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Chairman : Mr. Selim SÄRPER (Turkey).

Organization of the work of the Committee

1. Mr. COOPER (United States of America), speaking on a point of order, expressed opposition to certain comments made by the Polish representative in connexion with the statement he had made on behalf of the United States delegation at the 26th meeting, and his disagreement with certain inferences which that representative had seemed to draw from it.

2. Acting upon a proposal from the Chairman, the Committee had decided to allow representatives to speak for five minutes to explain their votes. The Polish representative had then objected, declaring that he had been deprived of the opportunity to speak, and had made a proposal for adjournment which had been overwhelmingly defeated.

3. The sole reason for the United States suggestion that the Polish representative should be allowed to speak had been that France, the United Kingdom and the United States had, in the draft resolution before the Committee (A/AC.53/L.11/Rev.2), proposed Poland as a member of the commission envisaged in that draft and had wished to hear Poland's views on their proposal. He thought that the Polish representative had drawn from that fact inferences which he had no right to draw, particularly when he had implied that the statements of certain members of the Committee had amounted to an endorsement of his stand, especially in relation to his challenge to the Chairman.

4. The United States representative emphasized that his delegation would not permit such inferences and opposed the Polish representative's statements, which had in fact been repudiated by the Committee when it voted against his motion to adjourn.

5. Mr. Cooper expressed the conviction that the Chairman had acted correctly, and paid a tribute to his restraint and courtesy. The United States delegation had, on the previous day, as throughout the Committee's session, felt the greatest confidence in the Chairman's purposes and in the fairness of his rulings.

6. Mr. GUACHALLA (Bolivia), speaking on a point of order, expressed his delegation's confidence in the

Chairman, who had presided over the Committee's debates with intelligence and probity.

7. Mr. DIHIGO (Cuba) associated himself with those observations, and thought that he interpreted the feelings of a large majority of the Committee when he expressed his delegation's complete confidence in the Chairman.

8. Mr. PIMENTEL BRANDAO (Brazil) fully concurred with the statements made by the previous speakers. But for the unwarranted remarks made by the Polish representative, it would have been superfluous to restate the Brazilian delegation's confidence in the Chairman's conduct of the work of the Committee. His delegation wished to renew its assurances of confidence in the Chairman.

9. Mr. DEVINAT (France) likewise expressed his full confidence in and support of the Chairman.

10. Mr. FISCHER (Israel) expressed his delegation's appreciation of the dignified and competent way in which the Chairman discharged his difficult task.

11. Sir Gladwyn JEBB (United Kingdom) thought that all chairmen of committees, in obedience to their desire to make the committees get on with their work, were obliged to do certain unpopular things. He had on the previous day initially supported the Chairman's ruling that all speeches should be limited to five minutes, but he had felt that the Polish representative was perhaps in a special position. The fact that the Committee had revised its decision later was not the slightest reflection on the Chairman. Perhaps owing to the heat of the debate the representative of Poland had uttered certain totally unjustified statements which he might probably regret upon reflection. The vast majority of the Committee certainly did not agree with those statements.

12. Mr. PATIJN (Netherlands) said that his delegation was convinced that the Chairman had been perfectly right in his ruling of the previous day. The unusual submission of a joint proposal by the United States and the USSR, added to the fact that Poland had been invited to serve on the commission of investigation, had

caused him to vote for the motion to give Mr. Katz-Suchy time to reply. He very much regretted that that time had been entirely taken up with the usual attacks, which had proved once again that Mr. Katz-Suchy was not prepared to handle the General Assembly's affairs in a business-like way.

13. Mr. Patijn took the opportunity to express his confidence in the Chairman and the hope that the Committee would continue under Mr. Sarper's able direction.

14. Mr. CORNER (New Zealand) expressed his delegation's complete confidence in the Chairman's impartiality and its admiration for his behaviour in face of what seemed to be a campaign of provocation.

15. Mr. SEVILLA SACASA (Nicaragua) wished it to be recorded that his delegation had full confidence in Mr. Sarper's chairmanship.

16. Mr. NISOT (Belgium) wished, on behalf of his delegation, to associate himself with the statements that had been made in the Committee, and to reiterate his confidence in the Chairman's ability, tact and impartiality.

17. MOSTAFA Bey (Egypt) paid tribute to the courteous way in which the Chairman conducted the Committee's business. It was a great pleasure to him to express his delegation's satisfaction with the manner in which the Chair carried out its difficult task.

18. Mr. LEWANDOWSKI (Poland) pointed out that, since the points of order raised in the Committee concerned Mr. Katz-Suchy personally, he could not make any statement in connexion with them. He wished to reserve Mr. Katz-Suchy's right to reply to all remarks which concerned him personally when the proceedings of the Economic and Social Council enabled him to do so.

19. Mr. JOOSTE (Union of South Africa) said that his delegation would like to place on record that its vote on the previous day should not be regarded as detracting in any way from the complete confidence it held in the Chairman and from its great personal regard for him.

20. Mr. HYLE (Czechoslovakia) could not agree with the tributes paid to the Chairman by so many members of the Committee. It had appeared to him quite clearly on the previous day that the Chairman had proposed a five-minute limit and had started the voting in utter disregard of the Polish representative's request.

21. The CHAIRMAN said that it was a great honour to him and to his country that he had been chosen as Chairman of the *Ad Hoc* Political Committee. That Committee had to deal with many controversial items, sometimes arousing acrimonious discussions. He knew that it was impossible for the Chairman to satisfy everybody on every occasion, but he had always tried to be impartial and unbiased. If he had sometimes been mistaken, he apologized. He thanked the members of the Committee for the friendly words spoken on his behalf and said that the matter was perhaps not so important as it appeared.

22. Mr. SOLDATOV (Union of Soviet Socialist Republics), speaking on a point of order, said that he had not been present at the previous day's meeting, and that

he had felt obliged to listen to all the speakers who had taken the floor and to the Chairman before he himself spoke.

23. His delegation wished to place on record the following opinion. It considered unwarranted the attacks made by some representatives on the Polish representative, who had been fully entitled to speak as he did and to express his delegation's opinion on the Chairman's attitude. The Soviet Union delegation could not associate itself with the unreserved praise expressed by some delegations for the Chairman's conduct of the Committee's business. The Chairman had stated that he could not meet the wishes of all members of the Committee, and had by that very statement proved that he was not always impartial. That attitude revealed itself particularly in connexion with those delegations which very frequently found themselves in the minority. The Chairman's unwarranted partiality was clearly evidenced in his behaviour towards the Polish representative.

24. The chairman of a committee should conduct that committee's business without evincing any political or other bias, and should not interfere with the work of any of the delegations. The Chairman had once again revealed his partiality at the present meeting, in which slanderous attacks had been made on Mr. Katz-Suchy in his absence and the speakers had not been called to order.

25. In the circumstances, the USSR delegation felt bound to clarify its position and to declare that the Chairman's behaviour both at the present meeting and on the previous day had lacked objectivity, and that he had not demonstrated the requisite respect for all the delegations represented on the Committee, regardless of his own political opinions. The USSR delegation fully supported the Polish representative and his statement of the previous day and considered that the attacks made upon him that morning in his absence were entirely unwarranted. It also felt that the Chair was acting incorrectly in allowing the Committee to be used as a forum to slander the Polish representative. It was to be hoped that the Chairman would draw the necessary conclusions from the manner in which he had allowed the Committee to conduct the present meeting, and would be guided in future by considerations of impartiality.

26. The Chairman had said that he could not meet the wishes of all members of the Committee, but that was the very reason why a chairman was necessary. It was outside the province of the Chair to consider the substance of the political issues dealt with by the Committee; and it was the duty of the Chair to conduct the Committee's business correctly and to prevent insults to delegations, particularly when the representatives referred to were absent.

27. Mr. Soldatov reserved the right to speak again on the point if the need arose.

28. MOSTAFA Bey (Egypt), speaking on a point of order, asked the Chairman's permission to refer once again to the position on the agenda of the item concerning Libya. Several delegations had already expressed the wish to grant priority to that question,

in view of its urgency and of the imminence of the date set for the proclamation of Libyan independence. There had even been rumours that Libyan independence would be proclaimed that very day.

29. Discussion of the item had not originally been given priority because all the necessary documents had not been available; but the only document which still had not been submitted was the United Kingdom report on Tripolitania. The elements necessary for consideration of the question were therefore to hand.

30. It was the Committee's duty to ascertain the way in which Libya would accede to independence, and how General Assembly resolution 289 (IV) concerning Libya had been implemented. The Egyptian representative suggested that the Secretariat should invite the United Nations Commissioner in Libya to come to Paris without delay to report to the Committee, which should open debate on the item as soon as he arrived. Conditions in Libya on the eve of its independence were deteriorating. In support of that assertion he read a cable from Bashir as-Saadawi, President of the Libyan National Congress, who stated that the will of the Libyan people would never be truly expressed by elections not held under United Nations control to prevent falsification by the present temporary government and the British authorities.

31. In the circumstances, his delegation wished to express specific reservations as to the legality of the measures being taken in Libya, and to reserve its right to take up the question again in detail when the Committee discussed the substance of the Libyan question.

32. Mr. TABIBI (Afghanistan) supported the proposal put forward by the representative of Egypt. His delegation, which had already urged the need to give priority to the Libyan question in view of the date set for the proclamation of that country's independence, had also received a copy of the cable just read by the Egyptian representative. He felt that the situation called for urgent consideration by the *Ad Hoc* Political Committee.

33. Mr. NEHRU (India) wished, first of all, to associate himself with the tribute paid to the Chairman's impartiality. He wished to place before the Committee some considerations which might enable it to reach a correct decision on the Egyptian proposal. First, although the item on the treatment of people of Indian origin in the Union of South Africa had been before every General Assembly session in the past four years, it was a question of vital importance to the Indian delegation and, he thought, to all the Committee members. He felt, therefore, that it should not be considered piecemeal; and since only two meetings were to be held before the Christmas recess, it might be advisable to postpone the discussion till after Christmas.

34. The Egyptian and Afghanistan representatives had clearly revealed the importance and urgency of certain aspects of the Libyan question, and he did not feel called upon to deal with that point. In view of its urgency, and the need for a continuous debate on the South African issue, his delegation proposed that the Libyan issue should be taken up first and that the South African question should be dealt with after Christmas.

35. Sir Gladwyn JEBB (United Kingdom) felt that the Committee should adhere to its agenda and proceed to the next item, which was the question of the treatment of persons of Indian origin in the Union of South Africa. He saw no reason why continuous consideration should be given to that item. Proposals to give priority to the Libyan question had twice before been made in the Committee, and his delegation was opposed to doing so. All the documentary material on the Libyan question was not yet available, whereas it would be available after the Christmas recess, during which Committee members would have an opportunity to read it. His concrete suggestion was that the Committee should retain the present order of its agenda.

36. The statement made by the Egyptian representative concerning the United Kingdom's report was not quite correct, since the report was already in the hands of the Secretariat, although Sir Gladwyn believed it had not yet been printed and circulated. He hoped that that might be done before the Christmas recess. The United Nations Commissioner had stated that he proposed to submit a further report for the period after 27 October; that would be available early in January, and members of the Committee ought to have an opportunity to examine it.

37. Sir Gladwyn denied insinuations that the United Kingdom was trying to delay the granting of independence to Libya. Libya would become independent by 1 January 1952, as required by the General Assembly resolution, and no debates in the Committee would affect that issue. He assured the Committee that the United Kingdom Government was giving effect to the General Assembly's decision and that there was nothing to prevent Libya from becoming an independent State by 1 January.

38. Since, as the Egyptian representative had pointed out, the United Nations Commissioner in Libya had not yet arrived in Paris, it would appear inopportune to start discussion of that admittedly complicated item before Christmas.

39. Mr. JOOSTE (Union of South Africa) thought that since his delegation was concerned with the Indian question he should indicate its attitude with regard to the various proposals that had been made. The South African delegation did not wish that item to be discussed at all, but since it was on the agenda, his delegation was indifferent to the point at which the item was discussed.

40. MOSTAFA Bey (Egypt) said that he had not intended to change the order of the items on the agenda, but merely to suggest that the United Nations Commissioner should be invited to come before the Committee and make a statement to furnish full information on the implementation of the General Assembly resolutions on Libya.

41. The CHAIRMAN said that he would consult the Secretariat on the invitation to the United Nations Commissioner in Libya and inform the Committee of the results.

42. Mr. NEHRU (India), in reply to a question from the CHAIRMAN, said that he had not made a formal proposal. He had thought that the Egyptian repre-

sentative wished to change the order of the items on the agenda. If it were the wish of the Committee to deal at once with the South African issue he was prepared to do so.

43. Mr. KATZ-SUCHY (Poland), resuming his seat at the Committee table, reverted to the earlier discussion regarding the conduct of the previous meeting and deplored the attacks directed against him in his absence.

44. The numerous pledges of full confidence in the Chairman, which appeared to have been orchestrated by the United States representative, compelled him to assert that his own position at the previous meeting had been fully justified by the Chairman's behaviour. He had defended the right of Poland, as a Member of the United Nations, to express its opinion freely. The Polish delegation would neither countenance criticism of that right nor yield it in any circumstances. Its position was entirely in conformity with the rules of procedure and with the ordinary rules governing the conduct of business. His delegation had been satisfied by the Committee's vote in support of its position and was prepared to consider the incident closed. Mr. Katz-Suchy added that his remarks had not been directed personally against anyone, and that the matter had been as unpleasant to the Polish delegation as to the Chairman.

45. The CHAIRMAN appreciated the Polish representative's recognition of the disagreeable nature of the incident.

Treatment of people of Indian origin in the Union of South Africa (A/1787, A/1794, A/1795, A/AC.53/L.20)

[Item 25]*

46. Mr. JOOSTE (Union of South Africa) recalled that despite South Africa's repeated protests based on Article 2, paragraph 7, of the Charter, the General Assembly had dealt with the item before the Committee at successive sessions and appeared to take for granted its competence to continue to do so. Not only did its action deprive South Africa of rights explicitly reserved to it under the Charter but its effect was to impede solution of a problem which could best be settled by the parties directly concerned.

47. In the past, United Nations debate on the question had been characterized by ill-informed criticism and open hostility. It had demonstrated the danger incurred by all Member States through United Nations interference in matters exclusively within their own jurisdiction; it must inevitably create a situation where no Member State could rely on the Charter guarantees to protect it against a campaign of vilification launched under the aegis of the United Nations to serve selfish political ends. Such interference had in the past threatened to disrupt friendly relations between States. Fortunately, attempts in that direction had not always been successful and in at least one case the United Nations had refused to exceed its competence under the Charter provisions. Those provisions were applicable

to all Member States, and obviously no exception should be made to protect any one while denying equal protection to another. South Africa hoped that the Committee would concur in that view.

48. Without prejudice to his Government's clearly-stated legal position, Mr. Jooste reviewed the developments in the situation under discussion since the adoption of General Assembly resolution 395 (V) of 2 December 1950. South Africa had refused to accept that resolution as a basis for a round-table conference and had rejected the proposal for the establishment of a three-member commission to assist in negotiations between the parties. Nevertheless, it had expressed willingness to participate in a round-table conference on the basis of the formula agreed upon by the three States concerned at Capetown in February 1950, on the understanding that the holding of such a conference would not involve any departure from or prejudice to the position of the respective Governments regarding the question of domestic jurisdiction. The Government of Pakistan had agreed to take part in such a conference on the basis of the Capetown agreement and had suggested that it should be convened in Karachi or at United Nations Headquarters in New York at the end of March 1951. The Government of India, on the other hand, had declined to take part in the conference on the basis of that agreement and had requested the South African Government to reconsider its position. South Africa had been unable to accede to that unilateral request, and India had consequently brought the matter once again before the United Nations.

49. India clearly bore responsibility for the failure to hold the proposed conference, as a result of its insistence that South Africa should abandon its position on the domestic jurisdiction issue. The Group Areas Act, an essential element of India's complaint against the South African Government, had come into operation only after the breakdown of negotiations on the convening of the round-table conference. No group area had as yet been declared under that Act. Moreover, South Africa reaffirmed its willingness to hold the proposed conference on the basis of the Capetown agreement, despite India's unilateral action, as proof of its desire for an amicable settlement of the dispute. Only on that basis could the South African Government reasonably enter into negotiations. Further discussion in the United Nations would not bring the problem any closer to a solution.

50. Mr. NEHRU (India) reviewed the background of the situation which had led his Government to seek United Nations assistance in negotiating with the Union of South Africa to ensure proper treatment and adequate living conditions for the 300,000 persons of Indian origin residing in that country. That minority, descendants of immigrants who had been given firm guarantees of equal rights with all other subjects and who had developed a viable community by their labour and skill, had been subjected for many years to pressures, exploitation and open racial discrimination. Early in the century Mahatma Gandhi had organized one of the first successful movements of passive resistance to combat that discrimination. Nevertheless, the South African

* Indicates the item number on the General Assembly agenda.

Government had consistently failed to fulfil past promises and was imposing upon the Indian minority a social, economic and political régime designed to reduce it to utter subjection. Even before the Malan Government had assumed power, Indians had been described as unassimilable foreigners and their repatriation had been demanded. It was difficult to conceive that, after a war fought partially to abolish racial discrimination, the present South African Government should continue to reject all pleas to desist from oppression of the non-white population.

51. Persons of Indian origin in South Africa were denied the most elementary social and political rights. For example, they could not hold public office or find employment in factories; their freedom of movement was restricted; they were subjected to segregation and discrimination in the use of public facilities and admission to schools and universities; marriage with persons of other races was punishable by law. In addition, their economic life was being brought progressively to a standstill. They had been forced to confine their trade to certain reserved sectors, and under the Asiatic Land Tenure Amendment Act of 1949, they had been prohibited from occupying new land or premises in many districts even for commercial purposes. The Group Areas Act of 1950 compulsorily established separate group areas for different racial groups. Ownership rights were subject to severe restrictions and Indians owning property or engaged in business would have to shift into new areas. They could trade only in areas reserved to their group. Thus, their economic position would be drastically undermined, for they would be forced to supply the needs of a small community only and be deprived of normal markets. Finally, their social situation would deteriorate, because the areas reserved for them offered only inferior amenities and untenable living and working conditions.

52. Mr. Nehru recalled the various Assembly resolutions on the issue and explained why they had remained without effect. They constituted ample proof that the United Nations did not view the discriminatory measures imposed by the South African Government as a matter of domestic jurisdiction. The international significance of those measures had been recognized; they were clear violations of the principles of the Charter and could not fail to impair friendly relations between the States concerned. India had consistently endeavoured to conform to the international obligations assumed under agreements with South Africa, and to resolve the problem in conformity with the Charter and the Universal Declaration of Human Rights as recommended by the General Assembly. South Africa, on the contrary, had rejected the Assembly resolutions as a basis for holding the proposed round-table conference. Moreover, it had refused to delay the enforcement of discriminatory measures pending the conclusion of negotiations, and had insisted that the preliminary agreement reached at Capetown in 1950 should be the sole basis for such negotiations. Finally, on 30 March 1951, the South African Government had taken action

to bring into force the Group Areas Act, despite the injunctions of the General Assembly's resolution of 1950.

53. The South African representative had attempted to prove that a divergence of opinion existed between India and Pakistan on the holding of the round-table conference. Undoubtedly the representative of Pakistan would clarify that charge. India was prepared to take part in a round-table conference only on the basis of the General Assembly's resolutions.

54. The legal and other measures directed against the Indian community in South Africa contravened the guarantees of equal rights, freedom and non-discrimination proclaimed by the Charter. The non-white inhabitants of South Africa were being made victims of the retrograde policy of the South African Government. That policy must necessarily engender political tensions likely to imperil peace. In the view of the vast majority of Asians and Africans, South Africa represented western civilization and was grouped with the Western Powers. If its discriminatory policies were permitted to flourish free from censure by the western democracies, the Asian and African peoples could give little credence to the avowed desire of the West to unite for peace and to achieve collective security based on respect for human rights and fundamental freedoms. A Member State associated with the West was openly flouting those objectives and indirectly threatening world peace. If the United Nations were not to accept defeat and endanger its very future, it must continue its efforts to persuade South Africa to observe the principles of the Charter and to put an end to its present policy. It must continue to exert the strongest possible moral pressure on the South African Government.

55. For that reason India, together with several other States, was sponsoring a draft resolution (A/AC.53/L.20) intended to give effect to one of the recommendations contained in General Assembly resolution 395 (V). India was confident that all Member States would join in a common effort to persuade South Africa to accede to that proposal in the interests of peace.

56. Mr. KYROU (Greece) regretfully recalled the bitterness which had characterized earlier debates on the issue under consideration and the disappointing record of past United Nations efforts to settle it. He deplored the tendency of the General Assembly to assume in the case the sterile role of judge rather than the more constructive role of conciliator. Mr. Kyrou appealed to the Committee to adopt a common sense attitude and to attempt only the possible and the practicable. Had the Assembly at its fifth session confined itself to asking the parties concerned to negotiate on the basis of the agreed preliminary formula, its request might have borne fruit. By adding conditions and setting itself up as a court, it had doomed its resolution in advance to failure and opened the way for the South African charge of interference under Article 2, paragraph 7, of the Charter. The only course for the parties at the present stage was to reach an amicable settlement by direct negotiation.

The meeting rose at 12.45 p.m.