



Friday, 24 March 1961,
at 3.25 p.m.

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C O N T E N T S

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..... 25

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

AGENDA ITEM 72

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

1. Mr. SILVEIRA DA MOTA (Brazil) recalled that the problem of racial discrimination had been a matter of concern to the United Nations since the very outset. However, the debates devoted every year by the General Assembly to that problem, and especially to the question of race conflict in the Union of South Africa, should not on that account be allowed to become a mere formality. *Apartheid* created a situation of chronic crisis and must be treated in the forceful manner appropriate to emergency situations.

2. The nature of the problem had been accurately defined as long ago as the seventh session of the General Assembly in resolution 616 B (VII) which affirmed that government policies designed to perpetuate or increase discrimination were inconsistent with the pledges of the Members under Article 56 of the Charter, and solemnly called upon all Member States to bring their policies into conformity with their obligation under the Charter to promote the observance of human rights and fundamental freedoms. The Government of the Union of South Africa had paid no heed to that solemn appeal or to subsequent statements of the General Assembly. On the contrary, it had carried discrimination still further and questioned the right of the United Nations to concern itself with the plight of non-white South African nationals.

3. All discrimination against human beings on the basis of the colour of their skin was a crime against the law of God, against the law of nature and against the law of man. Where it was enforced as in the Union of South Africa as a State philosophy, it also became a tragic absurdity at a time when the African nations were bursting on to the international scene full of hope and energy.

4. As a land of varied racial background, where every inhabitant had equal rights both in law and in fact, Brazil felt particularly well qualified to express deep concern over any form of race discrimination. *Apartheid* was more than a moral or purely national problem; it represented a potential, if not an actual, threat to international peace and security which the United Nations must take up.

5. Recent factors had come to reinforce the condemnations which for the past eight years had been pronounced on the subject of *apartheid*. The massacre of Sharpeville, the declarations adopted at the Conferences of Independent African States at Accra in 1961 and at Monrovia in 1959, the action of the Security Council in April 1960,¹ and the withdrawal of South Africa from the Commonwealth, were ample evidence of world reaction to race conflict.

6. Brazil had often expressed its admiration of the Union of South Africa for its conduct both in war and in peace. Therefore the stand it had taken on the question under discussion was dictated not by malice or hatred; but by sincere sorrow at seeing the Union of South Africa embark on a policy contrary to the interests of its own people and attempt to go against the current of African and world development.

7. The Brazilian delegation was deliberately optimistic and was always anxious to find a solution to international problems, and was prepared to support any steps designed to assist the South African Government should it decide to try to remedy the evils of *apartheid*.

8. Mr. GAMBOA (Philippines) recalled first of all the salient features of *apartheid*. The very document to which the Union of South Africa might be said to owe its existence, the South Africa Act of 1909, provided that every member of Parliament must be "a British subject of European descent". Even the eleven members of Parliament who until June 1960 represented the Africans in both Houses had to be white. Today, there was no representation of Africans in Parliament, and no non-European voter might be placed on the general electoral rolls. A non-European was also excluded from the office of Governor-General, from the Cabinet and from all higher posts in the public service; nor, generally speaking, was he allowed to occupy a position giving him authority over any European. Furthermore, no non-European had ever been elevated to the bench or allowed to sit on a jury.

9. In another direction, under the Population Registration Act, every South African had to be registered as a white person, a coloured person, or a native. Under the Mixed Marriages Act of 1949 all marriages between Europeans and non-Europeans were prohibited. The amount of old-age pension varied according to the racial origin of the recipient. No African citizen of the Union was at liberty to travel, except within the vicinity of the place of residence assigned to him without special authority. Under the Group Areas Act a person could be prohibited from owning property in any area reserved for a racial group other than his own, and might even be compelled to give up his business. The operation of the Act often entailed economic ruin for an individual or for a whole group of individuals. The

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

African, whether a rural or an urban resident, was treated essentially as a temporary migrant; he was not entitled to belong to a trade union, take part in a strike, or avail himself of the official machinery for dealing with industrial disputes. There were many other examples to show that that pernicious and humiliating policy of race discrimination found expression in all aspects of life, in regard to freedom of association, cultural activities or hospitalization. To crown everything, under the Criminal Law Amendment Act of 1953 it had been made an offence merely to protest against the policy of *apartheid*.

10. The advocates of *apartheid* had put forward a number of arguments in support of it. They alleged that Africans would only interpret equality as being the first step towards black domination over whites, and they feared that if the non-white population ever became politically dominant it would immediately wreak vengeance on the whites. It was also argued that the European inhabitants had no other place to go to; that their ancestors had left the motherland three hundred years ago, and that South Africa was the only homeland they had ever known. Lastly, it was claimed that two groups which were so different racially, culturally and historically could never settle down together in a common territory; consequently, it was in the best interests of both groups that they be completely segregated, the logical conclusion being that the non-whites should be confined to reserves, where they could have their own way of life.

11. Such arguments might explain *apartheid*, but they could not justify an indefensible policy. It meant that human beings ostracized other human beings who were born, lived and died in the same land as themselves. The Union of South Africa today was what all groups making up its people had made it, and all had the same right to enjoy the fruits of their labour without any distinction. The 11 million non-whites in the Union of South Africa could not be refused the right to take part in the conduct of their country's affairs and to be treated with fairness and respect. Nor could anyone blame them for thinking that they had as much claim as the 3 million Europeans, if not more, to the land in which they had lived from time immemorial.

12. As to the white's fear of revenge, the history of modern times had shown very clearly that the best way to win a people's sympathy was to treat them with justice and understanding. A policy which created a hostile, discontented group would never solve a racial problem.

13. If the various groups living in the Union of South Africa showed a little goodwill, their differences would not prevent them from living in one and the same territory in peace and harmony, as equally varied populations did in many other countries.

14. The most unanswerable argument against the policy of *apartheid* was that it was repugnant to the moral law: it was a denial of the dignity of man and the value of the human soul. As a former Deputy Prime Minister of the Union, Jan H. Hofmeyr, had rightly said, all men were equal before God. All had a sacred personality, and all should have equal opportunities to develop it to the fullest extent. The colour of the skin could never be used as a criterion for a human being's rights.

15. On the question of the effects of *apartheid* on the Africans, he quoted the opinion of Mr. Jean-Flavien

Lalive, Secretary-General of the International Commission of Jurists, in his foreword to the Commission's recent report² on South Africa. According to Mr. Lalive, the evil of the policy of separation of races lay in the presumption of racial superiority translated into the deliberate infliction of an inferior way of life on all non-whites, and since it was not permitted to choose its own way of life, the non-white population was reduced to permanent political, social, economic and cultural inferiority. Mr. Lalive also noted that the impact of *apartheid* extended to virtually all aspects of life. The humiliation inflicted by *apartheid* was the testimony on which *apartheid* could be judged. Its price in terms of human degradation would never be known, but it was high enough to outweigh any of the benefits it was claimed to bring.

16. To illustrate the pathos of the situation in South Africa, he told of the suicide of a sixteen-year-old boy, the only non-white in his family, who was separated from his brothers in many ways by the *apartheid* laws. Alan Paton too told of a home which was broken because the husband had suddenly been declared under the Population Registration Act to be coloured. There was also the deplorable incident at Sharpeville, in which sixty-nine African demonstrators against the pass laws had been killed by the police.

17. In the circumstances, what could the United Nations do about the question of *apartheid*? As everyone knew, the question had been considered by the General Assembly since 1952. The Assembly had remonstrated with the Government of the Union of South Africa time after time to reconsider its position and to revise its policy, so as to comply with its obligations under the Charter. But the advocates of *apartheid* had consistently ignored and defied world opinion, asserting that under Article 2, paragraph 7, of the Charter the United Nations had no right to intervene because it was an internal affair of the Union Government.

18. But was that true? In one sense, it might be a matter coming within the domestic jurisdiction of the Union of South Africa, but in a larger sense it was also within the competence of the United Nations, in view of the Preamble and of Article 1, paragraph 3; Article 13, paragraph 1, sub-paragraph b; of sub-paragraph c of Article 55; as well as of Article 56, and Article 62, paragraph 2, of the Charter. All those provisions insisted on respect for human rights and fundamental freedom for all without distinction as to race, sex, language or religion, and on the need for all Member States to promote respect for human rights and fundamental freedoms.

19. He submitted that, in all cases where there was an apparent overlapping of competence, the jurisdiction of the Member State ended where the jurisdiction of the United Nations began. In other words, the Member State might pass legislation affecting race relations provided such legislation did not violate human rights and fundamental freedoms, as safeguarded by the Charter. When it trespassed beyond the demarcation line, the United Nations must step in.

20. He drew attention to the wording of the Preamble of the Charter, which said that the peoples of the United Nations were determined to reaffirm faith "in the equal rights of men and women and of nations large and small". In that passage it should be noted that the

² International Commission of Jurists, *South Africa and the Rule of Law* (Geneva, 1960), p. 5.

individual and the nation were placed in juxtaposition, each separately, as the concern of the United Nations. It could only be concluded that the United Nations had the right, and even the duty, to take note both of matters between nation and nation and of matters that affected the lives of persons, irrespective of their nationality or citizenship.

21. It was safe to assume that the policy of *apartheid* would be challenged even more vigorously than ever before in the United Nations, in view of the Organization's present composition. Even outside the United Nations, the question had increasing international significance and might cause serious repercussions. That was another reason why the United Nations should not wash its hands of it.

22. On 19 May 1960, the Philippine Congress had approved a resolution on the tragic incident in Sharpeville, in which it deplored that incident, expressed its sympathy to the natives of South Africa for the tragic happening and for their present plight and reiterated its opposition to the *apartheid* policy.

23. In a situation such as that in South Africa, there must be an answer. He recalled that Franklin D. Roosevelt had said that if civilization was to survive, men must cultivate the science of human relationship, the ability of all peoples of all kinds to live together in the same world and at peace. If that was true on the international level, it was equally true on the national and community level. Goodwill, practical co-operation and

understanding among the various sections and races of its population were the foundation stones for a strong nation.

24. The General Assembly had condemned racial discrimination in South Africa in no uncertain terms, created a Commission to deal with the question, warned of possible serious repercussions, appealed to certain Governments to use their good offices, invited the Union Government to reconsider its position and called on it to abide by the provisions of the Charter; and the Security Council had also requested the Secretary-General to try to improve the situation—all to no avail. But racial discrimination in all its aspects must be tirelessly denounced until it was wiped out from the face of the earth, not only in Africa but everywhere else.

25. The solution, short of the drastic measures provided for in the Charter, lay in the hands of the Union Government. As the writer of a recently published book on the question had said, the only way the United Nations could influence a Member State was to appeal to its conscience by marshalling the weight of world opinion against the policies it was pursuing. One could only hope that those responsible for the policy of *apartheid* might find it possible in their hearts to see the coloured man no longer as the white man's burden but as his brother, who must not be denied any of his God-given rights. When blood flowed on battlefields or elsewhere, its colour was the same, whatever the race, religion or opinions of the victims.

The meeting rose at 4.40 p.m.