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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 75

Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa (A/4803 and Add.1, A/4817; A/SPC/L.76 and Add.1) (continued)

1. Mr. HASAN (Pakistan) said that the item before the Committee was but one side to the question of "apartheid", which the Committee had recently discussed. While discrimination against black South Africans was a violation of basic human rights, discrimination against South Africans of Indian and Pakistan origin violated not only human rights but also contractual obligations undertaken by South Africa to treat those persons as full citizens. The people concerned were descendants of settlers from various regions, now included in India and Pakistan, who had emigrated to South Africa during the second half of the nineteenth century. They had gone as indentured labourers to work on sugar plantations belonging to the whites, and had contributed to the prosperity of the latter. The conditions of their immigration had been the subject of agreements between the Government of India of the one part and the Government of Natal, and later of South Africa, of the other. In 1875, the Secretary of State for India, Lord Salisbury, had given a solemn assurance that the immigrants would have the full rights of free men in South Africa as soon as their contracts expired, and the Cape Town Agreement of 1927, reaffirmed and amplified in 1932, had recognized the claims of Indian settlers to better treatment.

2. The right of the United Nations to interest itself in the matter arose from the fact that South Africa, by discriminating against its citizens of Indian and Pakistan origin, was violating the United Nations Charter. The question was bound also to be one of concern to the Governments of Pakistan and of India as long as those persons were not given the full rights of citizens.

3. The half million or so persons of Indian or Pakistan origin in South Africa were subject to all the indignities and disabilities to which the black South Africans were subject, and in some respects their lot was even worse. They had no right to vote, and enjoyed no representation in the local, provincial or central legislative and administrative bodies of the country, though they had to obey the laws and pay the taxes decided by those bodies. Their right to engage in commerce or to exercise a profession was severely restricted; technical educa-

tion was reserved for the whites, and the policy of "job reservation" for the whites had seriously affected the interests of people of Indian and Pakistan origin. Since 1912, they had been prevented from acquiring agricultural land, and the 1946 Asiatic Land Tenure Act had confined them within certain small urban areas. Under the so-called Pegging Act persons of Indian and Pakistan origin were prohibited from buying homes in white neighbourhoods and the Government had promised to take greater care of their sections of the towns. Conditions in their neighbourhoods, however, had not improved. As a result of the Group Areas Act of 1950, which reserved certain areas for each ethnic group, people of Indian and Pakistan origin had often been obliged to abandon their ancestral homes and, at great financial loss, to sell them at depreciated prices. There was complete segregation in schools, hospitals, railways, railway stations, public parks, and restaurants, and men of Indian and Pakistan origin were sometimes arrested and fined if they tried to get served in white restaurants. South Africans of Indian and Pakistan origin were subject to one disability to which the Bantus were not subject: they were prohibited from moving from one province to another. They could not even visit another province without a permit, which was not easily obtainable. In fact, the only place in the world where a person of Indian or Pakistan race could sit next to a white South African with impunity was the United Nations. The entire policy was designed to bring hardship and humiliation to Pakistani and Indian settlers and was based on greed and arrogance.

4. Under operative paragraph 4 of resolution 1597 (XV), adopted by an overwhelming majority at the previous session, the Deputy Permanent Representative of Pakistan to the United Nations had addressed a letter, dated 20 June 1961, to the Acting Permanent Representative of the Republic of South Africa expressing the readiness of the Pakistan Government to enter into negotiations on the matter with the South African Government, without prejudice to the position adopted by the parties concerned in regard to the question of domestic jurisdiction (A/4817, para. 2). No response had been received to that communication, and it was clear that the South African Government was determined to persist in its infamous policies in complete disregard of world opinion and of the repeated resolutions of the General Assembly. In conclusion, the representative of Pakistan expressed his Government's gratitude to those delegations which had consistently identified themselves with the cause of Indian and Pakistani settlers in South Africa.

5. Mrs. CHURCH (United States of America) said that the discrimination practised against South Africans of Asian origin in a country which had been their homeland for many decades was, like all such racial policies, degrading not so much for the victims of the policies as for those who supported and condoned such policies. The people of the United States were well aware that the problems of coexistence between dif-

ferent races could prove difficult to solve, but what was important was that determined and unrelenting efforts should be made to achieve greater racial harmony. Much of the strength of the United States had been derived from the integration of the efforts of people of widely different national origins and races, and the United States would continue to strive towards achieving its goals in that regard. South Africans of Indian and Pakistan origin had made an important contribution to the life of South Africa and they would contribute still more if they were permitted to live in an atmosphere of racial equality and brotherhood. South Africa would gain from ever closer partnership between all the resident races in science, the arts, politics, education and every form of daily life.

6. The ideal solution would be for the South African Government, of its own accord, to take action to remedy the injustices in question, but it was clearly not possible to hope for such a result. Draft resolution A/SPC/L.76 and Add.1 proposed a course which, if successful, would at least initiate an improvement of the situation of South Africans of Indian and Pakistan origin. That draft resolution was similar to the resolution passed at the previous session by the General Assembly (1597 (XV)), which had unfortunately met with no result. The Indian and Pakistan Governments had both informed the South African Government that they were prepared to enter into negotiations in accordance with that resolution, but South Africa had ignored those approaches as well as the diplomatic approaches of other Member States. Her delegation urged the Indian and Pakistan Governments to continue their patient efforts. Some delegations had expressed doubts regarding the usefulness of passing resolutions year after year when there was little indication that they would be heeded, but the United States delegation adhered to the view that no ruling group could long resist the pressure of the world's conscience. It should be stressed that the United States opposed violation of human rights wherever such violation occurred, and not only in South Africa. The subject before the Committee, however, was the racial policy of South Africa, and the United States Government and the American people would not cease to raise their voices in support of freedom and equality, convinced that those ideals would eventually triumph in South Africa.

7. Mr. NAYERI (Iran) observed that South Africa's claim to be able to invoke Article 2, paragraph 7 of the Charter to rule out discussion of the item now under consideration had been rejected by an overwhelming majority in the Committee when raised in connexion with the discussion of "apartheid" as a whole. That majority had represented more than 2,000 million of the earth's inhabitants, of all races, colours, creeds and political ideologies. It was hard to believe that they could all be in the wrong and only South Africa in the right. At a time when the notion of national independence was being superseded by that of international interdependence South Africa's stubborn refusal to recognize its obligations to the United Nations in general, and to two of its Members in particular, was incomprehensible.

8. He recalled that persons of Indian and Indo-Pakistani origin had first come to South Africa in the latter half of the nineteenth century as indentured labourers at the request of the South African Government itself and that their contracts had stipulated that if they wished to remain when their periods of service had expired they would be free to take up any occupation and would not be subject to discrimination of any kind.

From the outset, however, the South African Government had disregarded those undertakings and the discriminatory measures which it had in fact imposed on them had led to Mahatma Gandhi's campaign of passive resistance, culminating in the signing of the Smuts-Gandhi Agreement of 1914. Yet that too had soon been violated by the Union Government and the continuing unsatisfactory situation had led the British Secretary of State for India to make the statement referred to at the fifteenth session by the Indian representative^{1/} to the effect that there could be no justification for prohibiting a whole class of persons from engaging in certain occupations, particularly if, as in the case under consideration, they or their forebears had come to South Africa in the first place at the request of its Government. With the signing of the Cape Town Agreement between the Governments of India and the Union of South Africa in 1927 it had appeared that the situation was finally to be rectified but that instrument too had remained a dead letter.

9. The South African Government was only too ready to invoke the Charter if it appeared that one of its provisions could be made to serve the purposes of "apartheid", but it refused to recognize that under the terms of that same international instrument it had an obligation to ensure to all its citizens the exercise of human rights and fundamental freedoms without distinction as to race. It would be difficult to find another case in the history of international relations in which a State violating its obligations had been dealt with in so patient and conciliatory a manner. The Governments of India (A/4803/Add.1) and Pakistan (A/4817), while entertaining no doubts whatsoever that the matter came within the jurisdiction of the United Nations, had expressly stated that the negotiations with the South African Government which they proposed would be without prejudice to the position adopted by any of the parties concerned in respect of the issue of domestic jurisdiction under Article 2, paragraph 7 of the Charter. The draft resolution now before the Committee (A/SPC/L.76 and Add.1), of which his delegation was a co-sponsor, was likewise conciliatory in tone and did not differ markedly from the one adopted at the previous session. He hoped that the South African Government would heed that appeal before it was too late.

10. Mr. AMONOO (Ghana) said that he did not intend to give a detailed account of the atrocities perpetrated in South Africa against the people of Indian and Indo-Pakistan origin, since he had described them at considerable length at the thirteenth session^{2/} and the statements made by the representatives of India and Pakistan at the current session had covered the matter fully. The only new development was that the South African Government now proposed to set up special homelands for those groups along the lines of the "Bantustans" established for the African inhabitants. His country would have preferred a much stronger draft resolution than the one contained in document A/SPC/L.76 and Add.1 but it had agreed to sponsor the latter in the hope that the Government of South Africa would respond to a conciliatory approach and take steps to improve the lot of the people of Indian and Indo-Pakistan origin in that country, thereby moving towards a solution of the "apartheid" issue as a whole. He appealed to the delegations of France and the United

^{1/} Official Records of the General Assembly, Fifteenth Session, Special Political Committee, 227th meeting.

^{2/} Ibid., Thirteenth Session, Special Political Committee, 123rd meeting.

Kingdom not to abstain when the draft resolution was put to the vote, as they had done during the previous session,^{3/} for that action would be interpreted by his

country as helping South Africa to continue applying its present inhuman and barbarous policies.

^{3/} Ibid., Fifteenth Session, Special Political Committee, 231st meeting.

The meeting rose at 11.45 a.m.