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Chairman: Mr. Carlet R. AUGUSTE (Haiti).

AGENDA ITEM 72

Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/4419 and Corr.1, and Add.1 and 2) (*continued*)

1. Mr. QUAISON-SACKEY (Ghana) said that for nine years the United Nations had been appealing to the Government of the Union of South Africa to stop the inhuman treatment of ten and a half million Africans by the white minority, that is by foreigners who had found a haven in Africa. Quoting the terms of resolution 1375 (XIV) adopted by the General Assembly on 17 November 1959, he showed that the Union Government had not used the intervening period to any advantage. Far from fulfilling its obligations under the Charter, the Union Government had just withdrawn its application for readmission to the Commonwealth rather than change its racial policies. In September 1960, Mr. Erasmus, the South African Minister of Justice, had drawn from events in the Congo the surprising conclusion that the granting of "concession after concession" on the road to multi-racialism was no guarantee for white safety anywhere in Africa. He had stated that such a course of action offered no solution to the problems between whites and non-whites and that "to budge is to surrender".

2. The intransigent policy adopted in the Union of South Africa, in spite of all appeals even from its friends, had resulted in the death there of eighty-six persons, at a conservative estimate. The policy of *apartheid* had also led to the assassination attempt on the Prime Minister of the Union, Mr. Verwoerd, which had further excited racial hatred in the country. The continual disturbances resulting from the Union Government's iniquitous decisions had culminated in the Sharpeville massacre, which had been the occasion of the resolution adopted by the Security Council on 1 April 1960.¹ In Pondoland, disturbances had continued practically without respite since May 1960, and had assumed a distinctly anti-European character. At the call of the Pondo Secret Parliament, 20,000 Africans had decided to extend to the bigger towns their boycott of white men and their activities and to refuse to work in the mines or on the sugar estates. In December 1960, two battalions of South African mobile troops had been moved

into Pondoland, and their officers and non-commissioned officers had been authorized to arrest suspects without a warrant. During Mr. Hammarskjöld's visit to Pondoland, the Union Government had claimed that peace had been restored in that territory, but according to a correspondent of the *New York Times* that was merely eyewash for the benefit of the distinguished guest. In a memorandum submitted to the Secretary-General during his mission to South Africa, the Congress Alliance, composed of the South African Congress of Trade Unions, the South African Indian Congress, the South African Coloured Peoples' Congress and the South African Congress of Democrats, had said that by persisting in imposing "Bantu Authorities" on the African people in the face of African opposition, the Union Government had caused strife and bloodshed. On 20 March 1961, a mob of whites had beaten negroes who had tried to distribute leaflets in front of Johannesburg City Hall criticizing Dr. Verwoerd for taking South Africa out of the Commonwealth.

3. So long as the Government of the Union of South Africa refused to respond to the call of the United Nations, not merely would trouble continue but there would be an explosion which would endanger international peace and security. However, the Union Government, far from heeding world opinion, was on the contrary doing its best to aggravate matters. Thus, Union Government Proclamation No. R-255 of 1960 ruled that non-Europeans would be excluded in future from restaurants, cinema halls, tea rooms and clubs, on the pretext that their presence constituted "occupation" under the Group Areas Act. The Unlawful Organizations Act, adopted by the South African Parliament, authorized the Union Government to outlaw the African National Congress, the Pan-Africanist Congress and other political groups representing the interest of the majority of the people. Under cover of the state of emergency proclaimed after the events at Sharpeville, the authorities had carried out mass round-ups, even, according to the English newspaper *The Guardian*, arresting persons who were inactive politically and members of the Liberal Party, which advocated multi-racial franchise. Mr. Elwyn Jones, a British Member of Parliament who had acted as an observer for the International Commission of Jurists, had said after a visit to the Union that detainees no longer enjoyed the benefit of *habeas corpus*. He had also said that South African barristers were apprehensive about the intention of the Government to set up a board which would make rules in regard to the admission to practice, suspension or removal from practice of barristers. Furthermore, the Publications and Entertainments Bill contained provisions under which a newspaper could be declared undesirable and its publication prohibited if it was judged to be prejudicing the safety of the State or bringing any section of the inhabitants of the Union into ridicule or contempt, or if it was "otherwise on any ground objectionable". In addition, not content with

¹ Official Records of the Security Council, Fifteenth Year, Supplement for April, May and June 1960, document S/4300.

crimination based on colour was the avowed policy of the State. Yet that State was one of the original Members of the United Nations.

23. On 21 March 1960, hundreds of Africans, including women and children, had been killed or wounded while participating in a peaceful demonstration against the racist laws. At Sharpeville the police had opened fire on a crowd of 20,000 people, killing or wounding several hundred of them. In response to the world-wide reaction to that event, twenty-nine Asian and African Members had brought it to the attention of the Security Council, which had adopted a resolution concerning it on 1 April 1960.

24. The Prime Minister of India had expressed the fear that such events did not mark the close of an episode, but were rather a prelude to future conflict. The people of Africa, he had continued, would not accept that state of affairs and there could be no doubt that the whole of Asia would give its sympathy to the Africans. The era of the liberation of Africa had dawned and those who were still unable to appreciate that fact would only provoke new conflicts. The Government of the Union of South Africa would not be able to continue a policy which had been condemned by the peace-loving and freedom-loving peoples of the world, by the United Nations General Assembly and by the international conferences held at Bandung, Monrovia, Conakry and, most significantly, Addis Ababa and Casablanca; it seemed relevant to quote verbatim the resolutions concerning *apartheid* adopted by the two last-named conferences.

25. The Second Conference of Independent African States in Addis Ababa from 14-26 June 1960 had adopted the following resolution:

"The Conference of Independent African States meeting in Addis Ababa,

"Having learned with indignation of the death of many African political leaders in the prisons of the Union of South Africa, thus adding to the already long list of victims of the shameful policy of racial discrimination,

"Recalling resolution 1375 (XIV) adopted by the United Nations General Assembly condemning the policy of apartheid and racial discrimination practised by the Government of the Union of South Africa,

"Recalling further the Security Council's resolution of 1 April 1960 recognizing the existence of a situation in South Africa which, if continued, might endanger international peace and security,

"Reaffirming the declaration of Bandung and the resolutions adopted at Accra and Monrovia regarding this shameful policy,

"Noting that, despite world opinion and the resolutions adopted by the United Nations, the Government of the Union of South Africa still persists in its evil policy of apartheid and racial discrimination,

"1. Desires to pay homage to all victims of the shameful policy of apartheid and racial discrimination;

"2. Decides to assist the victims of racial discrimination and furnish them with all the means necessary to obtain their political objectives of liberty and democracy;

"3. Calls upon Member States to sever diplomatic relations or refrain from establishing diplomatic relations as the case may be, to close African ports to

all vessels flying the South African flag, to enact legislation prohibiting their ships from entering South African ports, to boycott all South African goods, to refuse landing and passage facilities to all aircraft belonging to the Government and companies registered under the laws of the Union of South Africa, and to prohibit all South African aircraft from flying over the air space of the Independent African States;

"4. Invites the Arab States to approach all petroleum companies with a view to preventing Arab oil from being sold to the Union of South Africa and recommends that the African States refuse any concession to any company which continues to sell petroleum to the Union of South Africa;

"5. Invites the Independent African States which are members of the British Commonwealth to take all possible steps to secure the exclusion of the Union of South Africa from the British Commonwealth;

"6. Recommends that appropriate measures be taken by the United Nations in accordance with Article 41 of the Charter;

"7. Appeals to world public opinion to persevere in the effort to put an end to the terrible situation caused by apartheid and racial discrimination;

"8. Decides to instruct the Informal Permanent Machinery to take all steps necessary to secure that effect shall be given to the above recommendations and to furnish full information on cases of racial discrimination in the Union of South Africa so that the outside world may be correctly informed about such practices."

26. The Casablanca Conference, held in January, 1961 had also adopted the following resolution:

"The Casablanca Conference,

"Recalling the resolutions of the United Nations Organization which denounced the apartheid policy and the racial discrimination practised by the Government of the Union of South Africa, and

"Recalling in particular the resolution of the Security Council of 1 April 1960 which considers the policy of racial discrimination pursued by the Government of the Union of South Africa as a threat to world peace and security,

"1. Denounces the Government of the Union of South Africa for its contempt of the decisions taken by the United Nations Organization and by the African and Asian Conferences and condemns its obstinacy in pursuing a policy which affects human dignity and constitutes a flagrant violation of human rights;

"2. Denounces the imperialist Powers who continue to lend moral, political and military support to the racist Government of the Union of South Africa;

"3. Reaffirms and undertakes to implement the decisions taken at the Bandung, Accra, Monrovia and Addis Ababa conferences on this subject and urges all African States to implement these decisions;

"4. Calls upon the United Nations Organization to invoke the sanctions provided for in Articles 40 and 41 of the United Nations Charter should the Government of South Africa not put an end to its policy of racial discrimination."

27. The policy of the Union of South Africa had also been condemned in the present month by its fellow members of the Commonwealth. Political isolation had

closed in on the Union of South Africa when it had decided, on 15 March 1961, to withdraw from the Commonwealth. Even the members of the Commonwealth who had wanted to keep the Union of South Africa within that association had firmly declared their opposition to the policy of *apartheid*. At a news conference held soon afterwards in London, Mr. Menzies, Prime Minister of Australia, had said that his objection to the policy of *apartheid* was simply that, in his opinion, it would not work. Mr. Macmillan, the Prime Minister of the United Kingdom, had denounced South Africa's racial policy in the strongest terms in the House of Commons on 22 March, saying that a tragically misguided and perverse philosophy lay at the root of that policy.

28. The Government of the Union of South Africa contended that the question was its own domestic affair and that the Assembly had grossly violated the basic principle of the Charter enshrined in Article 2, paragraph 7. After eight years of debate on the question, it was enough to point out that Article 2, paragraph 7, clearly could not apply to events which endangered world peace. How could a question be considered a domestic affair when human rights were violated, fundamental freedoms were denied and massacres occurred? Furthermore, the policy of the Union of South Africa certainly did not contribute to friendly relations between States Members of the United Nations.

29. The Charter had not only laid the foundation of a new conception of international law, but had also given rise to a new spirit of international morality. The Assembly must bring all its moral pressure to bear on the Government of the Union of South Africa with a view to persuading it to end its shameful policies. That was in the interests of the Union itself. The people of Africa, Asia and the whole world were on the side of truth and South Africa was on the side of wrong. The community of nations had made its stand clear. The white European who supported the policy of the ruling clique was digging his own grave. The supremacy of the white European in Africa had gone for ever. The policy of racial discrimination was a gross violation of the Charter and was immoral. Let the rulers take the last opportunity which the Organization was offering them in the present year, because next year it might be too late.

30. Lastly, the proposals made in the course of the meeting by the representative of Ghana deserved the utmost consideration from all Members of the United Nations. They represented the least that could be done to right the wrong.

Mr. Gamboa (Philippines), Vice-President, took the Chair.

31. Mr. BELTRANENA VALLADARES (Guatemala) deplored the fact that the question of *apartheid* was once again on the Committee's agenda because of the lack of understanding shown by the Government of the Union of South Africa. He particularly deplored the great suffering which that policy was inflicting on its victims. The Government of Guatemala, which was striving to attain the ideals of equality which it had inherited from the founders of the Central American republics, was particularly aware of the injustice done to the great majority of the inhabitants of the Union of South Africa, as it was of the injustice done to the Guatemalan nationals living in Belize.

32. It was intolerable that minorities, white or black, who were peacefully established and assimilated in a country, should be treated as aliens. A fusion of different races was perfectly feasible, as examples on the American continent showed.

33. A racial policy such as *apartheid* was particularly repugnant, because it denied the fundamental principles of equality which were set forth in the Universal Declaration of Human Rights and which all Member States had solemnly undertaken to observe when they had signed the Charter.

34. The Guatemalan delegation had forcefully condemned the policy of *apartheid* at the thirteenth session of the General Assembly, in the 87th meeting of the Special Political Committee. It would not repeat the arguments it had then used; because it had clearly restated its position every year and had reiterated the hope that the position of the non-whites in the Union of South Africa would improve. After the twelfth session of the General Assembly, there had seemed to be grounds for believing that the Union Government would change its policy and would try gradually to reduce the tensions caused by racial discrimination. Nothing of the kind had happened. On the contrary, the racial problem in the Union of South Africa had grown still worse. The policy of white supremacy had made such progress in that country that the more enlightened members of the white minority could not accept it and frequently even dared to repudiate it, at the risk of reprisals. The Sharpeville incidents, wherever the responsibility for them lay, had also roused world public opinion.

35. In those circumstances, since the efforts which the United Nations had been making for so many years had proved abortive, new ways of inducing the Union of South Africa to change its *apartheid* policy must now be considered. It might be useful to re-establish the Committee on the Racial Situation in the Union of South Africa with a new composition and new terms of reference, as the representative of Ghana had proposed. Having regard to the attitude of the Union Government, it would be wiser and more politic to take no decision until that Committee had considered the situation in the light of the latest developments and had submitted a report, within a relatively short period. With that information, the Assembly would be better able to decide on the sanctions to be taken, if the Committee thought the time had come for such action. The Union of South Africa would thus be given one more chance to change its policy.

36. The Guatemalan delegation thought that the Committee might also be asked to determine whether the racial policy of the Union Government was more than a systematic violation of human rights and was not in fact a crime against humanity. If so, the international community would be justified in intervening without delay against that form of genocide.

37. The Guatemalan delegation was ready to support any proposal which, in its opinion, might improve the situation of the non-white peoples in the Union of South Africa and prevent any repetition of the appalling incidents of 1960, with their threat to international peace and security.

The meeting rose at 12.50 p.m.