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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 76

The question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Republic of South Africa (A/4804 and Add.1-5; A/SPC/L.71 and Corr.1 and Add.1-4; L.72/Rev.1) (continued)

1. Mr. BARADI (Philippines) said that his delegation had maintained a consistent position on the "apartheid" policies of the South African Government since the question of race conflict in South Africa resulting from those policies had first been brought before the United Nations in 1952. The Philippines had been among the thirteen African and Asian States which had proposed that the item should be included in the agenda of the seventh session of the General Assembly,^{1/} and it had joined with forty-five other States in requesting the inclusion of the item in the present Assembly's agenda (A/4804 and Add.1-5). At the seventh session of the General Assembly, the South African delegation had proposed that the Assembly should declare itself incompetent to consider the question, but its proposal had been rejected,^{2/} and the Assembly had adopted two resolutions 616 A (VII) to establish the United Nations Commission on the Racial Situation in the Union of South Africa, and 616 B (VII) to call upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms.

2. Philippine opposition to "apartheid" was understandable, for all the races of mankind had contributed to the Philippine stock. The Constitution of the Philippines contained provisions guaranteeing due process of law and equal protection of the laws to all persons. As one of the founding Members of the United Nations, the Philippines had accepted the obligations contained in the Charter, including the obligation to ensure universal respect for human rights without distinction of any kind. On 19 May 1960, the Philippine Congress had approved a resolution on the tragic Sharpeville incident in South Africa, which it termed a violation of the principles of the brotherhood of man, a transgression of basic human rights

and a threat to international peace. The Congress had repeated once again the consistent opposition of the Philippines to the policy of "apartheid" and all other forms of racial segregation as incompatible with the principles of justice and equality, and prejudicial to the promotion of mutual understanding.

3. Since 1952, the General Assembly had adopted resolutions year after year to express its deep regret that the Government of South Africa had not yet responded to its appeals to reconsider policies which offended against the right of all racial groups to enjoy the same fundamental freedoms. Unfortunately, the South African Government had remained indifferent and had in fact expanded its policies of "apartheid" and aggravated the already serious situation of more than twelve million non-white South Africans. The General Assembly had a responsibility to deal with the question and make the decisions necessary to secure the observance by South Africa of human rights and fundamental freedoms.

4. At the opening of the general debate (267th meeting) on "apartheid" at the present session, the South African Foreign Minister had stated that his country's domestic affairs and its policy of separate development for the non-white population were no concern of the United Nations, the Special Political Committee or any nation, great or small. That statement was disappointing and a challenge to the United Nations. The Foreign Minister's constitutional argument that Article 2, paragraph 7, precluded any discussion of the matter was a repetition of the argument first advanced by the South African delegation in 1952 after the adoption of resolution 616 A (VII).^{3/} Its weakness had been demonstrated on many occasions, in the three reports of the United Nations Commission on the Racial Situation in the Union of South Africa and in various resolutions of the General Assembly.

5. The Foreign Minister had also questioned whether the States which had proposed the inclusion of the item in the agenda had a moral right to do so, and had accused the United Nations of applying a double standard in its dealings with certain other States and therefore of being itself guilty of discrimination. He had referred to Member States where the populations were terrorized and repressed, where they were denied fundamental human rights, where there was dictatorship of one man or one party, where hundreds of people were imprisoned without trial and where the population had no voting rights whatever. The existence of such conditions elsewhere was no justification for "apartheid" in South Africa. Moreover, as an enumeration of recent legislation would show, the South African Government was continuing and intensifying its racist policy. The Philippine delegation fully shared the dismay and frustration expressed by many previous speakers at South Africa's persistent

^{1/} Official Records of the General Assembly, Seventh Session, Annexes, agenda item 66, document A/2183.

^{2/} Ibid., Plenary meetings, 381st meeting.

^{3/} Ibid., 401st meeting.

disregard of the United Nations appeals to it to change its policy of segregation and oppression.

6. Throughout the world, the forces of freedom were growing day by day, old empires were crumbling and the peoples' clamour for freedom was echoing far and wide. In the once dark continent of Africa the torch of liberty was shining brighter and brighter. In Africa, where Mr. Baradi had lived during the past four years, he had learned that the peoples of Africa were no longer content to live as subjects of alien masters. In 1910, there had been only three independent African nations; by 1959, the number had increased to ten, and 75 million people were under African rule; in 1960, Africa's "Year of Freedom", sixteen more had been added, and two more African nations had joined the ranks in 1961, making a total of twenty-eight independent African States and 163 million Africans now being governed by Africans. Others would follow shortly, and before long populations totalling 195 million and more, out of a total of 230 million, would be ruled by Africans. As the number of Member States increased; the opposition to, and condemnation of, South Africa's racial policies would be intensified, particularly in view of the General Assembly's adoption by an overwhelming vote, at its fifteenth session, of the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)).

7. The Committee had before it a joint draft resolution (A/SPC/L.71 and Corr.1, and Add.1-4) and a second draft resolution (A/SPC/L.72/Rev.1). Both contained principles embodied in previous resolutions already adopted by the General Assembly and the Philippine delegation which had voted in favour of those principles in the past would have no hesitation in voting for them again. With regard to the joint resolution, the Philippines had no diplomatic relations with the Government of the Republic of South Africa; no aircraft from South Africa flew to the Philippines and there was practically no trade between the two countries.

8. The Ghanaian representative at the 275th meeting, in introducing the joint draft resolution, had said that there was reason to believe that the expulsion of South Africa from the United Nations would bring home to the more moderate elements among the white population that unless they could force the Government to change its ways, all would suffer in the bloodshed and chaos that would eventually come. The Philippine delegation did not share that view and was not prepared to endorse expulsion. If the Committee adopted such a resolution, it would destroy the only bridge that connected the world Organization with the people of South Africa. It should not be forgotten that the United Nations was a centre for harmonizing the actions of nations in the attainment of the Purposes and Principles of the Charter. The Philippine delegation did not favour a line of action that would exact "eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe". It was convinced that in the end the insistent persuasion of the United Nations and world public opinion would induce South Africa to modify its policy for the good of its entire population, notwithstanding its Foreign Minister's recent statements to the contrary. The United Nations must never give up its efforts to find a peaceful solution to the situation in South Africa. To be satisfactory, such a solution must be fair and impartial, and it must be just, so as

to render every man his due, without distinction. The Philippine delegation associated itself with other delegations which hoped that when the representatives of South Africa at present in the Committee returned to their country, they would report faithfully to their Government and people the strong reaction of nearly all delegations to South Africa's obstinate determination to continue its policies of "apartheid". South Africa could ill afford to be ostracized. General Smuts himself, once Prime Minister of South Africa, had said when he was leader of the opposition that South Africa was a singular experiment in the world and had accomplished much. But it needed sympathy and world support for it was a small minority. Yet the adoption of "apartheid" as an official policy made it almost impossible for it to receive the sympathy and support which it would need in the days to come. In suggesting that patience was preferable to drastic action, the Philippine delegation fully endorsed the move to remind the South African Government of the provisions in the Charter regarding the fulfilment by Members in good faith of the obligations which they had assumed. It renewed its appeal to the South African Government to change its policies and conduct in order to comply with the obligations imposed by the Charter. In so doing, it would help to hasten the brotherhood of man and the fellowship of nations, under the fatherhood of God.

9. Mr. COLLIER (Sierra Leone) said that, as many previous speakers had already noted, South Africa had ignored contemptuously all the resolutions of the General Assembly requesting it to change its evil policy of racial discrimination and conform to the present mood of world opinion. Although it might be true that the conduct of some Member States did not fully entitle them to assume a righteous position, nowhere else in the world was racial discrimination defended as a Government policy and nowhere else was there such complete negation of the principle of equal rights. In his defence of "apartheid" at the opening of the general debate, the South African Foreign Minister had claimed that quiet conditions prevailed in the Republic of South Africa. Nevertheless, in one of the largest of the Native reservations, where one and a half million Africans lived, there had been a state of emergency for the last twelve months. Armed police and military aircraft kept watch over the area and some 5,000 Africans had been arrested and detained for months without charge. The state of emergency had been imposed in an effort to suppress the revolt of the Africans against the policy which, according to the Foreign Minister, they welcomed. According to newspaper reports, white South African women were being instructed in the use of revolvers. It might be asked why it was necessary for housewives to learn to use weapons, if quiet conditions truly prevailed. The Government had taken the most drastic steps to prevent the peaceful national strike which a number of South African organizations had announced for the end of March 1961. There had been wide mobilization, all police leave had been cancelled, camps had been established at strategic points and heavy army vehicles with equipment and supplies had been moved along the Reef. The Sierra Leonean delegation could not regard such conditions as "quiet".

10. South Africa's continued intransigence was contrary to the interests of world peace. So long as conditions of racial discrimination and oppression prevailed, the situation would be explosive. It was

therefore a matter of urgency for the United Nations to reach a conclusion on the South African question at the current session. It must not despair, although so many resolutions had already been adopted and ignored; it was its duty to continue to place on record world disapproval. The Sierra Leonean delegation would therefore support the joint draft resolution, of which it was a co-sponsor. That draft resolution raised the possibility of the expulsion of South Africa. That would be a matter for the Security Council to decide in the light of Article 6 of the Charter. Whatever the ultimate decision might be, there were certain advantages in having South Africa present in the United Nations in order to hear at first hand the contempt with which civilized mankind regarded its racial policies. Sierra Leone supported fully the provisions relating to sanctions. For various reasons some countries would not co-operate in enforcing sanctions, but the United Nations must put some such measure into effect as a demonstration to South Africa of the world's feelings. Sierra Leone would co-operate in every way with all countries which intended to bring pressure to bear on the Republic of South Africa to change its policy and restore freedom and dignity to the Africans in that troubled land.

11. Mr. WACHUKU (Nigeria) said that his delegation was a co-sponsor of the joint draft resolution which had been submitted by a number of African delegations (A/SPC/L.71 and Corr.1 and Add.1-4). The Nigerian delegation attributed particular importance to operative paragraph 5 of that draft resolution. When, at the 1034th plenary meeting of the General Assembly, a motion of censure against South Africa had been proposed and adopted, it had been alleged by some that an attempt was being made to deprive South Africa of the right to express its views freely. That was not true. South Africa had always exercised the right to speak, but claimed the right without obligations on its side. Such an attitude was not civilized. South Africa, by its consistent refusal to be bound by any rules or regulations, put itself outside the pale of the law and the Charter. Article 6 of the Charter provided a procedure for the disciplining of unruly members of the international family. Under the joint draft resolution, the Assembly would ask the Security Council to consider taking steps with respect to South Africa under the terms of Article 6. It was not suggested that the Security Council would necessarily recommend the expulsion of South Africa, but the fact that the matter was being examined should have a salutary effect. Indeed, operative paragraph 5 of the draft resolution might prove a more potent weapon than the sanctions recommended in paragraph 6. He hoped, therefore, that the Committee would look upon the joint draft resolution not as inspired by a desire for vengeance but as designed to strengthen the United Nations by reminding Members that the provision in Article 6 of the Charter existed and might sometimes be invoked.

12. South Africa had persistently claimed that the discussion of its racial policies by the United Nations was an interference in its internal affairs. Nigeria and the other African States would never accept the view that policies involving discrimination against an African majority on their own continent could be considered an internal matter. Another argument which had been used more than once by the South African Government consisted in the theory that the first Bantu had entered Southern Africa at the same time as the first Dutch settlers, and that those settlers

had peopled an uninhabited area. Even if that theory were correct, which it was not, the fact would remain that the Africans constituted a great majority among the present inhabitants of South Africa.

13. The African representatives were still ready to approach the problem in a conciliatory spirit, since they considered that the situation resulted from a kind of neurotic fear which had seized the microscopic minority holding power in South Africa. Were it not for the racist system under which they were organized, a majority among the three million white South Africans would, he believed, be prepared to work hand in hand with the rest of the population; indeed, the Europeans were quite content to have Africans working with and for them in industry, on farms and in their homes. Had it not been for the Government's policies, it would therefore only have been a question of time before a new generation was created, which could live happily in a hospitable land where there were ample resources for all. Instead, a handful of avaricious and intolerant men, who were not supported by more than half even of the white inhabitants of South Africa, insisted on digging a grave for their posterity.

14. It should be made clear that Nigeria was not in favour of driving the white settlers out of South Africa. Certainly, South Africa was a colonial State in the original sense of the word "colonial", and the tide of colonial liberation could not be stopped at the borders of South Africa, despite that country's activities in Katanga. But settlers and their descendants had a right to make Africa their home if they were ready to look upon themselves as Africans and adjust themselves to realities. It was the policies of the present Government which were rendering that impossible.

15. It was not the complaint of the African delegations that a social problem existed in South Africa, but that a Government was using all the machinery of the State to further a diabolical plan which was bound to fail. Africa was in a state of ebullition. In addition to the African States which were already independent, there was a long sequence of black African potential States from Kenya, Uganda, Tanganyika, Northern and Southern Rhodesia down to Bechuanaland, administered by the United Kingdom, in which changes were proceeding steadily. To the United Kingdom's credit, that country's Foreign Secretary had stated that it was prepared to transmit to the United Nations information regarding political development in those Territories. Steps were being taken to bring about constitutional changes in Basutoland and Swaziland, which were enclaves within South Africa. It could reasonably be asked how the minority in power in South Africa intended to avoid a holocaust when all those Territories acceded to independence. It was for the South African Government to take warning, for otherwise there would be bloodshed. The African States, while they had no desire to see a conflagration in their continent, were arguing from a position of strength since they knew that the end was bound to come within the next ten years, in one way or another.

16. The South African leaders would be living in a fools' paradise if they looked upon the results of the recent election as an encouragement to them. It was absurd to consider an election in such conditions as democratic; yet the South African Minister for External Affairs had talked of democracy and freedom

and had levelled accusations at other African States in that regard.

17. The Nigerian representative believed that those settlers who had lived in South Africa for generations and given birth to new generations, who had no other place they could call home, who had accepted Africa and called themselves Africans, had a right to live there and contribute to the development of the country if they could adjust themselves to a changing environment and continue to live in peace.

18. Those powerful Western countries whose nationals had large financial interests in South Africa should consider whether they preferred immediate and ephemeral benefits to the goodwill of 220 million Africans. They could win the friendship of Africa by giving their support to the protection of human values.

19. No African desired to be unjust to those settlers who wished to stay in Africa, live and work with the Africans and develop Africa, but no African could tolerate a situation in which so small a minority arrogated to itself the right to suppress by brute force the legitimate aspirations and rights inherent in the African as a human being.

20. The independence of certain African States would be meaningless if in other parts of Africa black men did not have freedom. The independence movement in Africa as a whole would be a failure if black men anywhere in the world continued to be oppressed and to be judged not by their capabilities but by the colour of their skins.

21. Paragraph 6 of the joint draft resolution, like paragraph 5, was a recommendation, and the argument that if it were adopted Member States would be obliged to apply sanctions was therefore without foundation. The effectiveness of the paragraph would lie in the fact that, although it was not mandatory, it would express the conclusion reached by the United Nations that the time had come to take sterner action than in the past, and would thus constitute a strong form of moral pressure.

22. He appealed to the great Powers whose own peoples were of the white race to realize that if the situation was not remedied soon it would be the white South Africans who would suffer most in the long run, for while there might be African leaders at present who were in favour of moderation, no one could be sure that their voices would still be heard ten years later, when other, more extremist leaders might have come to the fore. The racists should not be allowed to doom the whole of the white population of South Africa to an untimely death, yet that was what was likely to happen if the situation continued to deteriorate. He therefore urged the great Powers as well as the other members of the Committee to support joint draft resolution A/SPC/L.71 and Corr.1 and Add.1-4 as a step to save both the black and the white inhabitants of South Africa.

23. Mr. ROSSIDES (Cyprus) expressed the deep concern of his delegation that after all the years in which the Committee had been discussing "apartheid" the situation in South Africa, far from improving, was steadily deteriorating. A particularly retrograde step had been the legislation enacted in 1960 depriving the African inhabitants of what few political rights they had formerly enjoyed. As more and more African States attained their independence, the unhappy lot of the Africans in that country stood out more glaringly

by contrast. His delegation emphatically condemned all forms of discrimination, particularly "apartheid", as manifestations contrary to the fundamental principle of equity by which society should be guided. Discrimination approved by the law was tantamount to sanctioned injustice and was therefore repugnant to the conscience of humanity. The attitude of all the other Members of the United Nations should come as no surprise to the South African delegation, for were it otherwise the Organization would be guilty of violating its own high principles and of betraying the moral values embodied in its Charter. Twenty-three of the thirty articles in the Universal Declaration of Human Rights, and articles 1, 2 and 7 in particular, were directly violated by the Constitution and laws of South Africa. Thus the situation was unique in the history of the United Nations and should be treated as such.

24. The South African Government not only was remiss in its duty to protect all the inhabitants of South Africa from discrimination but actually was itself responsible for the enactment of discriminatory legislation and the application of drastic measures to put that legislation into effect. The notion of "separate development" to which the South African Minister for Foreign Affairs had referred, would at best be a form of discrimination in itself, and as such contrary to the ideal of the brotherhood of man. Yet supposing, for the sake of argument, that such an idea was admissible, it would have to be based on equality of treatment for all. In South Africa "separate development" meant inequality of treatment for the African inhabitants in every respect. His delegation was not unaware of the difficulties inherent in the situation but could not refrain from expressing in the strongest terms its dismay at the absence of any intention on the part of the South African Government to take steps to remedy an intolerable position which clearly violated the provisions of the United Nations Charter.

25. The South African delegation had sought to take refuge behind the provisions of Article 2, paragraph 7 of the Charter, but those provisions had originally been included to protect sovereign States from arbitrary intervention, presumably caused by self-interest on the part of the offender. That did not apply, however, to collective intervention by the United Nations with a view to ensuring respect for the principles of the Charter and safeguarding peace. The obligation of the United Nations to protect human rights, implicit in the second paragraph of the Preamble to the Charter, was set out in Article 1, paragraph 3 and Article 55, sub-paragraph c. Under Article 56 all Members pledged to themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55. They could not fulfil that pledge unless they were able to discuss the questions at issue within the United Nations. The trend had accordingly been to interpret Article 2, paragraph 7, as applying to purely domestic matters which were in no way of international concern. Matters relating to the protection of human rights, which, as he had demonstrated, were most decidedly of international concern, thus did not fall within the scope of that provision.

26. It should be recalled that Mr. Evatt of Australia, who had been one of the strongest advocates of the inclusion in the Charter of Article 2, paragraph 7, had said that once a matter was recognized as one of

legitimate international concern, no exception to the general rule was needed to bring it within the powers of the Organization.^{4/} It should be clear to all that in view of the unequivocal provisions of the Charter to which he had referred it was futile to invoke Article 2, paragraph 7, in connexion with matters relating to human rights. Another consideration was that when the Charter had been drawn up it had been intended that Article 2, paragraph 7, would in practice develop in such a way as not to interfere with the authority of the United Nations. The late Mr. John Foster Dulles, one time United States Secretary of State, had said at the time that the principle embodied in Article 2, paragraph 7, was subject to evolution on the lines of the United States Constitution, which by including simple and broad principles, as did the Charter, had enabled the Federal Government progressively to assume much wider authority than had originally been envisaged.^{5/} That was, indeed, similar to what had happened in the United Nations in connexion with the application of Article 2, paragraph 7.

27. From 1945 to 1955 the question of the applicability of that provision to an item under consideration had been fully discussed, and the argument rejected in twenty-three cases, while in twenty-one others the objection had been raised and then abandoned without discussion. In the subsequent four years twenty-five more objections based on Article 2, paragraph 7, had similarly been overruled. As a number of them had related to the question of "apartheid" he could not see the object of raising that objection once again in the present instance. In the opinion of his delegation, the proposition that the United Nations could not intervene in cases of gross violations of human rights was juridically erroneous and politically unwise. It held that in the interests of peace the United Nations could and should intervene in all cases, in any part of the world, where human rights and fundamental freedoms were violated, for there could be no peace so long as such violations persisted and the will of the people was in rebellion, whether such rebellion was outwardly manifested or not. To preclude the United Nations from intervening in such situations and thus to allow them to deteriorate, would be contrary to the interests of all concerned, including those who were inclined to invoke Article 2, paragraph 7, in each such instance.

28. The charge that human rights were being violated in other parts of the world was no excuse for the violations of which the South African Government was guilty. If that excuse were accepted it would encourage violations of human rights everywhere. No offence could be justified simply on the grounds that the same offence was being perpetrated elsewhere. Furthermore, circumstances differed from one country to another. The significant feature of the violation of human rights in South Africa was that that principle was enshrined in the country's Constitution and was given effect through a series of legal enactments. Perhaps the most objectionable was the measure prohibiting Africans from travelling within their own country unless they obtained special passes, for it placed the majority of the population under severe restrictions more suitable for criminals or undesirable aliens. To make matters worse, those restrictions were imposed on the basis of the colour of a person's skin. The worth of a human being and his

value as a citizen had nothing to do with his colour, or any other aspect of his external appearance, but was to be sought in his character and mental outlook. The world had had many occasions to admire the nobility of spirit, the strength of character and the dedication to moral values shown by the coloured peoples. Colour prejudice, like all kinds of prejudice, inevitably led to injustice and should be completely eradicated. The tradition of the Boers' struggle for freedom and justice should enable the white South Africans of the present to free themselves from such prejudice, which was as degrading to them as to the people against whom it was directed.

29. At the risk of futile repetition, his delegation would like to address one more appeal to the Government of South Africa to realize that there would inevitably have to be a readjustment and that the sooner it was made the better it would be, not only for the African population but for the white inhabitants of South Africa as well. As science progressed the world grew smaller, and no matter how strong a nation was, it could not forever ignore the unanimous opinion of the rest of the world as repeatedly stressed in the United Nations.

30. He would speak on the two draft resolutions at a later stage and for the present would say only that his delegation favoured the text of draft resolution A/SPC/L.72/Rev.1, which contemplated action but did not overstep the bounds of possibility.

31. Mr. SINHA (Nepal) noted that in ten years South Africa had paid no heed to the appeals made to it by the United Nations to desist from the application of its racist policies and that its expulsion from the Commonwealth and the International Labour Organisation^{6/} had not deterred it from its course. The late Secretary-General had intervened personally in favour of a solution, but in vain. The South African Government's persistent defiance of world opinion undermined the prestige of the United Nations and should not be allowed to continue. The argument that "apartheid" was a domestic matter within the meaning of Article 2, paragraph 7, of the Charter could not be accepted, for a policy that degraded the majority of the population of a country to a sub-human level and thereby created an explosive situation which threatened to envelop the whole of Africa was most obviously of international concern. An organization founded to uphold the principle of human dignity could not refuse to consider and condemn the inequalities and injustices which were the daily lot of the non-white inhabitants of South Africa. The argument that other Member States did not have clean hands was unconvincing when invoked by the representative of a Government whose actions would go down in history as constituting the darkest chapter in the life of modern Africa.

32. Similarly, the argument that Africans in that country were better off than in other parts of Africa was not acceptable, for the freedom and dignity of the human person could not be measured in terms of material well-being alone. If that were the case, it would be just and proper for the powerful nations to subdue the smaller and weaker ones in order to bring them greater prosperity. The South African Government should realize that the days of the "white man's burden" could not be revived and that if it did not change its policies, the wind of national re-

^{4/} United Nations Conference on International Organization, vol. 6, Commission I, doc. 696, 1/1/39, p. 439.

^{5/} *Ibid.*, doc. 1019, 1/1/39, p. 508.

^{6/} International Labour Organisation, *Record of Proceedings, Forty-fifth Session*, resolution I.

awakening which was sweeping Africa, would become a hurricane which would topple the citadel of "apartheid" and overwhelm the entire population, black and white. All its armed might would not be enough to enable it to stifle the desire for freedom and justice indefinitely. "Apartheid" was contrary to the interests not only of the Africans but also to those of the ruling white minority, for hate and discrimination demoralized those who were guilty of practising them, and the resulting anarchy hampered the development of the economic potential of the entire country. President Lincoln had expressed that idea when he had said that a house divided against itself "cannot stand". In the case of South Africa it was to be hoped that the ruling minority would realize that truth in time to prevent a civil war, which would shake the whole of Africa and might even spread to other parts of the world.

33. He did not wish to let the occasion pass without recording his delegation's satisfaction that the Nobel Peace Prize for 1960 had been awarded to Chief Albert Luthuli in recognition of his tireless but non-violent struggle on behalf of his people and to express

the hope that they would long have the benefit of his leadership.

34. Before concluding, he wished to direct a special appeal to the Western nations, whose relations with South Africa were of vital importance to that country, to spare no effort to persuade it to abandon its mistaken policies. He was not in favour of expelling South Africa, for such a step would be self-defeating and would set that lawless State at large: the policies of force and power would thus dominate the scene and perhaps create another Congo. He also could not support the provisions for sanctions in the joint draft resolution A/SPC/L.71 and Corr.1 and Add.1-4, for it had no bearing on his country, which did not maintain diplomatic relations with South Africa. It had no ocean front and South African aircraft did not fly to Nepal. He would therefore support draft resolution A/SPC/L.72/Rev.1 in the hope that the reiteration of the world's condemnation of "apartheid" would finally be heeded by the South African Government and induce it to mend its ways.

The meeting rose at 1 p.m.

United Nations GENERAL ASSEMBLY

SIXTEENTH SESSION

Official Records

**SPECIAL POLITICAL COMMITTEE, 281st
MEETING**

Tuesday, 7 November 1961,
at 3.20 p.m.



NEW YORK

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Agenda item 76:

The question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Republic of South Africa (continued) 105

Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 76

The question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Republic of South Africa (A/4804 and Add.1-5; A/SPC/L.71 and Corr.1 and Add.1-4, L.72/Rev.1) (continued)

1. Mr. SARNEY (Brazil) categorically condemned racial prejudice; it was without any scientific, religious or moral foundation, and was designed only to maintain positions of privilege in disregard of all human rights. In countries where there was a common national purpose, policies of "apartheid" could not survive. In Brazil, for example, where whites, Negroes and Indians were all animated by the desire to make their country a great nation, and where the common ideal had enabled questions of private interest to take second place, there was no racial segregation. Only thus had the rapid economic development of the country been possible. In 1959, Brazil had known the highest rate of industrial growth of all the countries of the Western world, with an increase of 97 per cent, comparable only to that of Japan, and considerably higher than that of the socialist countries. The policy of the Brazilian Government was in every way opposed to segregation and under the Afonso Arinos Act it was a crime to practise racial segregation. The contribution of the Negro race and of Africa to Brazil's civilization and history could not go unmentioned.

2. The Republic of South Africa was following a policy that ran counter to present world trends and jeopardized its own future and was maintaining a political, administrative and legal system solely in the interests of a white minority. The South African Parliament represented only about one tenth of the population. The group in power was mainly representative of the Afrikaners. The latter were considerably better favoured by the electoral system than the rest of the white population and still more so than the coloured citizens of African origin, not Bantus. The Bantus were no longer represented at all. The English-speaking whites were also subjected to a certain form of discrimination. Such a Parliament protected the interests of the minority without considering the interests of the country.

3. The South African Government's policy was based not so much on "apartheid" as on "baasskap", or the notion that every white man was a master and every black man a servant. In fact, therefore, the policy which the present Government was pursuing was one of racial discrimination and it was the least educated Afrikaners, those who had most to fear from the competition of the coloured population, who were most easily won over to the fanciful theories regarding the superiority of the white race. As for "apartheid", understood in the best sense as a policy of "separate development" for the various communities, it had shown itself to be impracticable.

4. Owing to the fact that trends had been favourable to its mining industry, South Africa had seen a rapid economic advance during the last twenty-five years. Whereas the average level of living of the white population had increased by 46 per cent, that of the African population had decreased by 6.5 per cent. That of the Indian and coloured populations had decreased by more than 11 per cent. The fall in the level of living of the African populations was explained by their being relegated to reserves which were becoming more and more impoverished, and particularly by the fact that the rise in the cost of living had affected the African populations more, owing to differences in ways of life. That was sufficient to condemn the policy of "apartheid", which was interpreted as a policy of separate development, but was really an odious form of discrimination. That development could only serve to illustrate the thesis of increasing pauperism, and fitted the most pessimistic descriptions of capitalism. Needless to say, such a situation was prejudicial to the economic development of the country and extremely dangerous for the whites themselves. The only way to avoid the complete collapse which had been predicted, was to ensure a balanced political and economic development, in which all sectors of the population would co-operate equally. South Africa, which was the richest country in the African continent, could play an important part in the evolution of Africa. The racial question was admittedly difficult, but it must be approached in a spirit of justice and indeed of generosity.

5. The Brazilian delegation would support any objective measure which the United Nations might take to put an end to the South African Government's policies of racial discrimination.

6. Mr. HAJRO (Albania) recalled that the question of race conflict in South Africa had been before the General Assembly since 1952 and year after year it had condemned the policies of racial discrimination of the Government of the Republic of South Africa and addressed appeals to that Government, without result. Indeed, new discriminatory laws and repressive measures had been adopted, as in March 1960. The situation worsened daily. The racist régime of the South African Republic was painfully reminiscent of

that of Hitler's Germany. Three million whites imposed their will on the non-white population, which consisted of eleven million people. The labour of that population and the resources of the country were exploited for the benefit of national and foreign monopolies. That was a new manifestation of colonialism and, moreover, the South African Government enjoyed the support of its Western allies. The North Atlantic Treaty Organization (NATO) and the Central Treaty Organization (CENTO) which were headed by the United States of America, were used to serve that colonialist and reactionary policy, and NATO had a committee especially responsible for African affairs which co-ordinated activities designed to suppress the liberation movements of the African peoples. The South African Government obtained the weapons it required from NATO; 20,000 rifles had recently been sold to that country by the United States and the Federal Republic of Germany.

7. The policy of the South African Government was a threat to peace and security and caused anxiety to the countries of Africa and the whole world. It was contrary to the Charter, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). The time had come for genuinely effective measures to put an end to the policies in question. The Albanian delegation could not regard consideration of the question of race conflict in South Africa as an interference in the internal affairs of that country. It should be recalled that at its forty-fifth session, in June 1961, the ILO had condemned the racist policies of South Africa and had unanimously adopted a resolution requesting South Africa to withdraw from the Organization.^{1/}

8. The Albanian delegation, which categorically condemned the South African Government's "apartheid" policies, would support any steps which might put an end to the pitiful plight of the non-white population of that country.

9. Mr. JUARBE Y JUARBE (Cuba) said that the cumulative effects of the policy of injustice, exploitation and humiliation practised by the South African Government in the name of "apartheid" and in violation of the United Nations Charter and the Universal Declaration of Human Rights today overstepped the frontiers of South Africa and were being felt not only in the neighbouring countries, but even in the most distant lands. They were an obvious threat to international peace and security. And the sole pretext for that policy was a difference in the colour of the human skin.

10. The policy of "apartheid" was also practised, more or less openly, in certain neighbouring countries under such delusive names as "parallel development" and the champions of that policy were endeavouring to buttress the worst colonial régimes in Africa, when necessary by means of mercenaries, as in the Congo. At the same time, within South Africa itself, public opinion, as reflected in the Press, was becoming increasingly aware of the isolation into which that disastrous policy was pushing the country, while the African and Asian populations, forced into clandestine action, were in growing danger of having to resort to violent methods.

11. Riots had recently broken out in Basutoland in protest against the extradition of a South African political refugee. The free countries of Africa, in their turn, felt themselves directly affected by the exploitation and humiliations of the black population of South Africa.

12. Within the United Nations itself an action against South Africa had been brought before the International Court of Justice,^{2/} several countries had called for the expulsion of that country from the United Nations, and others were demanding that energetic steps be taken to avoid bloodshed before it was too late.

13. Despite the explosive situation, the Republic of South Africa had refused to heed the voice of world opinion and the resolutions of the United Nations. It had refused to see that all over the world peoples of different races, political systems and stages of economic development were unanimous in their condemnation. The most conservative foreign circles, like those for which *The Times* of London spoke, and even some elements in South Africa itself, like the teaching faculty of the University of Cape Town, were aware that, unless it changed its policy, the South African Government was courting catastrophe.

14. The Minister for Foreign Affairs of South Africa had maintained before the General Assembly (1033rd plenary meeting) that "apartheid" was the traditional policy of South Africa and was intended to safeguard what had been built up by the whites over three centuries. The policy had indeed been invented by the whites and imposed on the black population to the detriment of the latter and the benefit of the former. It was the natural product of a social order based on slavery. Since the arrival of the first Dutchmen the European régime had been based partly on the slave trade and partly on the exploitation, by means of slave labour, of land taken by force from its African owners. "Apartheid" was neo-slavery and sought to perpetuate that policy of enslaving the blacks for the benefit of the whites.

15. The policy of "apartheid" thus represented a survival of European colonialism in South Africa. The Europeans of South Africa, even those who by accident were born there, remained there as conquerors. Only those who did not exploit or humiliate the non-white Africans could claim to be sons of Africa: all the others were exploiters of Africa.

16. South Africa's wealth, particularly its mining resources, was exploited through the forced labour of 11.5 million non-white inhabitants, while the profits went to the whites in South Africa and abroad. Thus various colonial and non-colonial Powers were accomplices in the exploitation of the South African people. That was why those Powers had hesitated—and were still hesitating—to support effective measures for the abolition of the policy of "apartheid", although, as the representative of Ghana had recalled (269th meeting), such abolition was the only means not only of unleashing the great intellectual resources of the Africans, but also of allowing South Africa to assume its full stature in Africa.

17. The Cuban delegation, on the other hand, had no hesitation in condemning that particular form of colonialism, just as it condemned all other forms, whether overt, as in Algeria or, as in Latin America,

^{1/} International Labour Organisation, *Records of Proceedings, Forty-fifth Session*, resolution I.

^{2/} I.C.J., *South West Africa Case, Application instituting proceedings*, 1960 General List, Nos. 46 and 47.

disguised under the misleading title of "Alliance for Progress". It would therefore support any measure which was genuinely designed to eliminate the inhuman policy of "apartheid" practised by the South African Government.

18. Mr. ABRAHAMSON (Denmark) said that his delegation, which was one of those to request the inclusion in the Committee's agenda of the item now before it (A/4804 and Add.1-5), shared the general anxiety at the conditions prevailing in South Africa, and associated itself with those representatives who had condemned the policy of racial discrimination practised by the Government of the Republic of South Africa. The Danish people deplored the fact that for many years the majority of the population of that country had been exposed to degrading measures and denied the exercise of elementary human rights. The reiterated appeals addressed to the Government of the Republic of South Africa by the United Nations had remained unheeded and that Government, by maintaining its policy of "apartheid", had placed itself in an untenable position. What was now needed was to reach agreement on the best means of bringing that Government to change its position.

19. Several representatives had pointed to the need for effective measures. In the operative part of the joint draft resolution A/SPC/L.71 and Corr.1 and Add.1-4 the sponsors had raised the question of the right of the Republic of South Africa to continue as a Member of the United Nations and had recommended a number of sanctions. The Danish delegation understood full well the temptation, when persuasion proved of no avail, to resort to stronger measures. It doubted, however, whether strict sanctions and, possibly, the expulsion of the Republic of South Africa from the United Nations, were the best means of attaining the desired end. A calm and considered approach to the matter was necessary. It would be unwise to do anything that might further embitter the atmosphere or even, if the worst came to the worst, unleash civil war in South Africa. The Danish delegation agreed with the United Kingdom delegation that the expulsion of the Republic of South Africa from the United Nations would be a purely negative measure. The sanctions advocated would also probably lead to a sealing off of the country, which would certainly not improve the situation of the South African people. Furthermore, a large part of the white population was opposed to the Government's policy of "apartheid" and, in those conditions, any sealing off of the country could lead to bloodshed and the oppression of those South Africans who were fighting for the abolition of "apartheid". With those considerations in mind, the Danish delegation had co-sponsored draft resolution A/SPC/L.72/Rev.1.

20. Finally, he deplored the fact that the debate should have been made the occasion for outbursts of propaganda and, in particular, that the representative of Albania should have linked NATO to the present situation in the Republic of South Africa. He failed to see how such allegations could serve the cause of the suffering people of South Africa.

21. Mr. STAMBOLIEV (Bulgaria) said that the question of "apartheid" had been on the agenda since 1952. The General Assembly and other United Nations bodies had repeatedly denounced the régime of poverty, exploitation and cruelty under which the indigenous people of South Africa were living and condemned the legislation of South Africa, which was

entirely designed to perpetuate the slavery of the non-white population and to introduce a régime of discrimination in the economic, political, cultural and other spheres. The South African Government, however, had remained deaf to those resolutions, to the warnings of certain Governments and to world public opinion, which had urged it to reconsider its policy so as to bring it into greater conformity with the United Nations Charter and the Universal Declaration of Human Rights. On the contrary, there had been a steady intensification of repressive measures and mass arrests, and South Africa had gradually been transformed into the largest gaol in the world.

22. It might have been hoped that the presence of the representative of South Africa in the Committee signified a change of attitude. That hope had not survived the statements made by the Minister for Foreign Affairs of the Republic of South Africa, who had not only defended his Government's policy but had endeavoured, in the face of all logic, to prove that the United Nations had no moral right to assume the protection of the rights and dignity of 11.5 million inhabitants of South Africa.

23. It might be asked why the efforts of the United Nations had failed and whence South Africa had drawn the moral courage openly to defy its authority. In the opinion of the Bulgarian representative, one of the chief reasons was the interest of certain powerful groups of international financiers in maintaining in South Africa a régime of slavery which was a source of profit to them. The investments of the Western Powers in South Africa depended on the exploitation of South Africa's black population; consequently, those Powers had not only prevented the United Nations from taking vigorous steps within the framework of the Charter to oppose the policy of the South African Government, but had provided the latter with moral and material support. Quite recently, it had been reported that the United States, the Federal Republic of Germany and France had supplied South Africa with arms which were obviously to be used to defeat the struggle of the non-white population for freedom and equality.

24. It was true that the United States representative, speaking in the Committee (268th meeting) had denounced the South African Government. His speech had followed the lines of the policy of the present United States Government, which was endeavouring to dissociate itself from traditional colonialism and to win the favour of the new African States. The United States and its NATO allies were, in fact, afraid that if the policy of "apartheid" were continued the rest of Africa would rise up against economic colonialism. They were therefore prepared to denounce it officially, while preventing any definite steps from being taken in opposition; and they had even gone so far as to exercise pressure on certain States, such as Ghana, to induce them to change their attitude. It was significant that the United States representative had invoked the spirit of the American Declaration of Independence. Slavery in the United States had continued for eighty years after the Declaration and racial discrimination was still rife there. He wondered whether the fact that the United States refused to go beyond a purely moral condemnation meant that it was prepared to tolerate slavery for eighty or indeed one hundred and sixty years.

25. It was no longer sufficient to show sympathy for the oppressed peoples; action must be taken against

the oppressors. After so many resolutions had remained a dead letter, the United Nations must take rapid and effective steps. After the General Assembly's adoption of the Declaration on the granting of independence to colonial countries and peoples, a régime of economic and political oppression and racial discrimination which was the equivalent of the worst form of colonialism could no longer be tolerated. It was the duty of the United Nations to take steps to put an end to it.

26. The Bulgarian delegation associated itself with those representatives who had advocated the expulsion of South Africa from the United Nations on the grounds of its systematic violation of the principles of the Charter and the imposition of political and economic sanctions within the framework of the Charter. It would therefore support the joint draft resolution A/SPC/L.71 and Corr.1 and Add.1-4, whose adoption would be a definite and effective step towards ending the policy of "apartheid".

27. Mrs. CHURCH (United States of America) said she had been surprised to hear the Bulgarian representative embark on a diatribe against the United States of America during a debate on the question of "apartheid". If other countries had made as much effort and achieved as much progress as the United States in bettering conditions between the races within their borders, the whole world would rejoice. If the Communist countries, including Bulgaria, were to grant human freedom and self-determination to their nationals, they would be better able to solve the problems not only of South Africa but of the human race in general.

28. Mr. HOOD (Australia) said the Australian delegation had consistently affirmed that it shared the virtually universal repugnance to the policy of "apartheid", that it deplored the unjust and sometimes tragic results of the enforcement of that policy and that despite its adherence to the principle of non-intervention in the internal affairs of States, it considered that the special nature of the question of "apartheid" justified its examination by the United Nations. As the United Kingdom representative had pointed out (274th meeting) that policy gave rise to international repercussions, although that was not the same thing as a threat to international peace and security. The Australian delegation would be guided by that consideration in its vote on parts of the two draft resolutions before the Committee. The situation had obvious similarities with that which had existed at the time when the question of "apartheid" had been debated by the Committee at the last session of the General Assembly. The South African Government, far from complying with the recommendations of the General Assembly, had persisted in and even intensified a policy which had repeatedly been condemned. Once again there were two draft resolutions before the Committee. In his opinion, the second resolution (A/SPC/L.72/Rev.1) was more appropriate, although the Australian delegation could not support it unreservedly. For the reasons he had already stated, it had some doubts about operative paragraph 6, and it interpreted operative paragraph 4 literally, as meaning that steps taken under it must fall within the terms of the Charter. Action taken under it might, for instance, include advice or diplomatic representations to the Government of South Africa or offers of assistance to that Government in overcoming its problems. Since the adoption of the previous General Assembly resolution (1598 (XV)),

the Australian Government had clearly intimated to the South African Government, through diplomatic channels, its opposition to the policy of "apartheid". If separate votes were taken on operative paragraphs 4 and 6 of the draft resolution, he would therefore abstain. However, he would vote in favour of the draft resolution as a whole, since it formulated, generally speaking, opinions his delegation could share and recommended processes of persuasion which it could follow.

29. The joint draft resolution (A/SPC/L.71 and Corr.1 and Add.1-4) contained many elements which the Australian delegation could accept. Nevertheless, the steps recommended in operative paragraphs 5, 6 and 7 did not appear to be in accordance with the clear terms of the Charter regarding the circumstances under which sanctions were applicable, nor to be likely to produce the desired result. If it were accepted, as provided in operative paragraph 3, that South Africa's racial policies were incompatible with membership of the United Nations, it did not automatically follow that South Africa should be expelled from the Organization. Expulsion was not the best way of inducing a State to modify a policy which was inconsistent with its obligations under the Charter. Instead, efforts should be made to persuade it to change its policy. Furthermore, it was hard to see how some of those who argued for the principle of universality of membership could at the same time urge the expulsion of a Member State. For the reasons already set forth by the representatives of the United Kingdom, Japan, Ireland and Sweden, the Australian delegation would vote against operative paragraphs 5, 6 and 7. It considered that in the long run moral pressure would be more effective than physical pressure in the form of sanctions. Moreover, the isolation in which expulsion and the breaking off of diplomatic relations would place the South African Government would destroy forever the one prospect the United Nations had of influencing that Government, namely the prospect of persuasion made possible by continued contact with the outside world. The other proposed sanctions would be indiscriminate in their effect within South Africa, would harden the Government in its present attitude, and might disrupt normal international trade and economic development while producing no change for the better in South African policies. If operative paragraphs 5, 6 and 7 were adopted, the Australian delegation would vote against the joint draft resolution as a whole.

30. The Australian delegation was aware of the concern and the feelings which had inspired the sponsors of the proposals before the Committee. The question was, how could their legitimate aspirations be satisfied by means that were both constitutional and effective. The best means would be to give public opinion time to take effect, while never preventing the South African Government from expressing its views. It should be remembered that there was opposition to the Government's official policy in various circles in the Republic of South Africa. That was a symptom of the doubts and fears aroused by the policy of "apartheid". With the exception of some extreme statements which would do more harm than good, the records of the debate in the United Nations would undoubtedly strengthen the growing moral, intellectual, political and religious pressure upon the Government of South Africa, which no Government could forever withstand.

31. Mr. GUDENUS (Austria) said that his country had always enjoyed friendly relations with the Republic of South Africa. He therefore regretted having to speak against the Government of that country because of its policies of "apartheid". Austria's position was based on the Austrian people's devotion to the principle of the freedom and dignity of all men, regardless of their race, and to the principle of equality before the law laid down in article 7 of its Constitution. That position was confirmed by the Universal Declaration of Human Rights and by the Charter. Austria was profoundly convinced of the need to convert those principles into living reality, and it had always opposed any form of discrimination. The recognition of the right to freedom and dignity for all was one of the proudest achievements of modern civilization. One of the foremost tasks of the United Nations was to secure the observance of that right, which all Member States were required to respect.

32. Mr. VALDES LARRAIN (Chile) said that it was unnecessary, after the long debates held for many years on the question of "apartheid", to give a detailed history of the racist measures enforced by the South African Government as part of its official policy. Since its achievement of independence, his country had always opposed every form of racial discrimination and had constantly advocated the equality of all men before the law. Chile had been the first country in South America to order the abolition of slavery, and as long ago as in 1811 its first political constitution had proclaimed the equality of all inhabitants of its territory. Since then, Chile had faithfully followed that policy, which was in accordance with the Charter of the Organization of American States, the American Declaration of the Rights and Duties of Man and the Declaration of Santiago, Chile of 1959. Chile therefore had the moral authority to express its opposition to the racial discrimination practised by the South African Government and to any discrimination to which other Governments might resort in retaliation.

33. Since the South African Government had refused to change its policy, it was the duty of the United Nations to take effective decisions which could promote a peaceful settlement. Some of the measures suggested might bring about temporary solutions which would be recorded as a political victory for a particular country or bloc, but the result would be to take the question out of the hands of the United Nations. But the Organization was competent to deal with the matter, and countries which had subscribed to the Charter were required to respect its provisions and to comply with decisions of the Assembly. To be effective, however, a decision must be within the powers of the organ adopting it, and any measure which was not fully consistent with the provisions of the Charter would set a dangerous precedent for the future. Moreover, Chile was opposed to any measure which would lead South Africa to withdraw from the

Organization, since that country would then be free to intensify its policy of racial discrimination and would be beyond the reach of any moderating influence. The various possible sanctions might, by paralysing the commercial and industrial life of the country, aggravate the situation and rally elements which were now hostile to the Government's policy of racial discrimination around it. An attack from outside always strengthened national unity within a country. Such an attack would weaken the efforts of the opposition groups, which were opposing the policy of "apartheid" by democratic methods in the most varied fields. Accordingly, means should be sought by which the South African authorities might be persuaded to change their position. Those who were trying to force through a single formula and saying that to vote for any other solution would be a sign of racist thinking were acting in a totalitarian spirit, since they could not conceive that a common purpose could be pursued by different means. Radical measures were not necessarily effective. Moreover, various encouraging signs, such as the achievement of independence by a growing number of African countries and the South African delegation's participation in the debate on "apartheid" at the sixteenth session, gave grounds for some optimism.

34. The South African delegation had had the opportunity to see the unanimity with which the most various countries had protested against policies of "apartheid". It was to be hoped that it would not be deaf to the voice of reason. Moreover, there were values, such as the right to freedom and self-determination, which were higher than the material benefits which the South African representative had mentioned in support of the policy of "apartheid". The South African Government had pleaded in self-justification that the United Nations was not applying the same standards to South Africa as it did to other countries. Certainly, the arbitrary behaviour of other States Members of the United Nations in trampling human rights underfoot encouraged South Africa in its policy; and all abuses, wherever they were committed, must be ended once and for all. However, the deplorable situation which might exist in certain countries should not prevent the Assembly from acting in the case of "apartheid". He hoped that racial segregation would one day be replaced by racial harmony, that the notion of the "coloured man" would disappear from the language of men. He regretted that certain representatives had spoken of the retribution which would one day be visited on African soil. Anyone who proposed to adopt an attitude which he criticized in others made his own criticism indefensible in principle. The Chilean delegation hoped that the decisions taken by the United Nations would soon help South Africa to find the way of human co-existence which other States were already following successfully.

The meeting rose at 5.35 p.m.