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MEETING**

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**Chairman:** Mr. Thor THORS (Iceland).

**AGENDA ITEM 22**

**Treatment of people of Indian origin in the Union of South Africa: report of the United Nations Good Offices Commission (A/2723, A/AC.76/L.3) (*continued*)**

1. Mr. AL GAYLANI (Iraq) said that his country, like the other Arab States Members of the United Nations, had always taken a deep interest in the problem of the treatment of people of Indian origin in the Union of South Africa. The representatives of the Arab countries had frequently and unequivocally expressed their views on all forms of political and social discrimination based on distinctions of race, language or religion. Being anxious to ensure respect for the principle of the equality of all human beings, they had fully supported all the resolutions adopted by the General Assembly on the question.

2. He congratulated the United Nations Good Offices Commission on the untiring efforts it had made and the patience it had shown in its attempts to persuade the Government of the Union of South Africa to conform to the General Assembly resolutions. It was most regrettable that the Commission had not succeeded in inducing the South African Government to enter into direct or indirect negotiations with the Governments of India and Pakistan with a view to solving the problem. It was also regrettable that the South African Government had not modified its attitude with regard to the General Assembly resolutions, that it persisted in considering those resolutions unconstitutional, and that it had refused to recognize the Commission established under resolution 719 (VIII) of the General Assembly.

3. At the 10th meeting the Indian representative had argued convincingly against the South African Government's contention that the question was one within the domestic jurisdiction under Article 2, paragraph 7, of the Charter. Accordingly, it seemed unnecessary to reopen debate on that particular point. There was, however, a special cogency in the Indian representative's remark that to deny the competence of the United Nations in such matters would be extremely damaging to the Organization's prestige and authority. As the Indian representative had pointed out, there was no intention of intervening in the legislation of the Union of South Africa, but there was an intention of securing respect for the principles of the Charter and, from that

point of view, the action taken by the United Nations in the past was politically and legally sound.

4. The problem under consideration was of particular interest to public opinion in the Arab countries and it was highly desirable that it should be settled to the satisfaction of all parties. The fact that the Governments of India and Pakistan had stated their readiness to enter into direct negotiations with the Government of the Union of South Africa should make it possible to reach such a settlement, if the Government of the Union of South Africa would only show a little goodwill.

5. The joint draft resolution (A/AC.76/L.3) gave expression to the General Assembly's wish to keep the problem on its agenda until it was settled. The draft represented a fresh approach and should be given careful consideration. It should, however, be improved in certain respects and brought into line with the principles underlying earlier resolutions on the same question. He therefore reserved the right to speak again in the discussion on the draft resolution.

6. Mr. VAN CAUWELAERT (Belgium) said that the Belgian Government had always followed with deep interest the development of problems concerning the respect for human rights. Belgium was strongly opposed to any policy of racial discrimination. It hoped that the parties concerned would succeed, through direct negotiation, in finding a basis for settlement agreeable to all concerned.

7. He would not set out again the legal considerations, based on Article 2, paragraph 7 of the Charter, which led the Belgian delegation to feel the most serious doubts as to the Assembly's competence to act in that connexion. The preliminary question of competence had not been decided; it was to be regretted that the suggestion that it should be submitted to the International Court of Justice, which Belgium had supported, had not been accepted.

8. The Belgian delegation therefore, as in the past, would not take a stand on the problems before the Committee; it would abstain.

9. Mr. JOHNSON (Bolivia) noted that, although the General Assembly had discussed the question of the treatment of people of Indian origin in the Union of South Africa several times, it had not yet been possible to arrive at any satisfactory solution. Everyone was rightly preoccupied with the situation, not only because of the gravity and importance of the problem, but also because it was causing disappointment both inside and outside the United Nations.

10. He referred to the resolutions on this question adopted by the General Assembly at its first, second, third, fifth, sixth, seventh and eighth sessions and to the efforts it had made on each occasion to settle the problem. But no progress had been made towards a satisfactory solution.

11. The report of the United Nations Good Offices Commission (A/2723) was particularly discouraging as the Commission stated that it regretted that it was unable to submit any proposal likely to lead to a peaceful settlement of the problem on account of the attitude of the Government of the Union of South Africa. Such a failure was all the more deplorable because the moral and intellectual qualities of its members were a guarantee of the impartiality with which the Good Offices Commission must have considered the problem.

12. The parties to the dispute had explained at length the reasons for their attitude, and it was difficult to bring anything new into the discussion. It was, nevertheless, a fact that in its various resolutions, the General Assembly had recognized that discriminatory laws were in force in the Union of South Africa and that the government of that country was applying a policy of racial segregation.

13. Bolivia, whose revolutionary government had abolished all measures of racial discrimination and given the Indians access to all political, economic, cultural and social activities, could not but condemn any measure that derogated from that principle.

14. Efforts to find a satisfactory solution should continue, though naturally without intervention in the domestic affairs of the Union of South Africa. The joint draft resolution submitted to the Committee was a step in that direction. It was based on principles dear to all the Latin American countries: the peaceful settlement of disputes and the respect of the sovereignty of States. It should therefore be supported by all delegations.

15. Mr. CARRILLO (Costa Rica) supported the draft resolution submitted by seven Latin American delegations. He agreed with its sponsors that one more effort should be made to settle satisfactorily a problem which had for long been affecting the relationship of three friendly States and which, because of the principles involved, was of very special importance to all other Member States.

16. The draft resolution was eminently practical: there was to be no further discussion of legal or philosophical principles; a favourable climate was to be created; it did not once again confirm the competence of the Assembly nor did it censure the Union of South Africa again; it merely offered the parties a new opportunity to compose their differences. Although the practical proposals set forth in the draft resolution were in no way at variance with the principles laid down in the earlier General Assembly resolutions, his delegation, while supporting the draft, still held its original view so far as substance was concerned, which was that the United Nations was competent to deal with the matter and under a duty to protect human rights throughout the world.

17. While optimism about the date of a settlement could be misplaced, the draft resolution undeniably offered the parties an opportunity of establishing contact with each other with a view to settling their dispute and it also enabled the United Nations to designate a person to facilitate such contacts in conformity with the Charter.

18. Mr. PLAZA (Venezuela) said that, as the representative of a country of the American community whose entire international policy was based on the principle of the peaceful settlement of disputes, he strongly supported the draft resolution submitted by a group of Latin American delegations. The draft was imbued with the spirit of conciliation which characterized relations among the countries of the New World and was indicative of their traditional desire to settle all disputes peacefully.

19. It had been asserted that the joint draft resolution contravened the provisions of Article 2, paragraph 7 of the Charter. The principle of non-intervention and of respect for the rights of all States was deeply rooted in the international outlook of the American States. If his delegation had thought that the draft resolution in any way failed to conform to that rule of international conduct, it would have been the first to quote the provisions of the Charter relating to the protection of the independence and sovereignty of the States concerned. Actually, however, it failed to see how the proposals set forth in the draft involved any intervention in the domestic or foreign affairs of those States. The text merely suggested that they should seek a peaceful solution of the problem, described the steps to be taken if the parties failed to reach agreement directly within a specific period and requested the Secretary-General to report on the results obtained at the following session of the General Assembly.

20. If the desired purpose was to be accomplished, obviously the parties concerned would have to retreat somewhat from their original uncompromising positions. The draft resolution offered a middle course which should enable the parties to come to some agreement. While enabling the United Nations to assist in solving the problem, as India and Pakistan requested, it respected the sovereignty of the Union of South Africa. His delegation therefore supported the draft unreservedly, although it had abstained on the previous resolutions of the Assembly relating to the same item on the grounds that they were not entirely satisfactory.

21. He urged the representatives of the States directly concerned to vote for the text, the sponsors of which had shown a remarkable spirit of co-operation in studying the problem. Special thanks were due to the Cuban representative who, as a member of the Good Offices Commission, had given a remarkable account of the issues.

***Allocation to the Committee of an additional agenda item (A/AC.76/1/Add.1)***

22. Mr. CHAI (Secretary of the Committee) read out a letter (A/AC.76/1/Add.1) in which the President of the General Assembly informed the Chairman of the Committee that the Assembly had decided to refer to the Committee the new item entitled "Prohibition of propaganda in favour of a new war" which Czechoslovakia had proposed for inclusion in the Assembly's agenda.

23. The CHAIRMAN said that the Committee would take up that item after it had completed its consideration of the other three items referred to it.

The meeting rose at 12.25 p.m.