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**C O N T E N T S**

Agenda item 70:

Treatment of people of Indian and Indo-Pakistan  
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**Chairman: Mr. Carlet R. AUGUSTE (Haiti).**

**AGENDA ITEM 70**

**Treatment of people of Indian and Indo-Pakistan  
origin in the Union of South Africa (A/4416,  
A/4417; A/SPC/L.58) (*continued*)**

1. Mr. EL-FARRA (Jordan) said that the item under discussion involved the desire of one racial group to exploit another for no reason other than feelings of superiority and supremacy. But the idea of "chosen" or "supreme" peoples was a thing of the past and did not fit the present-day spirit of equal rights for all. Because of what it stood for, the United Nations could not be indifferent to the situation prevailing in the Union of South Africa. The Union Government's complete defiance of the United Nations was, moreover, fraught with dangerous consequences. The people of Africa had become fully aware that they were entitled to equal rights with other peoples, and those rights could not be denied to the people of Indian and Indo-Pakistan origin in the Union. Nor was it in the interest of the Union to refuse to co-operate with the United Nations and to reject its jurisdiction, for the United Nations was the hope of all small nations, and the Union of South Africa was one of them.

2. The problem would not have attained its present dimensions had the Union Government been willing to enter into negotiations with India and Pakistan in accordance with the repeatedly expressed desires of the United Nations. But the Union had stalemated all attempts to arrive at a solution and had not even replied to India's latest offer to negotiate. In order to facilitate matters for the Union Government, India and Pakistan had stated that the negotiations 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 United Nations Charter. But the Union Government was adamant, and was even boycotting the present debate. Yet the Special Political Committee was the very place for constructive debate with a view to a just and proper solution.

3. Failure by the United Nations to take appropriate steps could have very dangerous consequences; it would reflect on the prestige of the Organization. If effective remedies were not found in the United Nations, countries might find themselves compelled to resort to other means. The United Nations should take a more effective stand to remove all obstacles in the way of negotiations. Adoption of the draft resolution before

the Committee (A/SPC/L.58) was the least the United Nations could do under the circumstances, and his delegation would vote for it.

4. Mr. ZENKER (Austria) said that the long-standing issue now before the Committee was a matter of major concern. The Union Government's refusal to comply with the terms of the many conciliatory resolutions adopted by the General Assembly, and its continued discrimination against people of Indian and Indo-Pakistan origin, constituted a violation of the United Nations Charter and of human rights. The failure to alter the existing situation was, furthermore, causing the United Nations to lose prestige.

5. Since racial discrimination did not exist in Austria, where under the Constitution all citizens enjoyed equal rights regardless of their racial origin, his delegation opposed the treatment meted out to people of Indian origin in the Union of South Africa. It believed that the United Nations was fully competent to deal with the matter, since Article 2, paragraph 7, of the Charter could not be invoked to justify situations which were contrary to Article 55 of the Charter and articles 1, 2 and 7 of the Universal Declaration of Human Rights.

6. His country had always advocated the peaceful settlement of international disputes and appreciated the readiness of India and Pakistan to solve the problem by negotiation. His delegation would therefore vote for the draft resolution contained in document A/SPC/L.58, since its purpose was to bring about such negotiations.

7. Mr. SOBOLEV (Union of Soviet Socialist Republics) observed that the United Nations could not remain passive as the Union Government carried out a policy of segregation against almost half a million people of Indian and Indo-Pakistan origin. The whole policy of racism raised to the status of a principle of government was a violation of the most elementary human rights and the norms of international law. How could it be said that the Union Government had met its obligations under the United Nations Charter and the Universal Declaration of Human Rights when people of Asian origin were denied the basic right to live and work under the same conditions as the white population? Nor could it be said that it had lived up to the relevant agreements it had concluded with the Government of India.

8. The racism of the Union of South Africa was a glaring anachronism, a loathsome vestige of the times of the organized man-hunt and slave trade on that continent. But today the password was the immediate liquidation of colonialism in all its forms and manifestations, as called for in the Declaration on the granting of independence to colonial countries and peoples (resolution 1514 (XV)). It was the duty of the United Nations to take proper steps to end the violence committed against the indigenous people and the Asian

population of the Union of South Africa and to ensure that they enjoyed full rights in accordance with the provisions of the Charter.

9. The efforts of the General Assembly year after year had been of no avail because of the Union's obstinate refusal to carry on any negotiations or to take any notice of the General Assembly's appeals. Meanwhile, however, the situation of the people of Asian origin had grown steadily worse, as had been demonstrated by previous speakers. The violent events of the preceding year in the Union, and the toleration by the Secretary-General of the open challenge by Union authorities to the United Nations were deeply disquieting to those who were sincerely interested in finding a solution to the problem.

10. His delegation believed that the United Nations should, finally, adopt effective measures to put an end to the racial discrimination against people of Indian and Indo-Pakistan origin as well as against the indigenous African population in the Union of South Africa, taking as its guiding principle the recently adopted Declaration on the granting of independence to colonial countries and peoples.

11. The Soviet delegation was prepared to support any constructive proposal along those lines and though it would vote for draft resolution A/SPC/L.58 it considered that the General Assembly could take more decisive and effective action in regard to a country which had consistently ignored its warnings.

12. Mr. KITTANI (Iraq) said that it was the duty of all delegations to contribute, however modestly, to the constantly mounting moral pressure on the Union Government to abandon its inhuman treatment of the non-white population. The very fact that the question had been discussed in the United Nations since 1946 made the Union Government's position that the matter was exclusively within its domestic jurisdiction untenable. Nor did he agree with the pessimistic view that it was futile for the General Assembly to adopt resolution after resolution on the subject. His delegation looked on the matter as a crucial struggle between good and evil, the good being represented by the Purposes and Principles of the Charter and the unmistakable will of the civilized world, and the evil being the hated policy of racism and the persistent attitude of disregard and even contempt of the Union Government for the resolutions of the General Assembly. It was the sacred duty of the United Nations to continue that struggle until good triumphed over evil. The only question was whether the battle would be won peacefully or through violence and upheaval.

13. Unfortunately, past experience and available evidence left little hope that the Union Government would see the light of day and heed the voice of justice and dignity before catastrophe struck. But as long as a slight chance remained for a peaceful solution, it was the duty of the Assembly to reiterate its just position and address yet another appeal to the Union Government to enter into discussions with the Governments of India and Pakistan, whose attitude in the matter had been most laudable. He joined with other co-sponsors in commending the draft resolution (A/SPC/L.58) to the Committee and expressed the hope that it would receive unanimous support.

14. Mr. BARADI (Philippines) said that his delegation could not accept the argument that the question before the Committee was essentially within the do-

mestic jurisdiction of the Union of South Africa, for the suppression of fundamental human rights which it involved constituted a violation of the provisions of the Charter and the Universal Declaration of Human Rights. Year after year the General Assembly had called upon the Union Government to remedy the situation and the Governments of India and Pakistan had at all times been ready to enter into negotiations with it to that end, yet its attitude remained unchanged. Nevertheless, what concerned his delegation was not to over-emphasize the motive or reason which might have prompted the Union Government to pursue such a course. What was important was how to reach a constructive solution to the problem, for unless the differences between the parties concerned were ironed out in a spirit of conciliation, it was unlikely that the situation would be improved. His delegation was eager to co-operate with others for the advancement of peace, freedom and justice and could not condone any policy which ran counter to those ideals, hence it had joined in sponsoring a new draft resolution along the same lines. It hoped that in response to that resolution the Union Government would at last show itself willing to bring its conduct into conformity with the provision in Article 2 paragraph 2 of the Charter and fulfil in good faith the obligations assumed by it in becoming a signatory. His delegation had faith that, while justice delayed was justice denied, the great tenets of men and nations, of goodwill, brotherly love, relief and truth, would triumph in the end.

15. Mr. BELTRANENA VALLADARES (Guatemala) recalled that his delegation in joining the Committee had given its full support to the Governments of India and Pakistan in their efforts to seek a peaceful solution of the problem under discussion. It was regrettable that the Union Government maintained the same intransigent attitude and that policies based on racial discrimination continued in complete violation of all principles of modern law. The argument that this or that racial group had been born in a particular country or had been settled there for a certain number of years meant nothing; in all parts of the world, all men should be free to enjoy their full rights, assume their full duties and develop their talents and skill for the benefit of their national groups.

16. Since none of the previous measures had produced any positive results, the United Nations should now consider taking the steps envisaged in Article 41 of the Charter. His delegation therefore supported the draft resolution and sincerely hoped that the Committee would adopt it unanimously, thus indicating its support for the principles first set forth at the seventh session of the General Assembly (resolution 615 (VII)).

17. Guatemala fully appreciated the feelings of India and Pakistan, since a part of its own territory, Belize, was in the hands of a foreign Power and the people there were deprived of the benefits of Guatemalan nationality which was their right and their heritage.

18. Mr. BOGDAN (Romania) said he understood that many delegations found it difficult to repress their feelings of frustration on learning that the latest resolution adopted by the General Assembly had once again had no practical effects; however, that should not weaken the interest of the United Nations or its efforts to contribute to a constructive solution. It was obvious that the policy adopted by the Union Government towards its non-white population was doomed to failure; opposition was growing daily, and it could be assumed

that sooner or later, with or without the assistance of the United Nations, the oppressed people of South Africa would regain their freedom. Their fight was a part of the struggle for liberation throughout Africa, and the real issue before the United Nations was to prevent new conflicts in an already sensitive area.

19. In the specific matter under discussion, the Union Government could not even invoke the fallacy that its policy was a domestic question. It had been agreed with the Government of India in 1860 that the treatment of Indian settlers would be on a par with that of other inhabitants, and in 1954, the Union Government had agreed to enter into negotiations with the Governments of India and Pakistan, but had since reversed its position and had constantly rejected all appeals of the United Nations, expressed in extremely moderate terms, for a peaceful settlement. While the resolutions adopted by the General Assembly had become more conciliatory year by year, the attitude of the Union Government had hardened, and it was the duty of the United Nations to state its position in unmistakable terms; the more resolute the stand taken by the General Assembly, the greater would be its impact.

20. The effectiveness of United Nations measures depended largely on the contribution which each Member State was prepared to make. A particularly heavy responsibility rested on those Western countries which had close economic and political ties with the Union of South Africa. The United Kingdom and the United States had vested interests in South Africa, and the Union Government was encouraged in its policies by the increasing flow of United States capital which it was inviting. He hoped that those States would urge the Union Government to abandon its policies of racial discrimination. Romania was ready to give full support to any decision of the United Nations aimed at ending the racist policies of the Union Government.

21. Mr. DOE (Liberia) said that the Committee was once again in duty bound to take up the question under discussion. The Governments of India and Pakistan had made tireless efforts to meet the Union Government, and the United Nations, year by year, had called upon that Government to mend its erring ways, but in vain. Nevertheless, the Liberian delegation maintained its stand that no language of censure or condemnation was strong enough to castigate the Union Government and its policy. No Government worthy of membership of the United Nations should any longer condone that policy, and he appealed to the friends of South Africa to make their partner comply with its obligations.

22. His delegation would vote in favour of the draft resolution and reserved the right to speak more fully at a later stage.

23. Mr. GALLIN-DOUATHE (Central African Republic) said that his country had enjoyed the privilege of French education and training, and had inherited from France a hatred of all racial discrimination and a loyalty to the Declaration of Human Rights. It was unthinkable in the twentieth century that so-called developed countries should pursue policies based on racial discrimination; the view held in his country was that the intrinsic value of the individual and his particular talent took precedence over the accidents of nature. It was a legal quibble for the Union Government to invoke Article 2, paragraph 7 of the Charter in an effort to justify policies which had been rightly condemned. His delegation fully supported the draft resolution.

24. Mr. GARCIA ROBLES (Mexico) pointed out that the item under discussion was but one aspect of the policy of *apartheid* which had been pursued for many years by the Union Government. He would, however, confine himself to highlighting certain points which were peculiar to that particular question.

25. In the first place, the conduct of the Union Government was in violation of the fundamental principles of the Charter and in contravention of international commitments assumed under the Cape Town Agreement of 1927. Secondly, it would be difficult to find a problem on which the General Assembly had shown greater flexibility in proposing procedures designed to produce a solution. Lastly, the patience and moderation displayed by the Governments of India and Pakistan for many years were particularly commendable and praiseworthy in view of the adamant and unhelpful attitude taken by the other party.

26. The Mexican delegation considered that the terms of the draft resolution of which it was a co-sponsor were unobjectionable, and it hoped that the draft would be adopted unanimously. It also hoped that the Union Government would realize that a policy based on racial discrimination was doomed and would at last decide to heed the repeated exhortations of the General Assembly and find a solution in accordance with the Purposes and Principles of the United Nations Charter and the Universal Declaration of Human Rights. By so doing, it would not only be complying with its duty as a Member of the United Nations; it would also be acting in enlightened self-interest.

27. Mrs. FEKINI (Libya) said that her delegation would speak at length later on the deliberate policy of racial segregation and discrimination pursued by the Union of South Africa, of which the item under discussion was one facet. At present, she would only add her voice in support of those delegations which had denounced a form of discrimination and oppression contrary to fundamental human rights and freedoms.

28. Her delegation deeply regretted that the delegation of the Union of South Africa had again boycotted the Committee's deliberations at a time when its presence could have constituted a helpful step towards solving the problem through peaceful negotiation. While denouncing the discriminatory treatment of people of Indian and Indo-Pakistan origin, her delegation hoped that the Union Government would at last be brought to reason by the moral weight of international opinion. If it failed to change its policy, it would be playing a dangerous game in the face of the wave of radical change sweeping the entire African continent. The independent African States could not tolerate a continuation of the present state of affairs, and the Union Government should see the urgent wisdom of liberating itself from erroneous and obstinate policies. She hoped that the draft resolution would receive the unreserved and unanimous support of all members of the Committee.

29. Mr. ALVARADO (Venezuela) pointed out that the problem was exactly as it had been the previous year; he would confine himself to stating the position of his Government on the question. Discrimination and prejudice have always been alien to the Venezuelan outlook, and the Constitution prohibited any discrimination based on race, sex, creed or social condition. His delegation was, therefore, opposed to the discriminatory policies which prevailed in the Union of South Africa. As a country which practised the principle of peaceful

settlement of international disputes, Venezuela commended the attitude of the Governments of India and Pakistan and deplored the fact that the Union Government had hitherto displayed no willingness to enter into negotiations. Article 2, paragraph 7, of the Charter could not be invoked in defence of violations of human rights, which were themselves violations of the provisions of the Charter, and the United Nations was fully competent to take up the question. In accordance with those views, his delegation had co-sponsored the draft resolution, which it hoped would be adopted unanimously.

30. Mr. LONCAR (Yugoslavia) said that the solution of the problem, which had been inherited from the days of colonialism, was urgent if the threat it represented to international peace and security was to be prevented from materializing. It might not be amiss to recall in that connexion that there were already several very serious trouble spots in Africa and that it was the duty of the United Nations not only to try to eliminate them but also to prevent new ones from developing. It could not hope to succeed unless the exercise of the fundamental rights of the peoples of Africa was guaranteed and the provisions of the Universal Declaration of Human Rights were respected throughout the African continent. The reports submitted by the Governments of India (A/4416) and Pakistan (A/4417) in accordance with resolution 1460 (XIV) adopted at the previous session was unfortunately negative: the Union Government had not even troubled to reply to the communications addressed to it and was again boycotting the Committee now that the problem was being discussed. Its claim that the General Assembly's concern over the problem constituted intervention in its domestic affairs was groundless and demonstrated a lack of understanding of the role of the United Nations. Apart from the humanitarian considerations involved, however, the countries concerned were bound by formal treaty obligations; but the Union Government continued to ignore them.

31. The policy applied in respect of the non-European inhabitants of the country was manifestly at variance with the principles of the Charter and the Universal Declaration of Human Rights. Laws such as the Group Areas Act were incompatible with contemporary social

concepts. Yet the United Nations could not allow itself to become discouraged, for to abandon its efforts would be tantamount to acquiescing in the Union Government's policy. His delegation had always taken a strong stand against colonialism and racial discrimination and segregation wherever they were practised, and it had again joined in sponsoring a resolution calling upon the interested parties to establish contact with a view to working out a solution of the problem. It was to be hoped that the Union Government would revise its attitude and try to find a means of settling a problem which had been poisoning its relations with India and Pakistan for many years.

32. Mr. GHAZI (Afghanistan) said that in a statement made earlier in the current session of the General Assembly the South African Minister of External Affairs had asserted (905th plenary meeting) that South Africa was not the only country in which various forms of prejudice and discrimination existed. However, in no country other than the Union of South Africa, surely, was discrimination an official policy of the Government, and where it existed it was acknowledged by the authorities with humility and embarrassment. It was now the avowed intention of civilized people throughout the world to work for the complete eradication of such types of outlook, and great progress had been made in many communities where discrimination had once been wide-spread. Hence it was all the more shocking that responsible leaders of a modern State should openly disregard the basic principles of freedom and equality of opportunity for all.

33. The last few months had witnessed scenes of violence elsewhere in Africa in which many innocent people had been the victims of fanatical elements. While such violence could not be condoned, it must surely be recognized that it was the inevitable result of the decades of oppression and humiliation to which so many of the African peoples had been subjected. He appealed to the Union Government in the spirit of the ideals to which the United Nations was dedicated to comply with the provisions of the resolution of which his delegation was a co-sponsor.

The meeting rose at 12.40 p.m.