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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) (continued)**

1. Mr. PALAR (Indonesia) recalled that although the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa had been under consideration by the General Assembly for seven years, no progress had been made towards a solution. That was all the more regrettable in the light of the fact that in a few weeks' time the United Nations would be celebrating the tenth anniversary of the Universal Declaration of Human Rights. The United Nations had tried every way of obtaining the co-operation of the Government of the Union of South Africa in the search for a solution to the problem. After strongly disapproving and condemning the Union Government's apartheid policies, the General Assembly had adopted a more conciliatory tone. In resolution 1178 (XII) of 26 November 1957, it had appealed to the Government of the Union of South Africa to revise its policy in the light of the purposes and principles enshrined in the Charter of the United Nations. The General Assembly should continue to use that approach in the hope that its appeal would eventually be heard. Nevertheless, the General Assembly should make it clear to the Union Government that it had in no way altered its view that the policy of apartheid as practised in South Africa was a violation of human rights and fundamental freedoms and in direct conflict with the principles laid down in the Charter.

2. The Government of the Union of South Africa had repeatedly challenged the competence of the General Assembly to deal with the matter and, in support of its argument, had invoked the provisions of Article 2 (7) of the Charter. However, by the resolutions which it had adopted at its seventh, eighth, ninth, tenth, eleventh and twelfth sessions, the General Assembly had affirmed and reaffirmed its competence in the matter. The Indonesian delegation therefore considered that the attitude of the South African delegation was untenable.

3. The delegation of Indonesia noted with deep regret that, far from allaying the severity of the discriminatory laws already in force in the Union of South Africa, the Union Government had enacted new laws

which worsened the position of the non-white peoples of the Union of South Africa, who represented 80 per cent of the total population of the country. By way of example, there was one law which had created a system of "job reservations" whereby, in certain fields, the choice positions were kept for whites. There was also a new law which had recently doubled the head tax for all non-whites over eighteen years of age, whereas only white men over twenty-one years of age and earning more than \$420 a year were similarly affected. He found it distasteful to have to dwell on the discriminatory legislation to which eleven and a half million non-white persons were subject in the Union of South Africa and against which the Committee had already protested; he considered, however, that the Union Government's policy was a dangerous one not only for the country itself but also because of its international implications.

4. Although recent events in the Union of South Africa suggested that the new Government intended to continue and even to intensify its policy of apartheid, the trends now evident in the rest of the African continent provided some basis for the hope that the time would come when the Union Government would have to change its attitude. Economic and social progress in Africa was taking place with dramatic rapidity. The African peoples were becoming aware of their rights and duties and were anxious to assume their rightful place in a politically, economically and socially mature society. They would, sooner than was expected, play a decisive role not only in the destiny of their own countries but in that of South Africa as well.

5. In the meanwhile, the African peoples of the Union were denied the right of representation in the Union Parliament and were therefore unable to express their views by legal means. Extra-parliamentary methods, such as strikes and demonstrations, were similarly forbidden to them. Only recently, ninety-one leaders of organizations opposed to the Government's apartheid policy had been arrested and imprisoned on an indictment for treason. The African peoples of the Union could not fail to compare the social and political progress made in Africa in countries like Tunisia, Morocco, Ghana, Nigeria and Guinea with the position assigned to them in the Union of South Africa. In certain parts of the country there were already signs of opposition to the Government's policy. Such a movement could not fail to become stronger and finally to join forces with the tremendous movement for freedom from colonialism which was sweeping over Asia and Africa.

6. Nationalism was one of the decisive forces shaping the world of today. Although it could not be denied that various forms of racial conflict existed in many countries, the majority of the peoples and all the Governments concerned sought to conceal and to

minimize and settle such conflict. By contrast, the Government of the Union of South Africa was applying and reinforcing racial discrimination. No government could continue to maintain such a position of isolation, and it was for that reason that the Indonesian delegation joined the great majority of the members of the Committee in appealing to the Government of the Union of South Africa to revise its racial policy.

7. Mr. PATHAK (India) recalled that the General Assembly, in its resolution 1178 (XII) of 26 November 1957, had appealed to the Government of the Union of South Africa to revise its policy in the light of the purposes and principles enshrined in the Charter and of world opinion. That appeal had met with no response, and on 1 March 1958 the Union Government had informed the Secretary-General that it was not prepared to take note of that resolution and had maintained that the matters dealt with in those resolutions were essentially within its domestic jurisdiction. That plea, behind which the Union Government had been futilely trying to take shelter since 1946, had been so often refuted by the General Assembly and the other organs of the United Nations that the competence of the Organization to examine violations by Member States of the obligations assumed by them in relation to the observance of human rights and fundamental freedoms had now become deeply embedded in the jurisprudence of the United Nations.

8. The competence of the General Assembly had been established in particularly clear terms in the conclusions arrived at by the United Nations Commission on the Racial Situation in the Union of South Africa after a thorough study of the question. His delegation believed therefore that it was no longer open to the Union of South Africa to disregard the resolutions of the General Assembly on the strength of such a plea. The attitude of the Union Government did not, however, absolve the United Nations from the duty to examine the situation and recommend such action as was demanded by the circumstances.

9. The racial situation in the Union of South Africa had been described so fully and competently by the Commission that there was no further need to review it again in detail. He would therefore limit his remarks to a few essential points. He recalled that the real sovereignty in the Union of South Africa was exercised by a Parliament comprised solely of Europeans even though the Europeans represented only one fifth of the population. The Commission had noted that the Union of South Africa closely resembled a colonial Power, but one whose colonies were scattered over the territory of the metropolitan country itself. As a means of maintaining their domination, the Europeans had instituted a policy of apartheid that had resulted in a form of segregation affecting the entire fabric of social and economic life in the Union. The non-Europeans were severely hampered in all their activities and had been deprived of all the freedoms enjoyed by the whites, including in some cases the right to the free practice of their religion. For example, according to a Reuters report dated 30 June 1958, the Moslem citizens of the Union had protested against the closing of their mosques in the areas set aside for whites under the Group Areas Act.

10. Any kind of legal opposition by the four fifths of the population was becoming more difficult by reason

of the constant curtailment of their liberties, rights and possibilities of advancement that was resulting from the more rigid application of the policy of apartheid. The non-Europeans were thus faced with the possibility of being forced to resort to clandestine activities in order to escape from a humiliating level of inferiority injurious to human dignity. The policy of apartheid was a seriously disturbing factor in international relations, and was likely to impair the general welfare and friendly relations among nations.

11. He would not review the events that had taken place since the last session of the Assembly, because that had already been done quite brilliantly by the representative of Ghana. He would, however, cite several examples of the reactions that had been provoked by the Union Government's policy of segregation. In a recent speech made by the Reverend Stanley Sudbury, Chairman of the Natal District Synod of the Methodist Church, the Union Government had been warned that the country would have to face a day of dire reckoning if Christian principles continued to be ignored in legislation and administration. He had pointed to the dangers of a policy which would inevitably arouse deep and lasting resentment and had stressed the need for guarding against moral callousness by keeping the Christian values of life constantly in mind.

12. Father Huddleston, a member of the Church of England, had recently warned the Union Government against the danger of totalitarianism. He had pointed out that thousands of Africans were being persecuted in their own land, not for any crime, but simply because they were black, and had expressed the hope that the free world might be so stirred that the Government of South Africa would be forced to realize that its isolation would threaten the very foundations of its own culture and civilization.

13. The Union of South Africa was not the only country where racial problems existed, but in the other countries efforts were being made by the Governments concerned to bring their laws into accord with the dictates of humanity and if some remnants of the evil were left, they were bound in the course of time to yield to the pressure of the laws and governmental action. The world knew of the legal action being taken by the United States Government to end segregation in education and of the progress achieved in that direction. In India, under the inspiring influence of Mahatma Gandhi, whose life had been devoted to the fight against inequality and domination, whether political or racial, the people had abolished discrimination based on religion, race or colour. India even granted preferential treatment to classes, such as the "untouchables", who had long been oppressed. The Union of South Africa was unique in that the Government itself was seeking to perpetuate the evil by intensifying its policy of oppression.

14. The wave of nationalism which was sweeping over the continent of Africa could not be ignored. Eight of the Territories in that continent had already attained independence, and it was only natural that the people in those countries should support the claims of their oppressed brethren. At the Bandung Conference, where more than half the population of the world had been represented, the policy of racial segregation and discrimination in large regions of Africa and in other parts of the world had been deplored, and that

policy had been branded not only a gross violation of human rights but also a denial of the fundamental values of civilization and the dignity of man.

15. At the Accra Conference, the participating States had recognized the right of the African people to independence and self-determination and had condemned racial discrimination in all its forms.

16. The generous action of the American Committee on Africa was deserving of mention. The Chairman of the sponsoring committee through which that organization was acting was Mrs. Roosevelt, whose services to the cause of humanity were well known. The American Committee, whose members included many eminent persons, had published a document entitled "Declaration of Conscience" whose signatories noted that freedom and human dignity were in grave jeopardy in the Union of South Africa and declared their support of the South African people—non-white and white—in their determination to achieve the basic human rights and fundamental freedoms.

17. His delegation felt that all the Member States owed it to the interests of peace and security to exercise their influence with the Government of the Union of South Africa to bring about a peaceful and just solution to the problem of race relations in South Africa. In the name of the millions of India, his delegation appealed to the Government of the Union of South Africa to abandon its policy of apartheid.

18. Mr. BELTRANENA VALLADARES (Guatemala) observed that there was a tendency to treat seemingly insoluble problems with indifference. The existence, however, of an abnormal situation in a society had serious and far-reaching effects because it was capable of hindering the social progress of mankind. The representative of Ghana and several other speakers had already referred to the danger of contagion inherent in the policy of apartheid in the Union of South Africa which was depriving a large part of that country's population of its fundamental rights. That deplorable situation was known to all from the reports which had been published on the subject, and the Government of the Union of South Africa had itself never denied that the policy of apartheid was intended to create a separation between two groups of human beings. Such a policy was the negation of the principle of equality proclaimed in the Preamble to the Charter and in the Universal Declaration of Human Rights.

19. It was, of course, possible to point to cases of racial discrimination in other countries, but what was most serious about the apartheid problem was that it involved a systematic and well-defined policy of erecting a barrier between two groups of human beings who differed only in the colour of their skins. The countries in which racial problems existed fell into two groups: those which recognized the injustice inherent in the legal inequality resulting from racial discrimination and those which attempted to maintain a barrier between the races and did not recognize the injustice so created. It was incumbent upon the United Nations to make the Union of South Africa understand that its policy of apartheid led to a de facto situation which was unjust and contrary to the obligations assumed by the signatories of the Charter. The words spoken by Pope Pius XII, the champion of peace and justice, during the dictatorship of Hitler—that as far as the spiritual concept of human dignity

was concerned there could be no differences based on race of colour—might also be cited in that connexion. Moreover, according to the principles of modern international law, States were no longer the absolute masters of their nationals and must apply universally-accepted standards so far as the personality of the individual was concerned. Thus, the systematic violation of human rights became a matter not only of domestic but also of international law, and a State could not ignore the solemn obligations it had assumed with respect to international law.

20. Certain countries in which there existed inequalities and social injustices arising from racial discrimination had taken steps to end discriminatory practices. The doctrine of integration in the public schools set forth by the United States Supreme Court in 1954 and recently confirmed unanimously by that Court could be regarded as a salutary example for the steps which should be taken to put an end to racial discrimination. The official policy of the United States was thus in complete accord with the principles of the Charter and the Universal Declaration of Human Rights.

21. His delegation wished to state its position clearly, as it had already done on several occasions. In conformity with its constitutional and legal principles, the Republic of Guatemala considered racial discrimination a violation of civil rights and of the political and social constitution of the country. That tradition of equality went back to the country's first years of independence, and the Government had always made an effort to achieve the utmost equality under the law for all citizens. Consequently, when the question of apartheid had been raised in the Assembly, his delegation had endeavoured to contribute to the adoption of measures designed to eliminate the problem. To that end, at the seventh session of the General Assembly it had associated itself with the sponsors of draft resolution 616 A (VII) and had voted in favour of resolution 616 B (VII) (401st meeting). At the ninth session of the General Assembly his delegation had, however, voted against the adoption of paragraph 6 of resolution 820 (IX) in the Ad Hoc Political Committee (47th meeting) and had abstained on the resolution as a whole because it considered that the paragraph in question infringed upon certain principles relating to the competence of the United Nations.

22. The purpose of the Assembly's resolutions should be not to interfere in the domestic affairs of a State signatory to the Charter, but to apply the principles of Article 56, taking account of Article 55 (c), Article 13 (1), Article 1 (2) and (3) and Article 2 (7). Indeed, the Articles of the Charter, which formed a harmonious whole, could not be considered in isolation. The Assembly was of course morally and legally competent to consider the problem, but it should remain strictly within the limits of that competence. His delegation did not believe that the situation in the Union of South Africa was, as had been claimed, a threat to international peace and security, nor a grave threat to peaceful relations between ethnic groups throughout the world. For example, he did not believe that the policy of apartheid could affect the inter-racial relations of the population of Latin America, which was made up of so many different races all enjoying equal rights.

23. For the reasons he had given, his delegation considered that the Assembly should reiterate the recommendations contained in its previous resolutions and in particular in resolution 1178 (XII). His delegation would therefore be prepared to associate itself with other delegations in submitting a new draft resolution recalling previous recommendations without referring to the question of a threat to inter-racial relations throughout the world.

24. His delegation sincerely deplored the absence of the Union of South Africa from the Committee. It did not pretend to sit in judgement on the Union of South Africa, but it hoped that the action taken by the States Members of the United Nations would induce the Union of South Africa to abandon its official policy of apartheid.

The meeting rose at 12 noon.