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

Note by the Secretary-General

At the request of the Permanent Delegation of the Union of South Africa, the following letter dated 6 July 1955 from the Minister of External Affairs of the Union Government to the Secretary-General is reproduced in full with enclosures for the information of the delegations to the General Assembly. The letter was referred to and relevant parts quoted in the Secretary-General's report to the General Assembly of 25 October 1955 (A/3001).

LETTER DATED 6 JULY 1955 FROM THE MINISTER OF EXTERNAL
AFFAIRS OF THE UNION OF SOUTH AFRICA TO THE SECRETARY-
GENERAL

New York, 6 July 1955

I have for acknowledgement your letter of 28 June on the subject of paragraphs 2 and 3 of General Assembly resolution 816 (IX) regarding the treatment of people of Indian origin in the Union of South Africa, in which you inform me that, in terms of that resolution, you have designated Sr. Luis de Faro, Jr. as a person who, in your opinion, would be able to be of assistance to the Governments concerned.

In this connexion I have the honour to bring to your notice an exchange of telegrams which took place between the Government of the Union of South Africa on the one hand, and the Governments of India and Pakistan, respectively, on the other hand. From the copies attached hereto, it will be observed that the Government of the Union of South Africa took the initiative, on 17 December 1954, to approach the two Governments above-mentioned, and indicated that it was prepared, without prejudice to the juridical position consistently taken up by South Africa on the subject of domestic jurisdiction, to have discussions with the said Governments, "with a view to seeking a solution which would be acceptable to the Union". Perusal of the attached copies of the telegrams will show that while this telegraphic discussion was actually taking place, the Prime Minister of India in two speeches made violent and unsavoury attacks on the Government of the Union of South Africa. It was clear to the Union Government that the Prime Minister of India had, by his public statements, indicated that he was not genuinely interested in seeking a solution for the settlement of the differences which had arisen, and that he was in fact thereby rejecting the offer made in good faith by the Government of South Africa to discuss these differences in a friendly spirit. The Government of South Africa was therefore reluctantly obliged to abandon the attempt which was initiated in its telegram of 17 December 1954.

As regards the appointment of Sr. Luis de Faro, Jr. to assist the parties in finding a settlement of this issue, I have to point out that the Union Government has always maintained that the position of persons of Indian origin who have for many years been citizens of the Union of South Africa, is a matter of purely domestic concern, and that the United Nations is precluded by the provisions of Article 2(7) of the Charter, from intervening in the matter, either by way of discussion in, or by resolution of the Assembly, or by the appointment of a representative of the United Nations in terms of paragraphs 2 and 3 of General Assembly resolution 816 (IX).

The Union Government has the highest regard for Sr. de Faro's capabilities, and appreciates his willingness to be of assistance in this matter, but in view of what is stated above, must regretfully decline to prejudice its juridical position by collaborating with the distinguished gentleman, as suggested in your letter. The position of persons of Indian origin in the Union of South Africa has now been raised in the United Nations for nine years in succession. On each occasion the Union Government clearly stated its attitude, and denied the competency of the United Nations to intervene in this essentially domestic matter. In its telegram of 17 December 1954 the Union Government went a considerable distance in an attempt to initiate discussions with the Governments of India and Pakistan respectively. That attempt was deliberately wrecked by the Prime Minister of India. As far as the Union Government is concerned the question of persons of Indian origin in the Union of South Africa must now be regarded as definitely closed.

(Signed) Eric H. LOUW
Minister of External Affairs of
the Union of South Africa

T E L E G R A M

17 December 1954

FROM: Minister of External Affairs, PRETORIA
TO: (1) Minister of External Affairs, NEW DELHI
(2) Minister of External Affairs
and Commonwealth Relations, KARACHI

Addressed New Delhi No. 5, Karachi No. 5.

I have the honour to refer to the question of the treatment of persons of Indian origin in the Union which the Governments of India and Pakistan continue to raise in the international forum.

As the Governments of India and Pakistan are aware the Union Government regards this question as one of purely domestic concern and maintains that the United Nations is precluded by the provisions of Article 2(7) of the Charter from intervening in the matter.

While denying the right of any other Government to concern itself with this question the Union Government has nevertheless in the past been prepared to have discussions with the Governments of India and Pakistan with a view to seeking a solution which would be acceptable to the Union. The Union Government, however, categorically refutes the statement in connexion with the Union's claim to exclusive jurisdiction made by the Indian representative (Mr. Menon) before the Ad Hoc Political Committee at its 20th meeting on 27 October 1953.

The Union Government's attitude in regard to discussions with the Governments of India and Pakistan remains unchanged. It could not agree to participate in discussions except on the clear understanding and recognition by the Governments of India and Pakistan that the Union's willingness to discuss the matter outside the United Nations would not affect the Union's juridical position.

If the Governments of India and Pakistan should wish to discuss this question outside the United Nations and on the basis outlined in the foregoing the Union Government would be available for such discussions.

T E L E G R A M

Received

14 January 1955

FROM: Minister of External Affairs, KARACHI

TO: Minister of External Affairs, PRETORIA

No. 156

Addressed to Primesec Pretoria, repeated to Foreign, New Delhi

2. I have the honour to refer to your telegram No. 5 dated 17 December, on the question of treatment of persons of Indian origin in the Union.

3. The Government of Pakistan welcomes the approach made by the Union Government to discuss the question of treatment of people of Indian origin in the Union, which the Governments of India and Pakistan have raised in the United Nations.

4. The Government of Pakistan notes that the Union Government refutes the statement made by the Indian representative before the Ad Hoc Political Committee at its twentieth meeting on 27 October 1953, in connexion with the Union's claim to exclusive jurisdiction. Also it is noted that the Union Government agrees to participate in discussions only on the clear understanding and recognition by the Governments of India and Pakistan, that the Union's willingness to discuss the matter outside the United Nations Organization would not affect the Union's juridical position.

5. The Government of Pakistan have always supported (?) / awaited (?) an opportunity to discuss this matter in a spirit of co-operation and friendliness and would be willing to do so with the reservation that holding discussions would not in any way signify a departure from or prejudice the stands taken by the respective Governments in regard to the question of domestic jurisdiction.

6. The Government of Pakistan would in this connexion, however, reiterate its view that they have no intention of interfering in the domestic affairs of South Africa but that this problem is not one of purely domestic concern of the Government of South Africa. The Government of Pakistan hopes that the Union

Government would appreciate that this problem in South Africa has to be viewed as one in which the Governments of South Africa and Pakistan are both interested in because of its various implications which have also an international significance. The Government of Pakistan would further like to state that the Government of Pakistan is unable to disregard the purposes and principle of the Charter of the United Nations and the resolutions passed by the United Nations from 1946 onwards and obligations arising therefrom.

7. The Government of Pakistan hopes that the Union Government will consider this as an appropriate (?) basis for discussing this question and seeking a way out by mutual agreement.

T E L E G R A M

Received
15 January 1955

FROM: Minister of External Affairs, NEW DELHI

TO: Minister of External Affairs, PRETORIA

No. 0277

Your telegram No. 3 of 14 January.

Following is repetition of our telegram 09086 14 January Begins.

29073. Please refer to your telegram of 17 December.

The Government of India welcome the approach made by the Union Government to discuss the question of the treatment of people of Indian origin in the Union which the Government of India and Pakistan have raised in the United Nations.

2. The Government of India note that the Union Government refutes the statement made by the Indian representative before the Ad Hoc Political Committee at its 20th meeting on 27 October 1953, in connexion with the Union's claim to exclusive jurisdiction. They also note that the Union Government agrees to participate in discussions only on the clear understanding and recognition by the Government of India and Pakistan that the Union willingness to discuss the matter outside the United Nations would not affect the Union's juridical position.

3. The Government of India have always been ready to discuss this problem in a spirit of co-operation and friendliness. They are therefore willing to participate in the proposed discussions on the understanding that such participation would not in any way signify a departure from or prejudice to the stand taken by either Government on the question of domestic jurisdiction.

4. The Government of India would reiterate its view that they have no intention of interfering in the domestic affairs of South Africa. The problem is, however, not one of purely domestic concern to the Government of South Africa. The Union Government would appreciate that it has to be viewed as one in which the Governments of South Africa and India are both interested because of its

various implications which have an international significance. The Government of India are unable to disregard the purposes and principles of the Charter of the United Nations and the resolutions passed by the United Nations from 1946 onwards, and the obligations arising therefrom.

5. The Government of India hope that the Union Government will consider this a satisfactory basis for discussing the question and seeking a way out by mutual agreement. ENDS.

T E L E G R A M

4 February 1955

FROM: Minister of External Affairs, CAPE TOWN

TO: Minister of External Affairs, KARACHI

No. 4

1. Please refer to your telegram of 14 January 1955.

2. The Government of the Union of South Africa notes from paragraph 5 that the Government of Pakistan is willing to participate in discussions with a view to seeking a solution of the question of the treatment of persons of Indian origin in the Union on the understanding that participation would not in any way signify a departure from or prejudice to the stand taken by either Government on the question of domestic jurisdiction.

3. In view of the understanding suggested in paragraph 5 of your telegram, viz. that participation in discussions would not, in any way, signify a departure from, or prejudice to the stand taken by either Government on the question of domestic jurisdiction, it is difficult to understand why the Government of Pakistan, in the following paragraph (6), insists that the problem is not one of purely domestic concern to the Government of South Africa, and that it has to be viewed as one in which the Governments of South Africa and Pakistan are both interested, because of its various implications which have also international significance.

If, as appears to be the case, the Government of Pakistan intends to use the above-mentioned assumption as a basis for the proposed discussions, then it will not be possible for the Union Government to participate.

4. The Government of Pakistan further states that it is unable to disregard the purposes and principles of the Charter of the United Nations and the resolutions passed by the United Nations from 1946 onwards, and the obligations arising therefrom. Does this mean that the Government of Pakistan proposes that the suggested discussions should be conducted with due regard to the purposes and

principles of the Charter and resolutions of the United Nations? If that is the intention, then the proposal would constitute a complete refutation of the view of the Union Government, viz. that the matter is one of purely domestic concern, and that the United Nations is precluded by Article 2(7) of the Charter from intervening in the matter. The Union Government would not be able to agree to such a proposal.

T E L E G R A M

4 February 1955

FROM: Minister of External Affairs, CAPE TOWN

TO: Minister of External Affairs, NEW DELHI

No. 4

Please refer to your telegram of 14 January 1955.

2. The Government of the Union of South Africa notes from paragraph 3 that the Government of India is willing to participate in discussions with a view to seeking a solution of the question of the treatment of persons of Indian origin in the Union on the understanding that participation would not in any way signify a departure from or prejudice to the stand taken by either Government on the question of domestic jurisdiction.

3. In view of the understanding suggested in paragraph 3 of your telegram, viz. that participation in discussions would not, in any way, signify a departure from, or prejudice to the stand taken by either Government on the question of domestic jurisdiction, it is difficult to understand why the Government of India, in the following paragraph (4) insists that the problem is not one of purely domestic concern to the Government of South Africa, and that it has to be viewed as one in which the Governments of South Africa and India are both interested, because of its various implications which have international significance.

If, as appears to be the case, the Government of India intends to use the above-mentioned assumptions as a basis for the proposed discussions, then it will not be possible for the Union Government to participate.

4. The Government of India further states that it is unable to disregard the purposes and principles of the Charter of the United Nations and the resolutions passed by the United Nations from 1946 onwards, and the obligations arising therefrom. Does this mean that the Government of India proposes that the suggested discussions should be conducted with due regard to the purposes and principles of the Charter and resolutions of the United Nations? If that is the intention, then the proposal would constitute a complete refutation of the view of the Union Government, viz. that the matter is one of purely domestic concern, and that the United Nations is precluded by Article 2(7) of the Charter from intervening in the matter. The Union Government would not be able to agree to such a proposal.

T E L E G R A M

Received
28 February 1955

FROM: Minister of Foreign Affairs and Commonwealth Relations, KARACHI

TO: Minister of External Affairs, CAPE TOWN

Tel. No. 896 dated 26 February.

Please refer to your telegram No. 4 of 4 February.

The Government of Pakistan have already expressed in their telegram No. 156 of January 14 their willingness to participate in discussions with the Union Government on the understanding that such participation would not in any way signify a departure from or prejudice the stand taken by either Government on the question of domestic jurisdiction. Paragraph 6 of the telegram merely reiterated the basis of this stand. The Government of Pakistan presume that the Union Government would not expect them to give up this stand as a condition precedent to the opening of the proposed discussions. If this presumption is correct, there should be no difficulty about discussions being held. If, on the other hand, the Union Government would insist on our giving up this stand which we have hitherto taken, we can only conclude that the Union Government are not serious about holding any discussion. In that event the Government of Pakistan would disclaim any responsibility for the failure of the present initiative for the opening of talks between the two Governments.

T E L E G R A M

26 February 1955

FROM: Minister of External Affairs, NEW DELHI

TO: Minister of External Affairs, CAPE TOWN

No. 30415

Addressed to Primus Cape Town, repeated to Foreign Karachi.

Please refer to your telegram No. 4 of 4 February.

The Government of India have already expressed in their telegram No. 29073 of 14 January their willingness to participate in discussions with the Union Government on the understanding that such participation would not in any way signify a departure from or prejudice to the stand taken by either Government on the question of domestic jurisdiction. Paragraph four of telegram merely reiterated the basis of this stand. The Government of India presume that the Union Government would not expect them to give up this stand as a condition precedent to the opening of the proposed discussions. If this presumption is correct there should be no difficulty about discussions being held. If, on the other hand, the Union Government would insist on our giving up the stand which we have hitherto taken, we can only conclude that the Union Government are not serious about holding any discussion. In that event the Government of India would disclaim any responsibility for the failure of the present initiative for opening talks between the two Governments.

T E L E G R A M

7 April 1955

FROM: Minister of External Affairs, CAPE TOWN
TO: Minister of External Affairs, NEW DELHI

No. 5

Please refer to your telegram No. 30415.

The reply of the Union Government had been drafted and was ready for transmission, when my attention was directed to United Press and Reuter reports of a speech delivered at New Delhi by the Indian Prime Minister in which he was reported to have stated, inter alia, that quote he called on Russia and the United States to declare their stand on tyrannical oppression of natives and people of Indian origin by the White South African Government unquote. He further referred to quote the naked racial persecution being perpetrated by the capitalist White Government of South Africa on African and Indian people there unquote. The Prime Minister of India is further reported to have said quote what is world opinion about the dastardly happenings in South Africa today unquote and further quote let the South African Government forget about communism and anti-communism and learn some decency unquote. If the Prime Minister of India has been correctly reported then it would obviously be impossible for the Government of South Africa to pursue any further the approach made in good faith to the Government of India to discuss questions arising from the presence in South Africa of persons of Indian origin. In the circumstances the Government of South Africa would like to be informed whether the excerpts from the speech made by the Prime Minister of India have been correctly reported and would further be glad to receive a copy of the speech.

T E L E G R A M

7 April 1955

FROM: Minister of External Affairs, CAPE TOWN
TO: Minister of External Affairs, KARACHI

No. 6. Please refer to your telegram No. 896. For your information I quote hereunder a telegram which has today been despatched to the Government of India. You will in due course be informed of further developments.
BEGINS.

Please refer to your telegram No. 30415.

The reply of the Union Government had been drafted and was ready for transmission, when my attention was directed to United Press and Reuter reports of a speech delivered at New Delhi by the Indian Prime Minister in which he was reported to have stated, inter alia, that quote he called on Russia and the United States to declare their stand on tyrannical oppression of natives and people of Indian origin by the White South African Government unquote. He further referred to quote the naked racial persecution being perpetrated by the capitalist White Government of South Africa on African and Indian people there unquote. The Prime Minister of India is further reported to have said quote what is world opinion about the dastardly happenings in South Africa today unquote and further quote let the South African Government forget about communism and anti-communism and learn some decency unquote. If the Prime Minister of India has been correctly reported then it would obviously be impossible for the Government of South Africa to pursue any further the approach made in good faith to the Government of India to discuss questions arising from the presence in South Africa of persons of Indian origin. In the circumstances the Government of South Africa would like to be informed whether the excerpts from the speech by the Prime Minister of India have been correctly reported and would further be glad to receive a copy of the speech.

T E L E G R A M

11 April 1955

FROM: Minister of External Affairs, NEW DELHI

TO: Minister of External Affairs, CAPE TOWN

No. 30493

Please refer to your telegram No. 5 dated 7 April.

The Prime Minister has recently delivered two speeches dealing with foreign affairs, one was in Parliament in English; the other was an ex tempore speech in Hindi at a large public meeting in Delhi (?). There is a full record of the speech in Parliament. The other speech was not fully recorded and summaries have appeared in the Press.

2. In the course of his speech in Parliament the Prime Minister referred to racialism as follows:

"Now again there is a good deal of talk about communism and anti-communism. Both are important - I do not deny that. But what about scme (?) outward and odd things happening in the Continent of Africa? What about the things that are happening in new Colonial territories? What about that tragedy - that human tragedy - that is continually taking place in the Dominion of South Africa - hundreds and thousands of people lifted up bodily from their homes and taken (?) away somewhere else? Why do we not hear the champions (?) of free talk about this? They are silent; they simply pass it over. But they should realize that people in Asia and Africa, though they may not shout very much about it, feel it; sometimes they feel it more than communism and anti-communism. It is a human problem for us - this racialism - this human problem may become a very dangerous problem. This problem of racialism and racial separation may become more dangerous than any other problem that the world has to face. I should like the countries of Europe, America, Asia and Africa to realize that and not to imagine that we are putting up with these things that are happening in Africa, whether on the Colonial plane or on the racial plane. They hurt us. Simply because we cannot do anything effective and we do not want to cheaply exculpate ourselves by merely

shouting, we remain quiet. But the thing has gone deep down into our minds and hearts. We feel it strongly. When we talk so lightly about other matters, some of which are more important, it simply means (?) that our standards are very different - what we consider important and what we consider less important."

3. In the Hindi speech the Prime Minister is reported to have said, as translated in English newspapers, as follows:

"We will never forget this open zoolum (sic) which the South African Government is perpetrating with impunity on crores of African and Indian people there. This naked persecution on basis of colour will never go down the throats of these people. We are not prepared to tolerate this racial persecution under any consideration of communism or anti-communism. Let the South African Government forget about communism and anti-communism and learn some decency. If there is no decency, then what else remains in the world? The only consideration weighing with the Government there, is the colour of the people who are being uprooted as black. This fantastic white skin policy is very dangerous in present day world."

T E L E G R A M

21 April 1955

FROM: Minister of External Affairs, CAPE TOWN

TO: Minister of External Affairs, KARACHI

No. 7

Please refer to my telegram No. 6 of 7 April 1955.

I have since received a reply from the Indian Minister of External Affairs which confirms the correctness of the Reuter and United Press reports of the Prime Minister's speech at a public meeting at New Delhi.

The following telegram has today been sent to the Government of India. Begins.

Please refer to your telegram No. 30493 of 11 April. Having regard to the unfounded charges and the unseemly attack on the Union Government by the Prime Minister of India as reported by Reuter and the United Press and now confirmed in your telegram, and having regard further to the fact that this attack was made at a time when telegrams were being exchanged between the two Governments with a view to an amicable discussion of the position of persons of Indian origin in the Union of South Africa, the Government of South Africa are forced to the conclusion that the Government of India are deliberately attempting to wreck the proposed discussion initiated by South Africa, and that the Prime Minister's speech at New Delhi was in effect a reply to and a rejection of the South African proposals of 17 December. In the circumstances the Union Government are regretfully obliged to abandon the attempt made in good faith to discuss existing differences in an amicable spirit. The Prime Minister of India must bear the responsibility for its failure. The Union Government proposes to publish this exchange of telegrams on Monday morning 25 April South African time.

Message ends.

You will I am sure appreciate that in regard to this particular matter discussions could not take place only with Government of Pakistan. Not only is no distinction made in South Africa between Indians of the Moslem Hindu and other faiths, but there is the further fact that about 80 per cent of the South African Indians are Hindus.

In conveying to you this decision of the South African Government, I would at the same time express my appreciation of the fact that in spite of the difference of opinion on the main issues, the Government of Pakistan has shown a willingness to discuss this matter on its merits and I wish to emphasize that your Government is not responsible for the failure of the attempt initiated by the Government of South Africa to discuss the differences in an amicable spirit.

The Union Government proposes to publish the exchange of telegrams on Monday morning 25 April South African time.

T E L E G R A M

21 April 1955

FRCM: Minister of External Affairs, CAPE TOWN

TO: Minister of External Affairs, NEW DELHI

No. 6.

Please refer to your telegram No. 30493 of 11 April.

Having regard to the unfounded charges and the unseemly attack on the Union Government by the Prime Minister of India as reported by Reuter and the United Press and now confirmed in your telegram, and having regard further to the fact that this attack was made at a time when telegrams were being exchanged between the two Governments with a view to an amicable discussion of the position of persons of Indian origin in the Union of South Africa, the Government of South Africa are forced to the conclusion that the Government of India are deliberately attempting to wreck the proposed discussion initiated by South Africa, and that the Prime Minister's speech at New Delhi was in effect a reply to and a rejection of the South African proposals of 17 December. In the circumstances the Union Government are regretfully obliged to abandon the attempt made in good faith to discuss existing differences in an amicable spirit. The Prime Minister of India must bear the responsibility for its failure. The Union Government proposes to publish this exchange of telegrams on Monday morning 25 April South African time.

T E L E G R A M

25 April 1955

FROM: Minister of External Affairs, NEW DELHI
TO: Minister of External Affairs, CAPE TOWN

No. 2595.

Government of India have received your telegram No. 6 of 21 April. They entirely disagree with the allegation that they are responsible for the failure of the attempt to start discussions between the two Governments on the position of persons of Indian and Pakistan origin in the Union. The Government of India has openly and persistently criticized the treatment to which people of non-European origin in the Union are being subjected over long years. They have also been unrelenting in their efforts to bring the condition of these people to the notice of the world. The Union Government had not halted their repressive measures pending the talks in which (?) the Government of India hoped to participate. It was therefore unreasonable to expect Government of India to refrain from criticism of these measures during any interim period. The Government of India can therefore come to the only conclusion possible, namely, that the Union Government does not wish to co-operate in implementation of resolution of United Nations.

Since the Union Government are releasing the correspondence on 25 April, the Government of India are also publishing the correspondence, including the present telegram.

T E L E G R A M

Received
30 April 1955

FRCM: Minister of External Affairs, KARACHI
TO: Minister of External Affairs, CAPE TOWN

No. 1,967.

Please refer to your telegram No. 7 dated 21 April.

2. I note with regret decision (?) of Union Government to abandon proposed discussions. In view of important issues involved I consider that none of the parties should entirely close door for discussions although they may be difficulties at present.
