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**Official Records**



**SPECIAL POLITICAL COMMITTEE, 227th  
MEETING**

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at 11.20 a.m.**

**New York**

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

***Tribute to the memory of Mr. Manuel Bisbé  
Alberni, Permanent Representative of Cuba  
to the United Nations***

1. On the proposal of the CHAIRMAN, the members of the Committee observed a minute of silence in tribute to the memory of Mr. Manuel Bisbé Alberni, Permanent Representative of Cuba to the United Nations.

**AGENDA ITEM 70**

**Treatment of people of Indian and Indo-Pakistan  
origin in the Union of South Africa**

2. Mr. JHA (India) said that the question of the treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa had been brought before the General Assembly by the delegations of India and Pakistan at every session of the General Assembly since 1946. The General Assembly had adopted a number of resolutions stating that the maltreatment of those people and discrimination against them constituted a violation of human rights and fundamental freedoms and impaired friendly relations between Member States, and that negotiations should take place between the Government of the Union of South Africa and the Governments of India and Pakistan with a view to reaching a solution of the problem in conformity with the United Nations Charter and the terms of existing agreements. Although the resolutions adopted in recent years had emphasized the need for negotiations, the earlier resolutions had not been revoked and represented, in their totality, the unequivocal stand of the General Assembly on the problem.

3. Resolution 44 (I), adopted at the first part of the first session of the General Assembly, had been historic for many reasons. It had brought before the world forum for the first time the whole question of racial discrimination, from which millions of people in Africa had suffered for decades; and it had laid bare the policy of *apartheid* and racism practised by a Government in which the non-white majority had no representation or influence. The resolution constituted the expression of world opinion on the denial of human rights in South Africa, and had become a guiding precedent for the attitude of the United Nations to such questions and a beacon of hope for millions of people throughout the world. The raising of the question had

been a demonstration of the anger, anguish and humiliation felt by the people of India at the denial of human rights to persons linked to them by ties of blood and culture. Finally, the General Assembly had recognized that the treatment of those persons should be in conformity with prior international agreements between the Governments of India and of the Union of South Africa.

4. It gave his Government no pleasure to bring up the same matter, year after year, only to meet with intransigence, lack of co-operation and even defiance of the United Nations on the part of the Government of the Union of South Africa. However, it was not only a duty but an act of faith to call attention to a Government whose policies, in defiance of the United Nations Charter and the rules of decent and civilized behaviour, affected vast numbers of people and led to bitterness and the potential danger of international friction. The United Nations must continue to give expression to world opinion until the Government of South Africa recognized that the only course, both for its inherent rightness and in the interest of South Africa itself, was to remodel society on the basis of equality for all. The item under discussion was a facet of *apartheid* and racial discrimination, which must be banished if the objectives enshrined in the United Nations Charter were to be realized. Continuing positive expressions of unyielding opposition on the part of the United Nations to the South African Government's policy of *apartheid* must eventually, through the weight of world public opinion, help in solving the problem of persons of Indian origin in South Africa. Conversely, the solution of the problem in conformity with the Charter and with international agreements through a process of negotiation and conciliation would help in solving the much larger question of *apartheid* and racism in South Africa and other parts of the continent.

5. The Government of India, although unyielding in its insistence on equal citizenship rights without discrimination for South African nationals of Indian origin, had always been ready to negotiate with the Government of the Union of South Africa. It believed in the methods of peace and negotiation, and its attitude had been modest and reasonable; it had gone to the extent of offering to negotiate "without prejudice to the position adopted by any of the parties concerned in respect of the issue of 'Domestic Jurisdiction' under Article 2 (7) of the Charter of the United Nations" (A/4416, Annex, para. 2). However, the response of the Government of the Union of South Africa had been absolutely negative. The Government of India sought no special privileges for Indians in South Africa, but merely asked that they should have the same rights as other South African citizens. It had championed equally strongly the right of the African to equality of citizenship, and indeed it regarded the problems of Indians and Africans as part of a larger problem. It had no desire to intervene in the internal affairs of South

Africa, and sought only to ensure a decent life for all people in that country.

6. There were about 450,000 persons of Indian and Pakistan origin in South Africa. Their forefathers had gone to South Africa in the second half of the nineteenth century as indentured labour for the sugar plantations, their contracts providing that if, after the period of indenture, they settled in South Africa, they would be free to engage in any ordinary occupation and would not be subjected to any discriminatory legislation. From the very first, however, the South African Government had taken discriminatory measures against them and had imposed on them various disabilities which even representatives of the United Kingdom had considered unjust and iniquitous. As early as 1875, the member of the United Kingdom Government responsible for South African affairs had said that it was to be expected that Indian settlers, having completed the terms of service to which they had agreed, would be free men in all respects with privileges in no way inferior to those of any other class of subject resident in the Colonies. In 1918, the then Secretary of State for India had said that it would be difficult to justify the imposition of such disabilities on any particular class in a State, but that it would appear to constitute a hardship of a specially grievous character in the case of a class which owed its presence in South Africa to the needs of that country and whose numbers had been augmented by the deliberate policy of successive Governments. It was significant that even at that time representatives of the United Kingdom Government had protested against such measures as being both inherently unjust and a violation of the agreements under which Indians had come to South Africa.

7. In the early years of the present century. Mahatma Gandhi had initiated in South Africa the passive resistance movement for the vindication of fundamental human rights, which had been the beginning of the movement for equality and freedom of downtrodden peoples everywhere. In South Africa, the movement had not succeeded in removing all discrimination against Indians, but it had led to the Smuts-Gandhi agreement of 1914, which had offered temporary relief but had soon been violated by the Union Government. The matter had subsequently been raised at several Imperial Conferences, and the British Government of India, supported by Indian public opinion, had striven for the improvement of the conditions of Indians in South Africa and equal treatment for them. A round-table conference between representatives of the Governments of India and the Union of South Africa had resulted in the Cape Town agreement of 1927, which had included an undertaking to "uplift" those Indians who wished to remain in South Africa. That agreement had never been implemented; indeed it had been continuously violated.

8. During the past twenty years, the situation in South Africa had progressively deteriorated, and the doctrine of the master race had relegated persons of Indian origin, along with Africans, to the position of semi-slaves in their homeland. A series of discriminatory laws concerning the acquisition of land and property had culminated in the Group Areas Act No. 41 of 1950, under which all land would be divided and controlled by the Government for purposes of ownership and occupation by the different racial groups, including people of Indian origin. The Cape Town agreement had thus been finally demolished unilaterally.

9. It had been calculated that less than 5 per cent of the Indians in South Africa had been born outside the Union as compared with 25 per cent of the white population, and there were many South Africans of Indian origin of the fourth and fifth generations. The Indian community, the first members of which had arrived in Natal exactly a century ago, had contributed much to the growth and development of South Africa and its economy, and identified itself fully, both emotionally and economically, with South Africa. The legislation regulating the Indian immigration scheme had clearly envisaged the prospects of permanent settlement, and a prominent South African Indian economist had listed three major breaches of faith committed against the Indians in South Africa, namely: the repeal of the legislation promising land to Indian settlers; the persistent efforts to expatriate the descendants of Indian labourers who had saved Natal from economic ruin; and the action by which Indians in Natal had been deprived of the parliamentary franchise.

10. The inflexible implementation of the Group Areas Act had continued during 1960 to be a source of hardship and economic frustration to Indians. In Pietersburg, the entire Indian community had been ordered to leave their homes and shops for a stretch of barren country two miles from the town. The first Indians had come to Pietersburg in 1884, had helped the white farmers in times of drought and depression, and would leave behind businesses worth over £2 million.

11. The entire Indian population of Rustenburg, comprising nearly 1,000 persons, would have to start life again on undeveloped land two and a half miles from the town. The *Cape Times* had pointed out on 15 March 1960 that the Indians were not recent arrivals, that they had provided a service valued by the local farmers, and that a voteless group was now being economically ruined by the stroke of an official pen. Similar events had occurred in the area of Durban, where the Archbishop of Durban had condemned the proposals to remove Indians as unjust, unnecessary, immoral and un-Christian, while the *Natal Mercury* had said on 22 February 1960 that the proposals were not only indefensible on humanitarian grounds but also impossible on financial grounds.

12. At almost every session from the third to the ninth, the General Assembly had proposed the establishment of bodies which might have facilitated negotiations among the three Governments concerned, but its efforts had been nullified on each occasion by the attitude of the Government of the Union of South Africa. Since the tenth session, the General Assembly had adopted the basic approach that the parties should hold direct negotiations and report to it; since that session the Union Government had not participated in debates on the question. In accordance with General Assembly resolution 1460 (XIV), the Government of India had communicated with the Government of the Union of South Africa with a view to entering into negotiations (A/4416) and the Government of Pakistan had also made a separate, but simultaneous, approach to the Union Government (A/4417). No response had been forthcoming.

13. It was for the Committee to consider what further action should be taken. His delegation regretted that the representatives of the Union of South Africa had chosen consistently to boycott discussions of a question which so vitally concerned them and involved moral issues of the highest importance, on which the very

future of the Union of South Africa depended. As in previous years, the Indian delegation would not itself submit a draft resolution on the question, but he would like to make it clear that his Government did not accept the view of the Union Government that consideration of the question constituted intervention in the domestic affairs of South Africa. India respected the sovereignty of every Member State as much as its own, but could not agree that a gross violation of human rights and fun-

damental freedoms, which caused deep concern to millions of people, could remain a purely internal matter. His Government's only desire was that the question should be resolved by peaceful negotiations in conformity with the United Nations Charter, and he trusted that the Committee would insist on such a solution.

The meeting rose at 12.5 p.m.