and had agreed to co-operate within the United Nations thus to realize one of the "common ends" most vital to the achievement of good international relations and to the preservation of world peace. That pledge and that agreement were not incompatible with the protection afforded every State as a legal entity under Article 2, paragraph 7. The principle of non-intervention in the internal affairs of States was the corner-stone of the security of Latin America. As it had never been defined by law, it must be understood in its natural meaning. Intervention, according to an authoritative dictionary of the Spanish language, was the temporary direction by one State of the internal affairs of another State. By that standard, and in the light of the growing interdependence of nations in the modern world, the setting up of a commission to study economic, social and cultural conditions inside Member States could not

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

be construed as intervention in their domestic affairs. As the late President Roosevelt had stated, national frontiers must be regarded as bridges linking countries together rather than as moats separating them. Accordingly, the joint draft resolution (A/AC.61/L.8/Rev.1) which would merely establish a commission to study and report on the racial situation in South Africa, in no way intervened in that country's internal affairs. In the light of the commission's findings, the United Nations would determine how best to promote the observance of human rights in South Africa. For all those reasons, Ecuador would reject the South African motion on competence.

6. Nevertheless, Ecuador proposed that certain amendments should be introduced in the joint draft resolution, as follows (A/AC.61/L.11):

"1. Delete the fifth paragraph of the Preamble.

"2. Delete the words 'and examine the international aspects and implications of' in paragraph 1 of the operative part.

"3. Delete paragraph 4 of the operative part."

The suggested amendments did not substantially alter the basic concepts and purpose of the draft, and it was to be hoped that the sponsors would accept them. For example, the fifth paragraph of the Preamble, prejudged the question to be studied by the proposed commission by prescribing a very strong criterion for that study. The resolution would lose nothing by its deletion. Similarly, deletion of the phrase quoted from paragraph 1 of the operative part would make the proposal less controversial. The reference to the international aspects of the problem was unnecessary; the investigation had only to determine whether human rights, which were within the competence of the United Nations to study, were in fact being violated. Finally, paragraph 4 of the operative part was superfluous in that the commission's report had in any case to be made to the General Assembly at its eighth session. With those changes, Ecuador would be prepared to support the eighteen-Power draft resolution.

7. It could not accept the Scandinavian countries' amendment (A/AC.61/L.9) because it continued to deal with the problem on a philosophical level, expounded a number of theoretical considerations which had been generally accepted and failed to come to grips with the realities of the situation.

8. Mr. Trujillo concluded his statement with a historical review of the inter-mixture of culture and races which had enriched human civilization from the time of the ancient Greeks. He pointed out that Hispanic culture, in which Ecuador had its roots, had gained much from the Islamic invasions of the Mediterranean area. Since the days of the Spanish *conquistadores*, there had been a steady integration of many racial groups in Central and South America, which could serve as an object lesson to the peoples of the Old World. Premier Malan insisted that his *apartheid* policy constituted the only solution to the racial problem in South Africa. Yet, the South-American continent was proud that it had become a conglomeration of "mestizo" nations in which Negroes and Indians had been gradually absorbed for the greatest benefit of the whole society. That great blending of races was a natural development, obeying the fundamental laws of history and of human progress. It could not be impeded or halted by the imposition of artificial laws. With the Indians in Ecuador there had

been no problems. It had been a question not of segregation but of elevation through education. The tremendous human problem of harmonizing many different racial and cultural groups could not be solved by segregating them, but rather by finding effective means of uniting them with due respect for human dignity.

9. Mr. SPRAGUE (United States of America) after referring to the statements of the sponsors of the item under consideration in support of their views and of other delegations who stressed the limitations imposed by Article 2, paragraph 7, of the Charter, said that his delegation wished to avoid both excess of zeal and timid legalism in dealing with the South African racial problem and, above all, to promote the objectives of the United Nations within the framework of the Charter. It endorsed a national policy of attempting steady progress toward removal of discriminations which the Charter condemned and considered that no lasting solution of racial problems could be attained short of full participation of all races in the life of a nation. The belief in the equality and freedom of all men, consecrated in the Declaration of Independence, was the foundation of American democracy.

10. With regard to the legal issue of competence, the United States delegation felt that the South African motion was too broad in that it would preclude discussion of the agenda item under consideration. The exercise of the right of discussion did not contravene Article 2, paragraph 7, of the Charter; the legal restriction contained in that Article should not prevent adequate consideration of the vital question of human rights in a dynamic world. On the other hand, it would be unwise to leave the door open to every kind of proposal. In the light of its own experience with a written Constitution, the United States felt that the General Assembly should steer a middle course and continue, as it had done in the past, to feel its way in dealing with the legal aspects of such difficult problems as the racial situation in South Africa.

11. The United States Government fully respected the sovereignty of South Africa and paid tribute to the fine contribution of its armed forces both in the Second World War and in the current struggle against aggression in Korea. It had no intention of making any accusation against the South African Government. However, interest in the present and future well-being of the peoples of the Union of South Africa led to serious concern over the matter at issue. It recognized the complexity of the racial situation and the conflicts within as well as among various groups. Without presuming to sit in judgment on South Africa's internal affairs, it questioned the practical wisdom of that policy at a time when the trend in other societies was towards progressively wider and more equal participation of all groups in the political and economic life of the community. Not only was a policy of increased restriction incompatible with the generally accepted interpretation of the obligations of the Charter, but its long-term repercussions might be adverse to the South African Government itself and harmful to the development of racial harmony elsewhere in the world.

12. The role of the United Nations was considerably limited. It was not a super-government and could not intervene in matters essentially within domestic jurisdiction of States. It had no power to impose standards, but only to proclaim them. It could reaffirm the prin-

ciples of respect of human rights and call upon all Member States to orient national policy towards embodying those principles in law and custom as rapidly as local conditions permitted. Such an appeal, in general terms, would avoid the vexing issue of competence and obviate the danger to the stability of the Organization inherent in singling out for direct action special legislation of a Member State. Moreover, it might be more effective than any recommendation which might injure national pride.

13. The United States delegation doubted the desirability of the joint draft resolution in its present form. The proposed commission, another in the large number of subsidiary groups set up by the United Nations, could add little to the already well-known facts of the situation. The General Assembly provided the best forum for discussion of their international implications. It could not enforce change; it could only seek to influence and persuade. The appointment of a fact-finding commission was not a practical means of exerting influence on the South African Government to moderate its policy and might serve only to stiffen its resistance to persuasion.

14. On the other hand, the Scandinavian amendment offered a broad basis for agreement in the Committee and the best method of persuasion. It expressed in more specific terms the obligation of all Member States under the Charter and called on all States—not merely one single State—to conform to their pledges. The representative of Ecuador, who had found it too theoretical and philosophic, should bear in mind that the United Nations was founded on the principle of the triumph of appeals to the mind and heart and not on resort to compulsion. The Scandinavian amendment was the most likely to rally overwhelming support. It would not satisfy those eager to crack down on a Member State regarded as delinquent, nor those who, not recognizing the limitations of the United Nations, wanted it to do something about distressing situations. In the long run, the course proposed in the Scandinavian amendment, however, might prove more effective and more constructive than direct action. Enforcement of the principles it set forth should be left to the conscience of the citizens of each country and to the power of world public opinion.

15. Mr. TJONDRONEGORO (Indonesia) said that the problem of racial conflict raised by the South African Government's policy of *apartheid* was one which involved the moral conscience of the world, since that policy ran directly counter to the principles embodied in the United Nations Charter which all Member States had undertaken to honour and to implement in the interests of world peace.

16. He regretted that the representative of the Union of South Africa, instead of taking the more constructive step of explaining the alleged outrageous distortions regarding the matter, had refused to discuss the substance of the question and had endeavoured to prevent such discussion by the Committee itself on the grounds of infringement of South Africa's domestic jurisdiction. That contention had already been ably refuted by previous speakers, and there was no need to make further reference to it. The Indonesian delegation wished, however, to draw the attention of the United Nations to the alarming situation which was developing in the Union of South Africa as a result of the Government's policy. In transgression of the very spirit of the Charter, that Government was seeking to perpetuate the political supremacy of the white minority, and was promoting

complete separation between the different racial groups in the country. The grounds which the Prime Minister of the Union of South Africa put forward for his policy was that if South Africa accepted racial equality it would destroy itself.

17. At a time when the whole trend of world opinion was towards racial and political equality, such a policy of racial discrimination must inevitably impede the international co-operation which the United Nations was designed to achieve. Nor should the moral forces which opposed such a policy among the masses of the African people be underestimated. It would appear imperative for the South African Government at least to reconsider its discriminatory policy or South Africa might indeed destroy itself by persisting in its refusal to grant the legitimate demands of its people for democracy and justice and in its disregard of world opinion.

18. Despite the dangers inherent in the policy of *apartheid*, the South African Government continued to promulgate legislation implementing its discriminatory policy and continually imposing further restrictions on the non-European population. Coloured troops which had served with distinction in the Second World War had been disarmed and disbanded, and the coloured population as a whole was steadily being reduced to a servile position. The discriminatory policy extended also to the political, social and cultural life of non-Europeans. Passports were refused them in the majority of cases when they desired to travel abroad and the effect of such current legislation as the Bantu Authorities Act of 1950 and the Separate Registration of Voters Act of 1951, was a steady progress towards disfranchisement of the coloured population.

19. Public opinion in South Africa itself had been aroused against the discriminatory practices as exemplified in the Group Areas Act. Mr. Tjondronegoro referred to comments in South African newspapers unfavourable to the Act's disregard of property rights and the resulting trend towards totalitarianism. He drew attention to the Suppression of Communism Act, which had inspired the non-Communist British periodical, the *New Statesman and Nation*, to state the opinion that the Malan Government was bent on destroying the whole fabric of political democracy in South Africa. The Act's definition of communism seemed to him to apply aptly to the Malan Government itself, which had certainly, by its unjust and undemocratic policies, encouraged feelings of hostility between European and non-European races in the Union of South Africa. The recent riots in that country bore witness to the strong movement of resistance to those policies and were a tragic commentary on the dangerous situation which existed there. The Indonesian delegation wished to express its sympathy for both the white and non-white people who had suffered from the course of events, and also to utter a warning. The anxiety provoked by the situation was not the monopoly of the eighteen sponsors who had submitted jointly the draft resolution before the Committee, but was shared by people of goodwill all the world over. A conservative British newspaper, *The Economist*, had emphasized the rapid strides which had been made recently in the world in the field of race relations and had pointed out that the racial policies of Mr. Malan's Government were no more acceptable than aggression in the international field. A British observer, Mr. O'Connor, had expressed in a statement to the Press the feeling of discomfort

which any European must experience in a country like South Africa where so large a proportion of the population were denied elementary human rights.

20. The Indonesian delegation, with seventeen others, had joined in sponsoring a draft resolution, which would, he hoped, meet with the Committee's approval, proposing the establishment of a commission to study and examine the international aspects and implications of the racial situation in the Union of South Africa and to report thereon to the eighth regular session of the General Assembly. Mr. Tjondronegoro believed that that was a moderate and realistic approach and would help to place the problem in its true perspective. Racial discrimination could be wiped out by co-operation between all nations of goodwill. His delegation looked forward to the day when no distinction would be made between whites and non-whites, because that would be in the best interests of mankind and of the real peace of the world.

21. Mr. RODRIGUEZ FABREGAT (Uruguay) reviewed the history of the item under discussion, which was closely related to the question of the treatment of people of Indian origin in the Union of South Africa, which the *Ad Hoc* Political Committee had discussed and taken a decision on; there could, therefore, be no question as to the Committee's competence to deal with the matter.

22. Earlier in the debate the representative of Liberia had suggested (13th meeting) that the Committee should hear a private individual, native of South Africa, on the subject of racial discrimination in that country. The Chairman had requested him not to press his proposal. The Uruguayan delegation wished to state, as a matter of principle, that it did not share the opinion expressed by the Chair. Other Committees had heard a number of persons on a variety of subjects without any loss of dignity. Indeed, the Committee's dignity would be injured more by refusing to grant than by granting a hearing, since essential human rights were at stake.

23. The Union of South Africa had again raised the question of competence. One need only look at the United Nations Charter to see how unfounded that assertion was. Uruguay would be one of the first to deplore any interference in the domestic affairs of States, but it was amply clear from certain Articles of the Charter that human rights could not be regarded as solely within the national jurisdiction of any one State. The Charter expressly enjoined Member States to take joint and separate action, in co-operation with the Organization, to promote and encourage respect for human rights and fundamental freedoms for all. It thus gave Member States the right to intervene where human rights were involved. It was inconceivable that Article 2, paragraph 7, should have been designed to destroy and negate that right.

24. The Charter, which had been born of much human suffering, was not an empty declaration but a statement of solemn promises and earnest undertakings. It had not been carelessly put together, but had been carefully drafted by some of the greatest men of modern times, not least among them Field-Marshal Smuts, who had played a particularly active part in composing the Preamble. It was therefore unpardonable to interpret its provisions to suit individual interests and cases.

25. In the Uruguayan delegation's view, the operative word in Article 2, paragraph 7, was the word "essen-

tially", which had been used not by chance but by design; the whole issue of competence therefore revolved round the definition of that word. Member States, including the Union of South Africa, were bound by the Charter in international matters only, but were protected by Article 2, paragraph 7, from any intervention in matters which were "essentially" within their domestic jurisdiction. Racial discrimination and deprivation of the most fundamental human rights were matters of universal concern and were therefore not affected by the guarantee afforded in Article 2, paragraph 7. The General Assembly had taken that position in deciding by resolution 43 (I) to set up the Commission on Human Rights, by resolution 217 (III), to approve the Universal Declaration of Human Rights and by resolution 272 (III) to discuss the question of the "Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms". Similarly, that protection could not extend to former mandated Territories, such as South West Africa. Under the terms of the Charter, to which the South African Government had committed itself at San Francisco, it was bound to report to the United Nations on conditions in that Territory.

26. Apparently, Article 2, paragraph 7, was invoked whenever it was convenient to the State concerned. For example, while loud objections were raised to the investigation of the observance of human rights on grounds of unwarranted intervention, no such opposition had greeted the commissions investigating conditions which would entitle States to United Nations economic assistance.

27. Speaking of his own country, in which there was no racial discrimination in spite of the fact that it had once been a colony, Mr. Rodríguez Fabregat observed that it had been said that the Latin-American countries were a group of "half-caste" countries. Far from denying the allegation, he was proud to belong to a country in which people were judged not by the colour of their skin but by their ability and integrity. His country believed that nothing could be gained from segregation or racial discrimination. As the Israel representative had rightly said some days ago, no race was either missing or unwelcome in the Latin-American countries. Unlike some nations, the countries of the American continent firmly believed in and lived up to the immortal words of that great American, Abraham Lincoln, that all men were created equal.

28. Reverting to his belief that the violation of human rights, which were the very foundation of the Charter, was of international concern, the Uruguayan representative cited, in connexion with a debate on the violation of human rights, statements of a number of representatives, including those of France, Lebanon and the United Kingdom, who had insisted that the General Assembly had the right and duty to express concern with regard to the violation, anywhere in the world, of any of the principles contained in the United Nations Charter.

29. In conclusion, he said that his delegation would never be a party to any intervention in the domestic affairs of a State, but could not support a distorted concept of "domestic jurisdiction" which might condone tyranny or the violation of human rights as proclaimed in the Charter and the Universal Declaration of Human Rights.

30. History had shown that discrimination had to be paid for dearly. Uruguay would always applaud those

who tried to ease the lot of mankind, as it would condemn those who wished to maintain and enforce the old methods, condemned by the Charter, which could bring nothing but suffering, hatred and strife to the world.

31. Mr. Rodríguez Fabregat said that he had not entered the debate with the idea of censuring the Union of South Africa. On the contrary, he was anxious to continue to work side by side with its representative, together with his other colleagues in the United Nations, who represented a variety of races from all over the world and who were all working for the same purpose: justice and the well-being of all mankind.

32. He would vote against the South African draft resolution, which would limit the General Assembly's competence, and would vote in favour of the eighteen-Power joint draft resolution, and would give his careful attention to the amendments thereto.

33. U SIN KOI (Burma) stressed the fact that his delegation had no intention of intervening in the domestic affairs of the Union of South Africa, nor of questioning that country's right to formulate its own laws in the way which seemed best to it. But if those laws were intended to subordinate the coloured races to the white race in flagrant violation of human rights, they became a matter of international concern. It was understandable that that concern should be felt most strongly in countries where the population was dark-skinned, but it was not limited to those countries. In the present-day world, there were few countries which were not faced with the problem of different racial groups composing their populations. The question of whether the United Nations was competent to consider South Africa's method of dealing with that problem depended on the type of measures adopted in that country for the purpose. It could not be denied that where the object of the legislation appeared to be a denial of human rights, the United Nations had the duty to make a careful investigation. That was all that was being asked. He hoped that the Union of South Africa would try to see the purpose of the joint draft resolution as an effort to assist and not to hinder and that it would result in a more co-operative attitude on that country's part.

34. The Burmese delegation, together with all the other delegations sponsoring the joint draft resolution before the Committee was actuated by no other motive than a desire to help the Union of South Africa to solve its racial problems in accordance with the principles of the Charter.

35. Mr. FOURNIER (Costa Rica) said that his delegation had hesitated to participate in the debate on the item under discussion, but had been prompted to do so by a feeling that its direct knowledge of colonial problems might be of assistance. Costa Rica had originally

been itself a colony of Spain, a country whose colonial policy had always been distinguished by a tendency to protect the indigenous inhabitants of its overseas territories. Despite certain exceptions, that principle had, in essence, always prevailed. The Spanish colonies had known no racial discrimination. In Costa Rica, Europeans and Indians had attended the same schools, been admitted to the same hospitals and had been equally eligible for posts in the administration. Every attempt had been made to improve the lot of the Indians. Even when the European population of Costa Rica had been in the minority, public education had been compulsory and open to all. As a result of immigration, the European population had increased until the Indians had become the minority, but the only result of the change in proportion had been that every effort was now being made to integrate the Indians into the life of the country as a whole.

36. The Costa Rican delegation accordingly felt emboldened to join its voice to those of the countries that were seeking to arouse the conscience of the world on the question of racial discrimination. The discussion of the problem in United Nations was no more intervention in the domestic affairs of Member States than the dissemination of the concept of the rights of man had been in the eighteenth century. Discussion would lead to an exchange of ideas, the usual result of which was that right and justice would triumph.

37. There was no intention of intervention or of violation of sovereignty in proposing that a commission should be set up to study and examine the international aspects and implications of the racial situation in the Union of South Africa. That country presented a concrete case of a problem regarding the rights of large masses of human beings. Policies of racial discrimination belonged to the same category as the policies of State-domination which led to totalitarian régimes. Society must be based on a general principle of justice for all. In accordance with those principles, the Costa Rican delegation would vote in favour of the eighteen-Power joint draft resolution with the amendments proposed by the Scandinavian delegations. To go further might take the Committee to the edge of intervention. Mr. Fournier stressed the need to retain full respect for national sovereignty, as defined in the Convention on rights and duties of States signed in Montevideo in 1933, and also in Article 2 of the Charter.

38. As against those who believed that more drastic action should be taken, Costa Rica believed in moderation in human relations. It had confidence in the power of international conscience and the destiny of the human race, and believed that sooner or later in the Union of South Africa all men would be accepted as equal before the law.

The meeting rose at 1.35 p.m.