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from the policies of apartheid of the Government
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Chairman: Mr. Mihai MAGHERU (Romania).

AGENDA ITEM 67

**Question of race conflict in South Africa resulting from
the policies of apartheid of the Government of the
Union of South Africa (A/3872, A/SPC/L.25 and Add.1
and 2) (continued)**

1. Mr. FEKINI (Libya) said that, as an African State which had recently gained its independence, Libya viewed with the utmost concern the vicious discriminatory practices prevalent and increasing in South Africa. They were a direct provocation to the conscience of mankind and a serious cause of bitterness and hatred among races in a multi-racial community. They should therefore be resolutely opposed by the United Nations.

2. The peoples of Africa had every reason to be alarmed at the situation in the southern part of their continent. The Conference of Independent African States held at Accra in April 1958 had therefore specifically condemned the policy of racial discrimination and segregation adopted by the Union Government.

3. Libya harboured no ill feelings against the Union Government but sincerely hoped that it would realize the error of its ways and the serious consequences which might arise from a policy of apartheid in an awakening Africa. The Union Government must, in its own interest, revise its policy and remedy a situation which was not at all in conformity with its status as a Member of the United Nations.

4. While previous speakers had most effectively disposed of the argument that the United Nations was debarred by Article 2 (7) of the Charter from considering the question of race conflict in South Africa, he would merely point out that it was fully entitled to deal with the matter under Article 10. Moreover, an attempt to apply Article 1 (3) and (4) could not be deemed to constitute intervention within the meaning of Article 2 (7).

5. The Libyan delegation had paid a tribute to the Governments of those Member States which took a firm stand against racial segregation and discrimination within their borders. It hoped that the Union Government would have the courage to do likewise.

6. The draft resolution before the Committee was a further attempt to induce the Union Government to live up to its obligations under the Charter. As a co-

sponsor, the Libyan delegation commended the draft resolution to the Committee.

7. Mr. DURAISWAMY (Ceylon) stated that the United Nations had, on earlier occasions, considered the policy of apartheid as not in keeping with the purposes and principles of the Charter and the Declaration of Human Rights, and called upon the Government of the Union of South Africa to desist from such practices. He regretted that the South African Government had not responded to this call of reason and justice from so representative a body of world opinion as the United Nations. On the contrary, it had intensified apartheid and embodied more discriminatory race laws in its statute books—laws which gave an inferior status to the non-whites. The non-whites in South Africa today had no opportunities for normal political, economic or social development. His delegation felt that the policies of apartheid were a repudiation of the ideals for which the United Nations stood and a challenge to the moral conscience of mankind. The United Nations had come into being to preserve peace and to eradicate the causes of conflict. The policies and practices of race discrimination, if allowed to continue, would create a situation which would be a threat to the peace.

8. He mentioned that the Government of South Africa, elected by a racial minority, was perpetuating its undemocratic rule over the majority of the indigenous inhabitants of that country by suppressing the human rights and fundamental freedoms of that majority. There was considerable agitation in South Africa against this policy and practice. It was fortunate to note that there was a growing body of opinion among the white inhabitants in South Africa which opposed the discriminatory practices of the Union Government. The state of affairs brought about by that Government had caused misery and bitterness and, if continued, would one day result in an explosion.

9. Outside the borders of South Africa peoples were marching towards their goal of freedom and self-government. New States had been born on the African continent and many others were in the process of being created. The continent of Asia had already passed through that stage of nationalism and there were only a few countries remaining to become independent. In the sea of Asian and African nationalism, there was the comparatively small land of South Africa, whose Government was pursuing a misguided policy that was running against the current of history.

10. In the spirit of tolerance and good will Ceylon, together with other countries, had come before the United Nations to right a grievous wrong that was being done in South Africa. The United Nations had rightly considered the issue as coming within its competence, and it was regrettable that there were still a few delegations which took refuge in Article 2 (7) of the Charter. The delegation of Ceylon would continue endeavouring to focus the attention of the United

Nations on the apartheid policies of the South African Government until such time as those laws and regulations were erased from the statute book of that Government. Nearly 400,000 adult African men, 12 per cent of the adult male population, were sentenced last year on technical offences involving no moral misdemeanor.

11. The draft resolution before the Committee, of which Ceylon was a co-sponsor, was based on a new approach designed to enlist as wide support as possible. The wider the support given to that resolution, the greater would be the moral pressure of world conscience. It was encouraging to note that some delegations not disposed favourably before were now willing to support this resolution.

12. Ceylon appealed once again to the Union Government, in the spirit of the United Nations Charter, to repeal its apartheid laws, to desist from all discriminatory practices and to give the peoples of South Africa their rights and fundamental freedoms.

13. Mr. BAIG (Pakistan) said that the body of precedent in the United Nations so consistently upheld the view that violations of human rights were a matter of legitimate concern to the international community that the plea of domestic jurisdiction had to be ruled out as inadmissible. A question involving humiliation and suffering for millions of people could no longer be conveniently hidden under legal technicalities. Such questions posed not only moral issues for the conscience of the world but also political problems of compelling urgency. The most disturbing feature of the present issue was that a responsible Government should deliberately turn away from the world's heritage of moral values and erect a State and a national philosophy on a foundation of racial inequality and discrimination, sustained and sanctified by law. Inequality was to be found in other parts of the world; but no other Government formally proclaimed it as State doctrine.

14. The Pakistan delegation hoped that the patent seriousness of the situation was realized by the Union Government. It was prepared to extend its fullest co-operation to the South African Government in dealing with a problem for which an equitable and just solution could no longer be delayed.

15. Mrs. STOFFELS (Netherlands) recalled that her delegation had hitherto been reluctant to participate in the debate on the question under discussion and had generally abstained from voting on the Committee's resolutions on the subject. It might be useful to restate the position of the Netherlands in the light of the present situation.

16. The Netherlands could not accept racial discrimination and subscribed unconditionally to the relevant Articles in the Charter. It had grave doubts as to whether there was a valid distinction between segregation and discrimination, and serious misgivings as to the long-term results of segregation as a policy. Moreover, it was convinced that racial segregation conflicted with the Declaration of Human Rights.

17. The question was, however, whether the United Nations could help the Union of South Africa to solve the moral, social and economic problems with which it was faced. The Netherlands delegation had abstained from the voting on the United Nations resolutions on the

subject because it had doubts concerning the competence of the Committee to deal with it, because practical results seemed unlikely and because there was no use in adopting resolutions whose only effect was to alienate further a Member of the Organization. In the best interests of all concerned, the Committee should show understanding for the complex issues involved.

18. The Netherlands delegation could support a resolution expressing disapproval of racial segregation in general and recommending that all Member Governments should take heed of the relevant Articles of the Charter and the Declaration of Human Rights. But it could not support any resolution which, by calling for a revision of the policy of one particular State, infringed the domestic jurisdiction of that State. It would therefore vote for the first three paragraphs of the draft resolution but would have to abstain on the fourth. If that paragraph was adopted it would have to abstain on the whole resolution.

19. Mr. GRYAZNOV (Byelorussian Soviet Socialist Republic) said that the artificial separation of human beings according to their colour and the exploitation and suppression of non-white peoples was an insult to human dignity and should be universally condemned. The basis of the policy of segregation in the Union of South Africa was undoubtedly the desire to deprive the non-white population of political and other rights, with a view to exploiting it economically. The spirit and letter of the Charter were opposed to discrimination, and convincing proof had been produced that the United Nations was not only competent but obliged to discuss the issue, which had assumed international dimensions.

20. The policy of racial discrimination led to a deterioration of relations between peoples, and the Union of South Africa would eventually find itself politically isolated. Nor could such a policy fail to have a harmful effect on the white population of the Union since it seriously impaired the country's development, and there could be no genuine freedom for those who oppressed others.

21. It was not the Charter that had shortcomings, but the policy of the Union Government which openly undermined the Charter.

22. While the majority of States condemned the racial policy of the Union, it had some support on the grounds of domestic jurisdiction from the colonial Powers which were interested in maintaining racial discrimination for purposes of exploitation.

23. Since the Byelorussian Soviet Socialist Republic sympathized with all oppressed peoples, his delegation was prepared to support any measures designed to end racial discrimination. In its view, however, the draft resolution under consideration did not adequately reflect the critical nature of the statements made in the Committee concerning the policies practised by the Union of South Africa.

24. Mr. BROWNE (Canada) said that, while his delegation recognized the inherent difficulties of racial problems all over the world, it was convinced that those problems could not be solved by policies based on the idea of the racial superiority of one particular group. Such policies were bound to prove self-defeating.

25. The Canadian delegation whole-heartedly endorsed the view that, while seeking to give practical expression to the provisions of the Charter concerning equality of rights, the General Assembly should not ignore the provisions protecting States from interference in their internal affairs. It was not within the competence of the General Assembly to compel the Government of South Africa to alter its policy, but opinion in South Africa was bound to be influenced by the knowledge that there was grave concern throughout the world about the racial policies pursued there. However, to be acceptable a resolution should not only be consistent with all the provisions of the Charter, but should have some prospects of achieving the ends it sought. The draft resolution before the Committee (A/SPC/L.25 and Add.1 and 2) deserved careful consideration in the light of those requirements.

26. His delegation was of the opinion that a declaration of the kind contained in that resolution, calling upon all Member States to bring their policies into conformity with their obligations and expressing regret that the Government of South Africa had not yet responded to appeals of the Assembly to reconsider governmental policies which impaired the right of all racial groups to enjoy the same rights and fundamental freedoms, would be consistent with the provisions of the Charter. His delegation also hoped that the resolution to be adopted would be an incentive to co-operation between the United Nations and South Africa. It was concerned that the sense of estrangement which had developed as a result of continuing dissension between South Africa and the rest of the Members should be removed because disagreements had stood in the way of co-operation on other matters of common concern to which South Africa could contribute substantially. His delegation was also concerned because of the long-standing and intimate ties between Canada and South Africa.

27. In the view of his delegation the draft resolution did not fail to recognize the complexity and difficulty of the social problems with which South Africa was faced. No matter how great the need to remove racial discrimination, it would be unrealistic to expect an immediate transformation of South African society. If the Government of the Union of South Africa saw fit to re-examine its policies, such action would be widely commended. If adopted, the resolution might serve as a declaration of world public opinion that would have far-reaching effects in promoting observance of human rights and fundamental freedoms.

28. Mr. ZULETA ANGEL (Colombia) said that the Colombian delegation did not regard the question under consideration as falling essentially within the domestic jurisdiction of South Africa. Respect for fundamental human rights was a requirement explicitly set forth in the Preamble to the Charter, and in Articles 1, 13, 14, 55 and 56. He gave a brief commentary on each, in support of his contention that the issue was international in character.

29. Article 10 of the Charter alone was enough to justify consideration by the General Assembly of the item under discussion. But it could be argued that Articles 13 and 14 gave the Assembly a special competence to discuss questions relating to human rights and fundamental freedoms and also situations likely to impair the general welfare or friendly relations among nations. He emphasized the use of the word

"situation" in Article 14 rather than the word "dispute" and noted that according to the terms of the Article the General Assembly was free to decide for itself whether a situation was likely to impair the general welfare or friendly relations among nations.

30. Thus respect for fundamental human rights was part of the rules of positive international law, and any violation of human rights constituted a violation of those rules as set forth in the most important among international treaties, namely the Charter of the United Nations. As was stated in an opinion given by the Permanent Court of International Justice in 1923,^{1/} a domestic question was one not governed by international law. Respect for human rights was indubitably governed by international law and it would be abusing the concept of domestic jurisdiction to use it as an argument against adopting a recommendation on the matter under discussion.

31. It had been put forward as an argument against intervention by the United Nations that the discriminatory measures adopted in the Union of South Africa were part of its domestic legislation. A State was of course entitled to adopt the form of government it chose, but its internal organization should respect two fundamental principles. Firstly, it should not incorporate in its legislation anything contrary to the fundamental principles of contemporary civilization. Secondly, its constitution and laws should not contain anything contrary to its freely accepted international obligations. Otherwise, a State could, through its domestic legislation and of its own volition, evade its solemn international undertakings. If the legislation of Members of the United Nations failed to harmonize with the purposes of the United Nations, they were failing in their international duty. The Colombian delegation was firmly convinced that the General Assembly was competent to take action in the matter under discussion.

32. The proposed draft resolution (A/SPC/L.25 and Add.1 and 2) was unobjectionable, moderate and conciliatory. Operative paragraph 4, on which some delegations had misgivings, did not even appeal to the Union Government to comply with the terms of the draft resolution but merely expressed the General Assembly's regret and concern. The Colombian delegation was aware that a real solution could only be achieved with the co-operation of the Union of South Africa. Unfortunately, that co-operation was lacking, yet the gravity of the situation could not be ignored. The Colombian delegation felt that the United Nations must at least use its powers of recommendation. By adopting the draft resolution, the members of the Committee would be reaffirming their own adherence to the purposes and principles of the United Nations and renewing their own faith in the power of world opinion and in the moral force which should guide the destiny of the world.

33. Mr. MENA SOLORZANO (Nicaragua) said that racial discrimination was abhorrent to all free men and the doctrine of white supremacy had no rational foundation; but he deplored the unconstructive attitude of certain recently emancipated States which preferred to rail against the colonial Powers rather than co-operate with all nations for the advancement of world civilization.

^{1/} See Publications of the Permanent Court of International Justice, *Collection of Advisory Opinions*, Series B, No. 4.

34. The trend throughout the world was for the common man to aspire to moral and material advancement. Oppressed peoples, whatever the colour of their skins, would eventually break their chains and gain respect for their human rights and fundamental freedoms. It was impossible for a small privileged group to maintain a vast majority in a state of servitude for ever. Violence was the last resort of an oppressed people, and the situation in South Africa was approaching a point of great danger for the future of South Africa itself and fraught with tragic consequences for the rest of the world. All responsible statesmen had a duty to look to the future. Racial discrimination must go the way of slavery and feudalism which had disappeared with progress and education. In Nicaragua the Constitution guaranteed equal rights to all persons born on Nicaraguan territory, and there had never been any racial discrimination.

35. The General Assembly should urge the Union Government to alter its course and not to close the door upon a people aspiring to freedom and anxious to enter the civilized community. The Nicaraguan delegation would support any draft resolution on those lines.

36. Mr. SHAHA (Nepal) said that, although South African intransigence had prevented past General Assembly resolutions from being implemented, the fact that so many resolutions had been adopted meant that it was too late to argue that the question was outside the competence of the General Assembly. The lack of progress was due entirely to the absence of South African co-operation.

37. Racial discrimination was not only inconsistent with the Charter and the Universal Declaration of Human Rights, it was also contrary to the teachings of Christianity. The policy being followed by the Union Government could only create future difficulties. The Union's friends and allies should urge it to heed the United Nations, in view of the tremendous stakes involved. The policy of the Union Government was a deliberate challenge to the United Nations. Other more powerful régimes had paid a bitter price for their refusal to heed world opinion. If the United Nations was not now in a position to assert its authority, it represented the moral force of world public opinion.

38. Experiments in integration had resulted elsewhere in the harmonious evolution of multi-racial societies. The Union of South Africa should emulate the policy now being pursued in the United States of America. In the past, the Union Government had pleaded that its racial segregation policies were framed in an effort to contain Communism. It was hard to believe that Communism could be counteracted by the denial of human rights to the majority. In view of the lack of response from the Union of South Africa all that the United Nations could do was to keep the issue alive by reaffirming its stand, so that eventually the Union might come to hear the voice of reason. The joint draft resolution (A/SPC/L.25 and Add.1 and 2) seemed to fulfil the requirements of the situation. It was moderate in tone and constructive in purpose, and the delegation of Nepal would vote in favour of it.

The meeting rose at 1 p.m.