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TWELFTH SESSION

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Chairman: Mr. Emilio ARENALES CATALAN
(Guatemala).

AGENDA ITEM 60

The question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa (A/3628 and Add.1, A/SPC/L.18 and Add.1) (continued)

1. The CHAIRMAN announced that Libya, Pakistan and Sudan had joined the sponsors of the draft resolution on the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa (A/SPC/L.18).

2. Mr. RODRIGUEZ FABREGAT (Uruguay) said that the policies of apartheid adopted by the Government of the Union of South Africa had perhaps one virtue, namely that they had evoked from the other peoples of the world represented in the United Nations a unanimity of condemnation that marked a great step forward in human solidarity. The absence of the Union of South Africa could not protect the Union Government from the knowledge that the conscience of the whole world had been aroused by its discriminatory and inhumane policy. In condemning that policy, the representatives of the Asian and African countries, which had a special interest in the matter, had themselves shown no signs of animosity towards the Union. The keynote of the discussion, set by the representative of India, had been one of moderation and of trust in the future. The seeds of hatred sown by the Union Government would have no harvest in the world at large.

3. He deeply regretted that the Government of the Union of South Africa had again chosen to absent itself from the discussion, on the familiar ground that the General Assembly was prohibited by Article 2, paragraph 7, of the Charter of the United Nations from taking up a matter which was essentially within its domestic jurisdiction. He deplored even more the continued refusal of the Union Government to comply with its obligations under the Charter of the United Nations and the Universal Declaration of Human Rights, to which it was a signatory. Since the previous session of the Assembly, the Union Government had adopted even more stringent legislation in matters of land-ownership and education, to the detriment of the non-white population. The apartheid laws were a travesty of social legislation when compared with the enlighten-

ed provisions in force in such notable multiracial societies as Brazil and, indeed, Latin America generally. The heritage of racial tolerance left by Spain and Portugal, particularly in the all-important field of education, was one of the glories of the age of discovery.

4. The United Nations must not accept the Union Government's plea of domestic jurisdiction in matters of human rights. It could not condemn violations of human rights in Hungary only to condone them in South Africa. He could not agree that Article 2, paragraph 7, of the Charter affirmed the supremacy of domestic jurisdiction; on the contrary, it affirmed the new concept of international jurisdiction. As the Colombian representative had rightly pointed out at the previous meeting, through its incorporation in the Charter, the principle of respect for human rights had become a part of international law. The noble ideals expressed in the Preamble to the Charter must put to shame any Government of any Member State which deliberately cast aside the principles for which the peoples had fought and sacrificed in the Second World War and allowed racist theories to dictate its social system.

5. The problem facing the Union Government was no easy one but, unlike Governments elsewhere, it was making no effort to solve it on rational, humane and democratic lines. Some part of the compassion which the world felt in the face of the racial persecution in South Africa must go not to those who suffered the consequences of apartheid but to those misguided men who sought to impose it and to stem the inexorable tide of time and history.

6. A number of speakers had suggested possible courses of action which the General Assembly might take at its twelfth session in its effort to settle the question of racial conflict in South Africa. Twenty-nine countries, of which Uruguay was one, had joined in sponsoring the draft resolution, appealing once more to the Government of the Union of South Africa to revise its policy in the light of the Purposes and Principles of the Charter and of world opinion. That was the very least the Assembly could do, and the appeal could well be strengthened and made more specific. The suggestions made by the Peruvian representative at the previous meeting merited careful study, but in the meantime the Assembly must adopt a position of principle, along the lines of the draft resolution. It must also maintain the item on its agenda, not only in order to persuade the Union Government to revise its policies but also to demonstrate to the world, through its discussions, that racial discrimination was fighting its last losing battle—that South Africa was the last stronghold of that racism which the peoples of the world had united to destroy.

7. In conclusion, he expressed the hope that the non-white people of South Africa would one day come into

their own and join with their white fellow-countrymen in contributing to the growth of a true democracy founded upon the doctrine of the equality of all men before the law.

8. Mr. WELLS (United States of America) said that the United States had been founded upon the belief that it was the function of government to protect the rights of all to life, liberty and the pursuit of happiness, and basic civil rights were safeguarded by the Federal Constitution. Many nations shared that belief, and it was enshrined in the Charter of the United Nations.

9. The population of the United States had always comprised many national strains and religious beliefs and its very diversity had proved of immense value in the development of the country. The United States knew from experience how difficult it was to convert ideals into reality and that it could only be done gradually. Although the American Declaration of Independence had proclaimed that all men were created free and equal, the Emancipation Proclamation by President Lincoln had not been made until eighty-seven years later and the Government, private organizations and individuals were still working to ensure the full enjoyment of civil rights by all the country's citizens. But, however deeply prejudices were engrained and however difficult a task it might prove to guarantee basic human rights to all peoples everywhere, there should be no controversy as to the right path to follow.

10. The policies adopted by the Government of the Union of South Africa to deal with its racial problems had been attacked in the Special Political Committee because they were discriminatory inasmuch as they imposed segregation and were intended to perpetuate white supremacy; the Union Government claimed that segregation was neither discriminatory nor oppressive and was the best solution of a difficult problem. The Government of the United States, while deploring the apartheid policies practised in South Africa, felt that since other Governments also deliberately deprived their citizens of basic human rights and freedoms, the best way for the United Nations to tackle the problem would be to consider the larger problem of race relations throughout the world.

11. Although the United Nations was handicapped by its limited powers, it could help to spread human freedoms by positive studies and recommendations. The Assembly could lay down standards which Member States should strive to attain in the field of fundamental freedoms. Indeed, it had already done so; General Assembly resolution 616 B (VII) declared that in a multiracial society harmony and respect for human rights and freedoms and the peaceful development of a unified community were best assured when patterns of legislation and practice were directed towards ensuring equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups was on a basis of equality. The same resolution also declared that governmental policies of Member States which were not directed towards those goals were inconsistent with their obligations under the Charter, and called upon all Member States to bring their policies into conformity with those obligations.

12. Although the question of race conflict in South Africa resulting from the Union Government's apartheid policies had been before the Committee for six years, its discussions and resolutions had produced no

practical results, and no progress could be made unless the Union Government co-operated. Yet the fact that there had been a forthright and representative presentation of the views of Member States during the current debates might perhaps promote a constructive approach to a difficult problem.

13. Mr. KARUNATILLEKE (Ceylon) said that ever since the apartheid policies of the Government of the Union of South Africa first came before it the General Assembly had consistently made clear its disapproval of what that Government claimed was the best solution of the racial problems of South Africa. The Union Government had as consistently ignored the resolutions adopted by the General Assembly.

14. To those who contended that there was some validity in the argument of the Union Government that apartheid was the best solution, he would point out that Mr. Malan, one of the chief exponents of apartheid, had claimed that the difference in colour between the white and non-white inhabitants of the Union was merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization, between heathenism and Christianity, and finally between overwhelming numerical odds on the one hand and insignificant numbers on the other.

15. Such an approach was liable to engender hatred and in the context of a resurgent Africa could lead to conflict. The United Nations had been founded to prevent a re-emergence of the dark forces of discrimination and exploitation, which brought in their wake dissension and conflict, and therefore had a grave responsibility in regard to the situation in South Africa.

16. The Government of the Union of South Africa, in defiance of the Purposes and Principles of the United Nations Charter and the Universal Declaration of Human Rights, was pursuing a policy far worse than the racist policies of the nazi régime, and it was the duty of the United Nations to warn the Union Government of the dangers inherent therein.

17. His delegation was surprised that certain representatives should have referred to the caste system in India and Ceylon as being in any way comparable with the racial situation in South Africa. The position was entirely different. Both countries had passed legislation making it a criminal offence to discriminate against any human being because of his caste or creed. Members of the scheduled castes currently held high government offices. Had the Union Government made even the slightest attempt to eradicate inequalities along such lines, the Committee would not be discussing its racial policy.

18. He regretted that there seemed to be a tendency among certain delegations to soft-pedal the whole issue on the grounds that the United Nations had so far been unsuccessful in its attempt to persuade the Union Government to change its policy and that nothing could be done without its co-operation. Nations advocating such an approach were applying double standards and forgetting that democracy, liberty and independence were ideals to which all peoples aspired.

19. If there was any hope of the Union Government working out a gradual solution, the Assembly could drop the subject. But there was no question of such progress. The situation was deteriorating rapidly, many new legislative and executive measures had been introduced, all of them aggravating the degradation of the non-white population of the Union.

20. The position of the non-white population of South Africa would have been even worse than it currently was had the United Nations ceased to concern itself with the issue. For that reason his delegation was convinced that the item should remain on the agenda of the General Assembly. The third report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2953) had stated that there was some evidence of a slowing down in the introduction of legislation to carry out the Union Government's apartheid policies as a consequence of its awareness of world opinion on the subject. The United Nations, whose competence to deal with the problem had been conclusively proved, was under a moral obligation to continue to press the Union Government to modify its policy. The Committee had in the past exercised moderation in the wording of its draft resolutions, calling not for any particular policy but merely for a reversal of the Union Government's apartheid policies.

21. His delegation believed that with the discontinuance of the United Nations Commission on the Racial Situation in the Union of South Africa, the Committee was inadequately informed about developments there. After consultation with other delegations, it therefore proposed to submit a draft resolution requesting the Secretariat to prepare a factual report on developments from session to session so that the General Assembly might have up-to-date information at its disposal.

22. Ato Gebre-Meskel KIFLE-EGZY (Ethiopia) pointed out that in an era when nations of different ethnic, religious, cultural and linguistic backgrounds, with divergent political, social and economic systems and at varying stages of development, were devoting their efforts to finding ways of living together in peace and harmony, the Government of the Union of South Africa appeared determined to persist in its dangerous policy of racial discrimination. The policy it was pursuing could not, as it claimed, result in harmony between the people of European origin and those of African origin, since its purpose, as it had indeed admitted, was to prevent the progress and development of the non-European population. The most callous disregard for human dignity was evident in the implementation of that policy. When similar racial policies had been pursued in the past, those who had suffered from them had reacted violently.

23. It was the view of the Union Government that the policy of perpetual domination of Africans by Europeans should not only be maintained within its own territory but should extend to other areas of the continent as well. It had stated that it would not tolerate the creation of independent African States along its borders. Such an attitude could not promote good relations between the Union of South Africa and other sovereign States in Africa, and it could have far-reaching repercussions.

24. The United Nations, whose recommendations had been persistently ignored by the Union Government, had to consider its future course of action. In his view, failure to face up to the problem would encourage the Union Government in its attitude. His delegation would support any draft resolution designed to put an end to the existing situation and to facilitate a solution of the problem.

25. Mr. ALI KHAN (Pakistan) noted that at past sessions of the General Assembly the delegation of the

Union of South Africa had criticized the Committee for examining what it had alleged to be inaccurate information concerning its Government's apartheid policies. The Government of the Union of South Africa might usefully have explained its difficulties to the United Nations Commission on the Racial Situation in the Union of South Africa or, for that matter, to the Special Political Committee at its current session. Perhaps then, if the problem were found to be due to special conditions and not to a mistaken idea of racial superiority, United Nations opinion would not continue to harden against the Union Government.

26. The decision of the Union of South Africa to absent itself from the deliberations of the Committee was difficult to understand. It was in the spirit of the Charter to settle disputes through mediation, conciliation and the influence of world opinion. Today no country could live in isolation and disregard world opinion, and world opinion unanimously disapproved of the policy of apartheid. It would be to the advantage of the white population of the Union to permit all the people of that country to enjoy their legitimate rights, helping them to gain equality of status. Otherwise a period of suffering for all concerned lay ahead.

27. The policy of apartheid not only was dangerous to South Africa but might prove dangerous to the whole world. Already the non-white races were disturbed and were resentful of racial discrimination. The problem would have to be solved; but it would not be possible to do so unless those in power in the Union of South Africa had the desire to think constructively and improve matters.

28. His delegation had again co-sponsored a draft resolution to help the non-white races of South Africa to secure their inalienable and fundamental rights. He hoped that the Government of the Union of South Africa would come to see the issue in the same perspective as the rest of the world.

29. Mr. McCORDICK (Canada) recalled that his delegation had abstained from the vote on the question of including the item under discussion in the agenda of the current session. It had done so because the resolutions adopted at the previous five sessions had not resulted in any improvement in the racial situation in South Africa, and because it had felt that the adoption of a similar resolution at the current session would not help to solve the problem.

30. The Canadian people wholeheartedly supported the great purposes of the United Nations set forth in Article 1 of the Charter and believed that practical means should be sought to eliminate racial discrimination wherever it existed. At the same time, Canada was aware that there was no quick and easy solution to the tremendous problem in the Union of South Africa of reconciling the way of life of the European minority with the needs of the large majority who were undergoing the gradual process of social development.

31. It therefore seemed desirable to his delegation that the Assembly should withhold its approval from any draft resolution which did not recognize the extent and urgency of the problem. His delegation also hoped that the Union Government would rapidly adopt a course calculated to enlist the co-operation of African leaders. It would be prepared to support a draft resolution of a general nature designed to remind all States of the obligations of the Charter in respect of the observance of human rights.

32. Mr. LEMUS DIMAS (Guatemala) said that the myth of racial superiority would be laughable were it not for the evils it had brought to a great part of humanity. He was proud to say that his Government had always opposed racial discrimination. As long ago as 1821, The Central American countries, in their Act of Independence, had proclaimed universal suffrage without excluding from citizenship persons of African origin, and before that Spain had taken effective measures to prevent discrimination against the indigenous inhabitants. His country could therefore not understand how in the middle of the twentieth century there could exist any country in which the institution called upon to provide for the common welfare and to establish justice—namely, the State—artificially fomented hatred towards the majority of its population and instituted an atrocious system of exploitation and mass deportation. The moral forces of the whole world must rise up and condemn that policy as one of the worst blots on the twentieth century.

33. However, a moral indictment was not enough. Legal sanctions were called for. In ratifying the Charter, Governments had assumed obligations not only to the international community but also to their own nationals, including that of guaranteeing them a

minimum of rights and freedoms. Ratification of the Charter meant the automatic incorporation in municipal law of those obligations which, unlike the unilateral obligations of domestic legislation, were multilateral in character and not open to derogation by ordinary legislative processes. They could not be repealed except in accordance with the terms of the international instrument which created them. Therefore, a Member State which systematically violated the human rights provisions of the Charter was repudiating its international commitments.

34. Such action must inevitably entail legal consequences. The United Nations could never agree, without renouncing the very reason for its existence, that systematic and deliberate violation of the Charter did not affect its integrity as an institution and could go unpunished. He was not thinking of sanctions in terms of Chapter VII of the Charter. However, the United Nations could not stand still; it had the inherent power to establish jurisprudence, and it was now time to consider what sanctions should be imposed. The delegation of Guatemala would support any draft resolution of a positive nature, preferably one which reflected the principles he had just advanced.

The meeting rose at 5.5 p.m.