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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) (*continued*)

[Item 66]*

1. Mr. VAVRICKA (Czechoslovakia) shared fully the views expressed at the previous meeting by the representative of Pakistan, who had pointed out that the racial discrimination being practised in the Union of South Africa was one side of the general problem raised by the legitimate aspirations of the oppressed and exploited peoples who were fighting for the respect of human dignity, equal economic and political rights and the abolition of racial barriers. A powerful national liberation movement was in progress in the Union of South Africa, Tunisia, Morocco, Malaya, Vietnam and other countries. The upsurge of democratic forces in countries which were trying to maintain the supremacy of the white race through oppression, terror and discrimination was being strengthened by the general crisis of the colonial system. The colonial Powers supported that system instead of permitting the peoples to exercise their right of self-determination and were trying to prevent the United Nations from assisting them in their legitimate fight for independence. They were also trying to halt an evolutionary movement which would put an end to the profits they drew from the exploitation of their colonies and dependent territories. In countries like the Union of South Africa, where a white minority practised discrimination against the non-white population, the evolution which was going forward tended to reduce the exploitation of which those peoples were victims.

2. When the Government of the Union of South Africa signed the Charter, it pledged itself to observe all its provisions, in particular Article 1, paragraph 3, and

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

Article 55, which laid upon all Member States the duty of promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. Yet, despite the commitments it had so solemnly undertaken and in violation of the principles of the Charter, the South African Government was pursuing a policy of racial discrimination based on intolerance and oppression against the non-European population of that country. Despite the powerful trend of public opinion at the end of the Second World War against the practice of racial discrimination, and despite mankind's immense sacrifices in a war for the destruction of nazism and fascism, which had been based on repugnant theories of racial superiority, the South African Government was intensifying its policy of racial discrimination. The social and cultural progress of the non-white population of that country had been almost irreparably endangered, its material existence threatened and its basic economic and political rights denied. The Czechoslovak people, hundreds of thousands of whom had fallen victim to the crimes committed by a so-called master race, abhorred all those who made the theory of racial superiority the guiding principle of their policy or who supported or found excuses for racial discrimination.

3. The Government of the Union of South Africa had inaugurated the policy of *apartheid* and had become the apologist of that policy. The statements of Prime Minister Malan as well as those of the Ministers of Finance and of the Interior praised that policy which according to them was a traditional policy; they had declared their determination to maintain white supremacy at all costs and had pointed to racial discrimination as a natural means of achieving that aim.

4. As the Union of South Africa was one of the African States which was industrially developed, the economic and social policy of its Government had a profound influence upon the policy of colonial administrative authorities in other parts of that continent. By its actions, the South African Government was en-

couraging the reactionary forces in colonial territories to deny indigenous populations equal political and economic rights. The South African Government had thus taken over the leadership of the reactionary forces which were trying to prevent colonial peoples from realizing their legitimate aspirations. The Czechoslovak people, whose sympathies were traditionally on the side of the oppressed, supported dependent peoples in their struggle for independence.

5. The practice of racial discrimination was not a new one in the Union of South Africa but the Government of Prime Minister Malan had taken a number of steps to intensify it. The Group Areas Act subjected the non-white population to the most humiliating discriminatory measures through numerous restrictions and prohibitions on the movements of that population, the right of residence, working conditions and the right to accept or leave employment. It allowed the large landowners to have at their free and arbitrary disposal a large body of cheap labour, completely subject to their orders, who were supplemented by the inmates of penitentiaries employed at ridiculously low rates. The Act had caused a wave of indignation throughout the world.

6. At a conference on 31 May 1952, the African and Indian Congress, consisting of representatives from the Transvaal, Natal and Cape Province, had decided to organize resistance. It had collected the names of about 10,000 persons of Indian and African origin who were determined to take part in resistance to segregation measures even at the risk of being thrown into prison. More than 4,000 persons had been arrested for violating that unjust law.

7. In order to conceal its true intentions, which were to stifle the aspirations of the non-white population, the South African Government had then promulgated the Suppression of Communism Act. As a pretext it had pointed to the necessity of fighting subversive activities although the real purpose was to hamper all progressive action by the democratic elements of the population. For example, the Act made it possible to sentence to imprisonment any person who declared himself in favour of equal rights for all citizens of the Union of South Africa, who organized trade unions for non-whites or who disapproved of the Government's policy and the methods of the police.

8. With regard to economic, social and cultural rights, an article published on 1 June 1952 in *The Observer* gave a picture of the revolting oppression to which the indigenous population was subjected. The wages of workers in South Africa were among the lowest in the world. In the O'kiep mines of the Newmont Mining Company, a United States concern, the daily wage of an indigenous worker was \$1.03. In the Tsumeh mines belonging to the same company, the worker's average daily wage was 50 cents in 1949. On the other hand, the profit of such companies showed a constant increase. In the words of the South African labour representative to the 29th International Labour Conference held at Montreal in 1946, the principles of freedom of association, collective bargaining and minimum wages for workers in lower categories, accepted by the Government of the Union of South Africa, remained a dead letter as far as the indigenous population was concerned; they were even denied social

insurance benefits and, in practice, had no right to unemployment benefits. The same discrimination existed in the field of education and vocational training.

9. Taken as a whole, those facts enabled the Committee to judge the seriousness of the situation in the Union of South Africa. The Government's policy represented a systematic and conscious violation of the Charter and its consequences were a threat to international peace and security. It could not be argued that the United Nations had no right to study the problem without being accused of intervening in the internal affairs of the Union of South Africa. When a Member State violated commitments solemnly undertaken under the Charter, when it made such violations one of the guiding principles of its policy, when that policy had the effect of intensifying racial hatred in other parts of the world, it was incumbent on the United Nations to take a clear stand. World public opinion condemned the racist policy of the South African Government. That country's African, Indian and mulatto populations had united in organizing joint resistance and larger and larger groups of the country's European population were making common cause with them. The peoples of the Union of South Africa would never accept the enslavement that some wished to impose upon them. They were determined to fight for their freedom and their right to live. They were entitled to expect that the United Nations would, in the spirit of the principles on which the Organization was founded, give them its full support and help them to win their cause.

10. The CHAIRMAN read out the list of the members who had asked to speak in the general debate and declared the list closed.

11. Mr. GUNDERSEN (Norway) said that his delegation had closely followed the discussion in order to determine the extent to which the United Nations was competent to act and the advisability of such action. That was the spirit in which it had studied the joint draft resolution (A/AC.61/L.8/Rev.1). It had come to the conclusion that it could not subscribe to all the provisions of the draft and for that reason it had joined the delegations of Denmark, Iceland and Sweden in proposing an amendment (A/AC.61/L.9) embodying a different approach.

12. The joint amendment proposed the deletion of the fourth paragraph of the preamble because doubts concerning the General Assembly's competence would perhaps be justified if the Assembly decided to characterize so directly and condemn implicitly a particular Act promulgated by a Member State. The fifth paragraph of the preamble also contained some rather sweeping statements which it seemed difficult to accept *in toto* and which were not really necessary as an introduction to the operative part.

13. It was doubtful whether the solution proposed in paragraphs 1, 2 and 3 of the operative part of the joint draft resolution was a wise one; the measures therein provided might give delegations, which had doubts about the Committee's competence to study the problem, valid reasons for opposing the draft resolution. The measures appeared unacceptable to many delegations and could therefore not carry the weight they should. The Norwegian delegation could not subscribe to them.

14. The amendment which the Norwegian delegation had joined in drafting provided for the retention of the first three paragraphs of the preamble of the joint draft resolution. The wording of the fourth paragraph, according to the proposed amendment, corresponded to the view expressed by the Norwegian delegation in an earlier intervention (13th meeting); tolerance and objectivity ought to make it possible for many delegations to accept the wording.

15. Paragraph 1 of the operative part had been cautiously phrased but was a clear expression of the goals which all Members of the United Nations had agreed to pursue. Paragraph 2 of the operative part of the amendment expressed the obligation assumed by Member States to strive towards ever greater freedom, increasing equality and steadily diminishing discrimination. The paragraph would seem to make it clear that to pursue a policy which would perpetuate or increase discrimination must be regarded as a breach of the Charter. Paragraph 3 solemnly called upon all Member States to bring their policies into conformity with their obligations, contracted under the Charter, to promote the observance of human rights and fundamental freedoms. That appeal was addressed to all Member States and therefore to the Union of South Africa without mentioning that State by name, and it would be prudent to avoid such mention. Finally, the sponsors of the amendment proposed that paragraph 4 of the operative part of the joint draft resolution providing for the question to be kept on the agenda of the eighth session of the General Assembly should be retained because they felt that the problem should be kept under careful and constant observation.

16. Mr. QUINTANILLA (Mexico) said that the supporters of the two theories that had been advanced had used arguments which, though opposed, were logical and substantiated. The representatives of the Union of South Africa, the United Kingdom and France had rightly observed that the General Assembly's possibilities of action were limited by the principle of non-intervention, a fundamental principle which could not be ignored. The representatives of India and Pakistan, on the other hand, had eloquently stressed the need to respect human rights.

17. The Assembly seemed to some extent to have dealt with the question of competence by deciding to include the problem in the Committee's agenda. Many delegations, and in particular the delegations of Sweden (13th meeting) and Pakistan (15th meeting), had adduced very pertinent arguments which justified the conclusion that the Committee was entirely within its rights in studying the matter. The problem of reconciling the principle of non-intervention with the equally fundamental principle of respect for human rights was one of the thorniest problems with which the United Nations, like the regional organizations, was faced. Since the end of the Second World War, the States members of the Organization of American States, which had formerly scrupulously refrained from intervening in the internal affairs of their neighbours, had proclaimed with increasing emphasis their devotion to the cause of respect for human rights. The duality of the obligations undertaken could take the form of opposing tendencies. The United Nations must not intervene in the internal affairs of States, but the conduct of States and the policy they applied should be in

correspondence with certain standards and permit the exercise of certain freedoms. Either of the two principles could be invoked, but they must both be respected.

18. The situation was perfectly clear. The principle of non-intervention was a categorical principle to which only one exception was allowed, the application of measures of enforcement. In the Organization of American States, the principle of non-intervention had passed from the level of theory to the level of practice; it had taken the form of multilateral obligations sanctioned by legal instruments. As the representative of the Union of South Africa had stressed (13th meeting) that principle was a powerful instrument in the defence of small States. Its application had enabled armed conflicts to be avoided. No such progress had been made in the field of human rights. There was no precisely formulated moral code which was legally valid throughout the world, nor any provision that the violation of certain political standards or certain human rights would automatically involve the imposition of sanctions by the international Organization. Not until the individual had been given an international personality—and that would require extensive modifications of international law—would it be possible to guarantee respect for the human person. The world was still far from that stage.

19. The United Nations, therefore, could neither ignore the principle of non-intervention in matters falling within the domestic competence of States nor could it condone the violation of human rights. Mr. Quintanilla, for his part, thought that the Committee was legally justified in taking note of the regrettable situation which existed, and in establishing, as proposed by the joint draft resolution, a commission to study it. Such a commission would be something quite different from a commission of inquiry. The Mexican delegation therefore would vote for the joint draft resolution in the conviction that by adopting it the Committee would display its concern for respect for human rights without interfering in the internal affairs of the Union of South Africa. It would, however, have preferred that the contemplated study should relate not only to the Union of South Africa but also to any similar situation, wherever it existed. Moral principles knew no geographical boundaries, and racial segregation or discrimination were to be condemned in all continents. He hoped the contemplated study would be extended to all areas where it was needed.

20. The members of the Committee would have to decide as their conscience dictated, for there were no legal restrictions in the realm of morality and principles. True to its principles, Mexico would have protested against any measure involving intervention in the domestic affairs of the Union of South Africa, but it was not a question of intervention in the case under discussion. The Members of the United Nations could not wash their hands of a situation which challenged them to display their faith in racial equality. The noble principles of the Organization must become tangible realities.

21. Mr. SHABANDAR (Iraq) said the question before the Committee was closely linked with the question of the treatment of persons of Indian origin in the Union of South Africa, on which the Committee, at its 12th meeting, had adopted a constructive draft resolution (A/AC.61/L.5/Rev.1). That question dated

back to the day when the white man had encountered the coloured man in Africa. At first the whites, more enlightened and stronger, had felt only to desire to enslave and exploit the coloured man, who in turn had at first felt for the white man only fear, distrust and hatred. Fortunately, the situation had changed. There was no longer any slavery, but the relations between the races raised fresh difficulties and new problems for the colonial Powers, which had certainly been less successful than the Arab States in their relations with the indigenous inhabitants of Africa, doubtless because they had been unable to win their hearts.

22. Mr. Shabandar said that he had lived for two years in the Union of South Africa and had a personal experience of the matter which he would like to place at the Committee's disposal. The population of the Union of South Africa was divided into three categories: white, the category described as coloured and, lastly, black. The white man, who claimed that he had a sacred civilizing mission, was isolated and feared. He mistrusted, not the black man, but the brown man, the immigrant of Indian, Pakistan or Arab origin, who was a formidable rival on the domestic market. It was precisely the brown man the South African Government wished to get rid of, even by repatriating him at State expense to his country of origin. It was on the man of mixed race that the drama of racial conflict was centred. Unlike the black man, he did not find relief in the simplicity and innocence inherent in the black, in consciousness of his numerical strength or the idea of the immensity of his native land. He was repulsed by the white, despised by the black and hated by both. His only protector was the missionary, whose religion he generally adopted. The black population, which constituted 90 per cent of the population of the Union of South Africa, was in general exploited and enslaved by the whites. It was well known how the white settlers in Africa regarded the sacred mission of civilization to which the Charter referred and what was done under cover of the so persistently invoked provisions of Article 2, paragraph 7. The Pakistan representative at the preceding meeting had drawn an enlightening picture of the situation in that respect, though he had raised only a corner of the veil behind which the tragedy was proceeding.

23. Mr. Shabandar quoted from his personal experience a number of examples which illustrated the deplorable material conditions in which the coloured peoples lived and the unjust and inhuman treatment to which they were subjected. That situation existed throughout the African continent and it would consequently be unjust to complain of it only to the Union of South Africa. It would be fair to admit that Mr. Malan had been the first to denounce the hypocrisy which lay behind the so-called sacred mission of civilization and to incise the abscess for which treatment had to be given. The problem, however, remained intact. It was serious from the social, moral and political points of view. The non-white population must be ensured the possibility of exercising its legitimate rights, but at the same time it must be brought closer to the whites by whom it was administered. That task would require patience and wisdom.

24. The Committee had before it a joint draft resolution of which Iraq was one of the authors, for Iraq

would always be on the side of those who defended the oppressed. The draft asked nothing which could alarm the Member States. The Union of South Africa's policy of racial segregation and the legislation to which it had given rise were contrary to both the letter and the spirit of the Charter. They were contrary to the principles of morality and religion. They were contrary to the interests of the peoples of the white race as well as to those of the non-white races. They could have disastrous international consequences. The Iraqi delegation appealed to the Committee's wisdom and judgment to adopt the joint draft resolution.

25. Mr. PATIJN (Netherlands) said the question before the Committee was one of the most disturbing that had been submitted to the United Nations in recent years. Two diametrically opposed points of view had been expressed in the Committee with equal force and eloquence. On the one hand, the United Nations was asked to regard the question as a political issue of the highest importance requiring immediate action by the Organization. On the other hand, it was claimed that the question fell essentially within the domestic jurisdiction of the Union of South Africa and that therefore the United Nations could not intervene. Each side had adduced valid reasons.

26. The Committee therefore had to reply to three questions. First, did the General Assembly have the right to consider the question? Second, what were the merits of the issue? Lastly, did the General Assembly have the right to make recommendations on the question?

27. With regard to the first point, the Netherlands delegation did not think that the General Assembly could refuse to discuss a question which, by its very nature, was bound up with respect for one of the essential principles of the United Nations. After adopting the statements of principle laid down in Articles 55 and 56 of the Charter, the Member States could not evade the obligation to discuss questions raised under those Articles by a group of Members. The extent to which those Articles gave rise to legal international obligations had not been clearly established, but it could at least be said that they imposed on Member States the obligation not to evade international discussion.

28. In that connexion, Mr. Patijn would like to reply to the representative of the United Kingdom (14th meeting), who had drawn the Committee's attention to the fact that Article 55 referred not only to respect for human rights and fundamental freedoms for all, but also to higher standards of living, full employment and conditions of economic and social progress. The United Kingdom representative had emphasized that it had never been the intention of the founders of the United Nations to authorize the General Assembly to bring pressure to bear on Member States in respect of the attainment of the goals set forth in Article 55. True, the founders of the United Nations had certainly never intended to authorize the General Assembly to intervene in economic matters falling within the domestic jurisdiction of States, but the situation was quite different with regard to questions concerning respect for human rights. In that connexion, the Charter imposed upon Member States obligations of a universal nature. The provisions relating to collective security and the obligation to promote respect for human rights were the

Organization's *raison d'être*. The United Nations had not been able to eliminate the danger of war. If it now made the Articles of the Charter relating to human rights inoperative, the world might become even more out of balance than it was. It would be wrong under the Charter and in the eyes of the world to refuse to consider a question which was international in character and went beyond the borders of the Union of South Africa.

29. Before dealing with the second point, the Netherlands delegation wished to point out that the racial situation in the Union of South Africa, which was condemned by a number of delegations, was not exclusive to that country. A caste system was not the monopoly of the Union of South Africa, and social inequalities were perhaps even more striking in some countries than in the Union of South Africa. Some of the criticisms addressed to the South African Government were not justified. It was not true, for example, to claim, as had the representative of Pakistan, that the Government of the Union of South Africa was keeping the indigenous inhabitants at the lowest level of civilization, or, as had the representative of India, that the non-white population of the Union of South Africa was being expropriated without compensation. The South African Government had done a good deal to improve the living conditions of the non-white population in the Union of South Africa, and in that connexion it had not always had justice done to it. Furthermore, racial segregation was not in itself a violation of human rights, for the Indian delegation had suggested at the second session of the General Assembly that the Union of South Africa might be divided into separate parts for whites, the indigenous inhabitants and persons of Indian origin.¹ Furthermore, at its 268th meeting, the Fourth Committee had adopted a draft resolution (A/C.4/L.232, resolution II) which provided for certain legislative measures for the protection of certain sections of the population.

30. However, all that did not alter the fact that the world at large, and the people of the Netherlands in particular, did not understand the South African Government's racial policy and could not accept the political and economic discrimination against the non-white population which might have serious social and moral consequences.

31. As regards the question whether the General Assembly was entitled to take action on the item before the Committee, the Netherlands representative observed that much had been said in the debate on the meaning of domestic jurisdiction and about Article 2, paragraph 7, of the Charter. There could be no doubt that the principle of non-intervention in the domestic affairs of States was one of the fundamental principles of the United Nations. The General Assembly could not discuss or make recommendations on matters which were within the domestic jurisdiction of any State. Thus, before any action was taken, it had to be determined whether the question of race conflict in the Union of South Africa was a matter exclusively within the competence of the South African Government. If it were, the Assembly was not competent to take action on it. If, on the other hand, the question had certain inter-

national implications, the Assembly could, to a certain extent, declare itself competent to deal with it.

32. A question ceased to be exclusively one of domestic jurisdiction when its substance was subject to international law. It had therefore to be determined whether the South African Government was bound by international obligations in the matter, or, in other words, whether the Articles of the Charter concerning respect for human rights and fundamental freedoms for all without distinction as to race, created international obligations for Member States. It could be maintained that questions relating to human rights did not involve any specific legal obligations and that the provisions of the Charter concerning respect for those rights were merely a statement of principle. On the other hand, there was no doubt that the pledge taken by Member States to act both jointly and individually in co-operation with the United Nations had not been undertaken lightly and could not be disregarded. By signing the Charter, Member States had assumed certain obligations which, though not formal commitments under positive law, were more than just an acknowledgment of a principle. Any action by a Member State at variance with those international obligations was therefore an international matter and not merely a matter of domestic jurisdiction. Assuming that the obligations undertaken under Articles 55 and 56 of the Charter were, to some extent, international obligations, the question of racial discrimination should be considered in the light of two mutually exclusive provisions of the Charter. On the one hand, according to Article 2, paragraph 7, the racial issue was a matter which was essentially within the domestic jurisdiction of the Union of South Africa; on the other hand, it was subject to the provisions of the Articles of the Charter concerning human rights.

33. What could the General Assembly do in the circumstances? Since the question was to a certain extent an international issue, the Netherlands delegation felt that the General Assembly was competent to discuss it. It was less certain that the Assembly was competent to make recommendations in the matter. The Netherlands delegation felt that only an advisory opinion of the International Court of Justice could decide the matter, but as none of the parties to the dispute seemed prepared to ask for such an opinion, it would not make a formal proposal to that effect. Moreover, until the question of competence was decided, the Netherlands delegation would probably abstain from voting on any recommendations on the substance of the question. It would, however, reserve its position because of the amendment submitted by the Scandinavian countries to the joint draft resolution.

34. Mr. SHAW (Australia) said that his delegation regretted, on both legal and practical grounds, that the question of the race conflict in the Union of South Africa had been placed on the Committee's agenda. It had already made it clear on other occasions that, in its view, the question was outside the competence of the United Nations. Moreover, it did not consider that discussion of the question would help to arrive at a solution.

35. As regards the legal aspects of the matter, the Australian representative took exception to a remark made the previous day to the effect that the delegations which supported the plea of incompetence completely

¹ See *Official Records of the General Assembly, Second Session, First Committee*, 111th meeting.

ignored human factors and were inspired by the outdated concepts of colonial imperialism.

36. He strongly supported the statement made by the United Kingdom representative on 12 November (14th meeting), to the effect that no provisions of the Charter, and particularly the provisions of Article 2, which were essential, could be lightly brushed aside solely because they were legalistic or technical. The provisions of the Charter had been hammered out after lengthy discussions and after many concessions by certain Member States. The Charter must be scrupulously observed until such time as it was amended. It was dangerous to speak of an expanding competence of the United Nations without defining exactly what that meant. For some people the method of expanding the competence of the United Nations was to disregard the Charter whenever it was expedient to do so.

37. Nothing that had been said in the discussion could alter the obvious meaning of Article 2, paragraph 7, an Article which stood in the forefront of the Charter and was basic to it. The only exception to the principle proclaimed in that Article related to the application of enforcement measures under Chapter VII. The meaning of the words "nothing contained in the present Charter" was clear; it was difficult to see how the provisions of Articles 55 and 56 could be held to create overriding obligations on Member States. Moreover, the fact that the one and only exception to the principle stated in Article 2, paragraph 7, concerned enforcement measures should dispel any doubts as to the Article's meaning.

38. The question, then, was whether the legislation regarding racial questions in the Union of South Africa was legislation solely within the domestic jurisdiction of that State. It should be noted, in the first place, that that legislation was binding only on nationals of the Union of South Africa and was enforceable only within its territory. It was not up to the Committee to discuss the merits or demerits of the domestic legislation of the Union of South Africa. Each country had its own political and moral philosophy, its own economic and social history, its own laws and customs. Some delegations might not approve of certain laws in force in the Union of South Africa. The point was not whether those laws were good or bad, but simply whether the United Nations was competent to discuss them within the framework of the Charter.

39. Two arguments had been advanced in support of the contention that the United Nations was competent to discuss the question. According to the explanatory memorandum (A/2183) attached to the request for the item's inclusion in the agenda, the race conflict in the Union of South Africa "constituted both a threat to international peace and a flagrant violation of the principles of human rights and fundamental freedoms enshrined in the United Nations Charter".

40. With regard to the threat to international peace, it could be argued that the situation in South Africa had become a matter of world interest, but it could not be seriously claimed that because a question was of world interest, it became removed from the sphere of domestic jurisdiction to the international jurisdiction of the United Nations. The authors of the Charter had taken pains to make it clear that the fear that a certain situation might impair friendly relations be-

tween States or even lead to friction was not sufficient justification for interference by the United Nations.

41. It had also been alleged that the racial policies of the South African Government were having dangerous repercussions throughout the African continent. Even if that allegation were substantiated by the facts, which was not the case, the question would not constitute a threat to international peace. Other countries had been accused of pursuing policies of racial or social discrimination. In some cases, a flood of refugees representing certain racial or social groups had crossed the national frontiers of a neighbouring State, causing embarrassment to the latter. There was no reason to suppose that that had happened in the case of the Union of South Africa. On the contrary, statistics indicated that each year 100,000 Africans entered the Union of South Africa of their own free will. Some delegations were indignant at the policies pursued by certain governments, but indignation, however well-founded, was not sufficient to make a question a threat to international peace. The gravest threat to international peace existed in Korea and was the result of an act of aggression. The United Nations had intervened in Korea to defend the principle of collective security. Other threats to international peace had been recognized as such by the United Nations and had led to its intervention. On the other hand, there had been armed conflicts which had not been brought before the United Nations as threats to international peace. Other threats to international peace, far graver than the situation existing in the Union of South Africa, had arisen but had not been brought before the United Nations.

42. Articles 55 and 56 of the Charter were being invoked to justify United Nations intervention. The Australian delegation was firmly of the belief that Article 2, paragraph 7, applied to all the Articles of the Charter; in any case, was it to be accepted that all the questions mentioned in Article 55 could become a subject for intervention by the United Nations? He asked all members of the Committee to consider the possible implications of such a doctrine.

43. The word "intervene" meant "to come between". It had been claimed that mere discussion or even the adoption of a resolution would not constitute intervention. It was sufficient, however, to review the discussion which had been going on in the Committee to realize that it constituted intervention; some speeches, indeed, sounded like an incitement to revolution. Clearly, the purpose of any discussion or resolution was to modify a situation, and that was precisely the meaning of the word "intervention".

44. Mr. Shaw concluded his remarks on the question of competence by pointing out that the interpretation of the Charter might ultimately prove more important than the actual item under discussion. The United Nations must be based on respect for the principles of the Charter. It was not in the best interests of the United Nations to overload itself with problems outside its competence which might divert its attention from problems requiring urgent solution and over which it clearly had jurisdiction. In saying that, the Australian delegation did not, of course, fail to recognize the present difficulties in the Union of South Africa which were the legitimate concern of many Member States.

45. Turning to the practical aspect of the matter, Mr. Shaw wondered whether the present discussions were calculated to bring about the desired solution. There existed within the Union of South Africa an organized opposition which was combating the Government's racial policy. Would the members of that opposition, who recommended passive resistance and non-violence, be pleased to learn of some of the things which had been said in the Committee? He wondered whether the current discussion might not have an effect which all would deplore—the stirring up of ill-feeling on a wider scale.

46. In conclusion, the Australian delegation would vote for the draft resolution (A/AC.61/L.6) which denied the competence of the United Nations to deal with the matter. It would accordingly vote against the joint draft resolution which, in essence, proposed the establishment of a commission to study the situation in the Union of South Africa. Such a commission, having a very limited objective, would certainly be unable to accomplish anything. On the other hand, should the Committee feel the need for a general study of the practices and trends affecting discrimination, a competent organ, the Commission on Human Rights, already existed.

47. The Australian delegation wished to reiterate its view that the Committee should not have embarked on a discussion of South African legislation as, judging by the Charter, that was a matter essentially within the domestic jurisdiction of that State. It had not been proved that the situation in South Africa constituted a threat to the maintenance of peace which would justify urgent consideration by the United Nations.

48. The Australian delegation firmly believed that interference by the United Nations, even to the extent of the discussion under way, might well do more harm than good. The United Nations could only bring itself into disrepute and exacerbate racial antagonism in the Union of South Africa. Its intervention might even be harmful to international relations and thus defeat the very purposes which the sponsors of the item had hoped to achieve.

49. Unfortunately, the sponsors of the joint draft resolution would obviously be disinclined to hear arguments proving the Committee's incompetence. That was a matter of regret to the Australian delegation, not only because of its extremely close relations with some of the delegations which wished thus to violate the Charter, but also because it was convinced that their action might in the end destroy and not consolidate the institution which all Member States were pledged to defend.

50. Mr. LACOSTE (France) thanked the Chairman for allowing him to speak again. He would not, he said, state anew his country's position on the matter, but would merely reply briefly to some of the debatable and alarming assertions made since he had first spoken.

51. At the 15th meeting, the representative of Pakistan had broadened the scope of the debate to include matters which directly affected France. The French delegation considered some of those ideas to be so false and dangerous as to call for rebuttal. He used the word "rebuttal" instead of "reply" advisedly because the mat-

ters to which the Pakistani representative had referred were so vast and went so far beyond the scope of the issue that to reply to his arguments would be to embark upon amplifications out of all proportion to the Committee's task, and to violate the rule that speakers should confine their remarks to the subject under discussion.

52. The Pakistani representative's statement completely justified the French delegation's view of the risk which the United Nations would run if it went beyond the limits which it had placed upon its own competence. He himself had given cogent reasons (15th meeting) why a policy pursued by the Government of the Union of South Africa within its own borders, towards its own nationals, was a matter essentially within its own domestic jurisdiction. He had dwelt upon the serious danger which a violation of that basic principle would entail for the United Nations and for each of its Member States. Immediately after he had done so, the Pakistani representative, speaking on a specifically national issue, had made a statement on colonialism throughout the world. After a rapid but sincere and moving tribute to Western culture, he had referred in somewhat derisive terms to the boasted work of civilization performed by a conquering race really spurred on by the coarsest kind of greed.

53. The Pakistani representative had given a completely fantastic description of the existing situation in Africa, full of references to whips, guns and blood, in which the Committee could see 200 million coloured persons terrorized by 4 million even more terrorized whites. He had said that unless the United Nations took care, events would shortly take place which would precipitate the world into a new war.

54. Mr. Lacoste expressed his delegation's regret that such statements should have been made. He did not wish to discuss the ancient or the recent history of the African continent, nor to inquire into the way in which certain Member States were treating their own nationals, whether they belonged to minorities or not. However, he could not allow anyone to give such a false description of the present situation of the African territories under French administration. Reference to it, even by implication, in the terms used at the Committee's 15th meeting could only be explained by complete ignorance of the subject. In brief, the situation in general and the relations between the indigenous and the European populations were exactly the opposite.

55. The revolting picture of the European brandishing a whip or a revolver and telling the African that he would boss him because he was the better man was completely false. Mr. Lacoste solemnly affirmed that France's work, at any rate, was actuated by the greatest respect and by true and sincere love for the peoples concerned.

56. The remarks made by some European statesmen in dealing with the subject from the rostrum of the General Assembly had been described as sixty years behind the times. Persons who accepted in their minds and hearts certain ideas, and expressed them, whose sentiments and words were sometimes more harmful than deeds, were likely to be, or even to be going back, several centuries behind the times. The French people passionately believed that relations between nations and races were bound to develop in the near future into a

satisfactory form of interdependence by a process of flexible evolution, not by violent revolution. That purpose could only be achieved through mutual respect of rights and duties, in other words, within the framework of the Charter and the limits which its authors had wisely placed on the work of the United Nations.

57. Mr. HUDICOURT (Haiti) said that his delegation would have taken care not to take part if it had the slightest doubt that to debate the racial conflict in South Africa constituted an interference in the internal affairs of the Union of South Africa. Haiti prized its rights and prerogatives as a sovereign State too highly to trespass on those of others. However, the Haitian delegation was convinced that the United Nations had not only the right but also the duty to debate the question.

58. One of the basic principles of the Charter was being openly violated by a Member State. Thirteen States had drawn the attention of the United Nations to that violation. Eighteen States, including Haiti, had submitted a draft resolution proposing that a commission should be set up to study the international aspects and consequences of the violation of that principle. The General Assembly had already decided, by the huge majority of 44 votes, to include the item in its agenda. The sponsors now hoped that it would be wise enough to adopt the joint draft resolution.

59. The Union of South Africa had violated the principle, stated in Articles 1, 13, 55 and 76 of the Charter, that all men were equal without distinction as to race, sex, language or religion. Diversity of opinion on the observance of that principle could be attributed to those of its implications which were clearly against the interests of the colonial Powers. The economic structure of their colonies or colonial societies was based on the exploitation of a mass of persons claimed to be of an inferior race for the benefit of a minority belonging to a so-called superior race. The principle of racial equality set forth in the Charter ought nevertheless to be observed by all. The provisions of Article 2, paragraph 2, and Article 56 were precise and categorical.

60. It was true that the situations that existed in many Member States were very far from the ideal proclaimed in the principles of the Charter. The representative of the United States had wisely observed (10th meeting) that the United States had not been able to abolish slavery for seventy years after the adoption of the Bill of Rights, and then only at the price of a long and bloody civil war. If the delegation of the Union of South Africa offered a similar explanation, the majority of the Member States would certainly accept it. The Haitian delegation, representing a country which had experienced similar problems, would have understood it perfectly. At the time of the signing of the Charter, Haitian women did not have the right to vote. They had been granted that right under the Constitution of 1950 and could exercise it in the elections to be held in 1957. If the delegation of the Union of South Africa had stated that the principles of human rights could not be applied immediately in that country because of the situation existing there but that progressive measures would soon be taken to put the matter right, the tension of the

debate would instantly be dispelled and every delegation would rejoice in the hope of an improvement in the miserable lot of the coloured population of South Africa.

61. Unfortunately that hope could not be entertained. The representative of India, in her clear and objective statement (13th meeting), had shown that since 1948, after the signing and ratification of the Charter, discriminatory measures in the Union of South Africa had been constantly broadened and strengthened. The South African Government, instead of improving a lamentable situation inherited from the social horror of past centuries, had aggravated it by committing many more acts of racial discrimination. Far from defending itself, the South African delegation merely repeated that the question was outside the competence of the United Nations. That view was supported by the representatives of the colonial Powers. The representative of Pakistan had clearly explained (15th meeting) why the colonial Powers adopted that position: they found it difficult if not impossible to go into the substance of the question.

62. The United Nations could not allow the situation in the Union of South Africa to degenerate into a racial conflict fraught with threats to international peace and security. The repressive measures taken by the South African Government would not prevent the non-white masses from gaining their rights and fundamental freedoms in full measure. The Organization was therefore clearly bound to do everything to assist the parties concerned.

63. The Haitian delegation fully understood the object of the amendment submitted by Denmark, Iceland, Norway and Sweden to the joint draft resolution. Unfortunately, that amendment would leave the situation unchanged. The Government of the Union of South Africa was fully aware that its policy of racial segregation was contrary to the principles of the Charter and that its treatment of the coloured peoples could never ensure equality for all before the law. It was pleading the incompetence of the United Nations precisely because it could not go into the substance of the question.

64. The South African representative had refused to go into the substance of the matter in the Committee, but he had done so for the New York Press. That was understandable, because the explanations he had given could hardly be accepted by delegations representing "coloured" peoples. Those explanations merely asserted the existence in South Africa of an indisputable supremacy based on the superiority of the white man and supported not only by the economic and social situation but also by the law. That law was obviously enacted by a white minority and imposed by force upon the coloured masses. The thousands of coloured people imprisoned because of their passive resistance to that law showed what that masses thought of the policy of racial segregation. The South African delegation was obviously unable to explain that to the Committee. The Haitian delegation would protest most strenuously against any statement claiming that different standards of discipline and living had been established because the whites in South Africa were superior to the blacks.

65. The situation in the Union of South Africa was not new in the history of the world. A similar situation had existed at the birth of the Haitian nation. The two situations were so alike, in spite of the 150 years of world civilization which separated them, that they invited a brief comparison. When the French Revolution had broken out in 1789, the French colony of Santo Domingo had been composed of three classes similar to those defined in the Group Areas Act: a minority of whites, an intermediate group of "coloured persons", and a large group of black slaves. That society had been marked by all the abuses engendered by race prejudice—coloured persons had been subjected to discriminatory measures very like those in force in the Union of South Africa; the black slaves' rights had consisted of work—for no pay, of course—the whip, and starvation rations. The white minority had become rich from the forced labour of the black slaves, just as the indigenous South Africans had built up the wealth of the present South African colonial society.

66. The right of the white man to enslave the black man had been consistently debated by some advanced thinkers and by the Christian religion. In the eighteenth century, when the encyclopaedist philosophers had begun to lay the foundation of the new society and to speak of liberty and equality, the planters of Santo Domingo had been quick to take warning and understand how dangerous those principles were for them. They had published pamphlets against the blacks and in justification of slavery. The description they had given of the black 150 years ago was very similar to a description given recently to defend the policy of *apartheid* in South Africa: both pictured the black as brutal, stupid and immoral.

67. The campaign of slander launched against the blacks in 1789 had not prevented the news of the fall of the Bastille from reaching Santo Domingo. The coloured population had demanded the rights proclaimed in the Declaration of the Rights of Man and of the Citizen. Finding its demands ignored, it had resorted to open rebellion, but the rising had been put down most violently and cruelly. The black slaves had rallied to the movement and in 1791 had revolted. After a terrible struggle, which had taken 50,000 French and 150,000 Haitian lives and had swallowed up all the wealth of Santo Domingo, the blacks had enthroned the principles of liberty, equality and fraternity proclaimed to the world by the French Revolution in tones which resounded to this day.

68. The sole purpose of that digression into history had been, Mr. Hudicourt said, to recall that principles were indivisible and that nothing could stop the coloured peoples of South Africa ultimately from attaining the full exercise of human rights and the fundamental freedoms without distinction as to race, sex, language or religion. At the world's present stage of civilization the best way to reach that goal was through negotiation and conciliation. Indeed the only reason why the United Nations existed was the firm desire of the nations to avoid, for ever, recourse to violence as a means of settling disputes.

69. In the racial conflict in the Union of South Africa, the United Nations could not allow the whites and the non-whites to confront one another, exacerbate their hatred and resort to violence and war. People were in

prison, people were suffering, people were dying. The United Nations must act quickly to reconcile the parties and seek a solution which would restore to the black and coloured peoples of South Africa the full human dignity guaranteed to them by the principles of the Charter. For those reasons the delegation of Haiti was a sponsor of the joint draft resolution. It appealed to the majority of the Committee to vote for it without delay so that a great stride should be made towards the solution of the racial conflict in South Africa.

70. Count D'ASPREMONT LYNDEN (Belgium) said he had listened very attentively to the statement made by the representative of Pakistan at the 15th meeting and had been impressed with its sincerity, which stemmed from profound conviction. Unfortunately the Pakistani representative, carried away by his eloquence, had drawn what might be called a caricature of the political situation in Africa. The French representative had pointed out some of its more flagrant errors. The Belgian representative would not pursue the same course, which would lead him too far, but would comment on the Pakistani representative's statement that the voice of the peoples of Africa should not be allowed to fall on deaf ears nor answered with legal quibbling.

71. That was a hard word. Count d'Aspremont Lynden did not recall that anything had been cited except the Articles of the Charter, particularly Articles 2, 13, 55 and 56. That could hardly be described as legal quibbling. The Articles of the Charter could not be taken as sacred texts in some instances and as quibbling in others, according to whether they promoted the elimination of racial discrimination or ensured respect for the sovereignty of States.

72. The Belgian representative said that he had already emphasized the primary importance for all Member States to respect the provisions of the Charter in all circumstances. Article 2, paragraph 7, was one of the basic provisions which had secured approval of the Charter by all the governments which had negotiated it. At San Francisco the Belgian delegation had tried to have the paragraph drafted in less rigid and restrictive terms, but without success. It was therefore especially entitled to say that the paragraph should be observed like the other provisions of the Charter.

73. Article 2, paragraph 7, was categorical: it allowed for only one exception to the principle of non-intervention in matters essentially within the domestic jurisdiction of a State. That exception could hardly be applied to laws enacted by a Member State to govern the conduct of its own nationals in its own territory.

74. It had been alleged that those laws were based on a principle of racial discrimination and therefore were contrary to Articles 55 and 56 of the Charter. The Belgian delegation considered those Articles of fundamental importance; it recognized that they bound on the Union of South Africa as much as on other Members of the United Nations. It was among those which were spontaneously moved to condemn any legal system aimed at establishing *apartheid*. Belgium was firmly opposed to the enforcement of such a policy in a territory under its sovereignty.

75. Nevertheless, the Belgian delegation bowed to the imperative rule of Article 2, paragraph 7, which pre-

vailed over all other provisions of the Charter. No one would think of arguing that the coercive measures provided in Chapter VII of the Charter ought to be applied, and the exception made in paragraph 7 could therefore not be invoked.

76. Accordingly, the United Nations was clearly not authorized to intervene. On the other hand, all indigenous populations which had not yet attained a full measure of self-government and whose development had been entrusted to more advanced peoples should be the subject of information transmitted under Chapter XI of the Charter and enjoy the general guarantees laid down in that Chapter. The indigenous people of South

Africa appeared to come within those provisions, and the Belgian delegation saw no reason why they should not benefit by those guarantees, which were enjoyed by the neighbouring related peoples of the Belgian Congo. That was a case of discrimination which appeared to have escaped the attention of the sponsors of the joint draft resolution. In any case, the matter was one for every State concerned to judge finally for itself, because the provisions did not confer upon the United Nations any right to intervene in the legal or administrative system applicable to those peoples.

The meeting rose at 6.5 p.m.