



Fourteenth session
Agenda item 60

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE
UNION OF SOUTH AFRICA

Report of the Special Political Committee

Rapporteur: Dr. Leopoldo H. TETTAMANTI (Argentina)

1. By a letter dated 14 July 1959 (A/4145), the representative of India requested that the item "Treatment of people of Indian origin in the Union of South Africa: report by the Government of India" should be included in the agenda of the fourteenth regular session of the General Assembly. An attached explanatory memorandum stated that, through its High Commissioner in London and its permanent representative to the United Nations, India had sent appropriate communications to the Government of the Union of South Africa explicitly expressing its desire and readiness to enter into negotiations with that Government in accordance with resolution 1302 (XIII) and also explaining that such negotiations should 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 Charter. Although formal acknowledgement of receipt had been received from the South African High Commissioner in London, the Government of the Union of South Africa had not so far taken any steps to implement the wishes of the General Assembly, nor was the Government of India aware of any steps taken by any Member States in accordance with paragraph 4 of resolution 1302 (XIII). The Government of India proposed to report on the matter at the fourteenth session of the General Assembly in accordance with paragraph 5 of the resolution.

2. On the same date, the representative of Pakistan also requested (A/4146) inclusion of the item "Treatment of people of Indian origin in the Union of South Africa" in the agenda of the fourteenth session of the General Assembly. An attached explanatory memorandum stated that there had been no response from the Government of the Union of South Africa to communications addressed to it by the Government of Pakistan, nor was Pakistan aware of any steps taken by Member States in furtherance of paragraph 4 of resolution 1302 (XIII).
3. On 22 September 1959, the Assembly decided to include the item on its agenda and to refer it to the Special Political Committee.
4. The Committee examined the question in the course of its 170th, 172nd and 173rd meetings, from 7 to 9 December 1959.
5. On 7 December, the representatives of India and Pakistan submitted the reports of their Governments.
6. Also on 7 December, Ethiopia, Ghana, Iran, Mexico, Morocco, the Philippines, Saudi Arabia, Tunisia, the United Arab Republic and Yugoslavia submitted a draft resolution (A/SPC/L.44), under which the Assembly would, inter alia:
 - (1) note that the Governments of India and Pakistan had again reiterated their readiness to enter into negotiations with the Union Government; (2) regret deeply that the Union Government had not replied to the communications from the Governments of India and Pakistan; (3) draw the attention of the Union Government to the repeated appeals of the Assembly; (4) appeal to the Union Government to enter into negotiations with the Governments of India and Pakistan; (5) invite Member States to use their good offices to bring about the negotiations envisaged by the Assembly; and (6) invite the parties to report to the Assembly regarding any progress which might be made.
7. On 9 December, the Committee voted separately on each paragraph of the ten-Power draft resolution, with the following results:
 - The preamble was approved by 61 votes to none, with 7 abstentions.
 - Paragraph 1 was approved by 61 votes to none, with 6 abstentions.
 - Paragraph 2 was approved by 57 votes to none, with 12 abstentions.
 - Paragraph 3 was approved by 58 votes to none, with 10 abstentions.
 - Paragraph 4 was approved by 57 votes to none, with 12 abstentions.

/...

Paragraph 5 was approved by 58 votes to none, with 9 abstentions.

Paragraph 6 was approved by 60 votes to none, with 6 abstentions.

The joint draft resolution as a whole was then adopted by 58 votes to none, with 10 abstentions.

Recommendation of the Special Political Committee

8. The Special Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly,

Recalling its resolution 1179 (XII) of 26 November 1957, and its resolution 1302 (XIII) of 14 December 1958,

1. Notes that the Governments of India and Pakistan have again reiterated their readiness to enter into negotiations with the Government of the Union of South Africa in accordance with the expressed desires of the United Nations, and with the express declaration that such negotiations would not in any way prejudice their own position or the position taken by the Government of the Union of South Africa regarding their respective juridical stands in the dispute;

2. Regrets deeply that the Government of the Union of South Africa has not replied to the communications from the Governments of India and Pakistan on this subject;

3. Draws the attention of the Government of the Union of South Africa to the repeated appeals of the General Assembly in this matter;

4. Appeals to the Government of the Union of South Africa to enter into negotiations with the Governments of India and Pakistan;

5. Invites Member States to use their good offices in such manner as may be appropriate to bring about the negotiations envisaged by the General Assembly in this matter;

6. Invites the parties concerned to report to the General Assembly, jointly or separately, regarding any progress which may be made.