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Chairman: Mr. Selim SARPEN (Turkey).

AGENDA ITEM 61

Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/3190 and Add.1 and 2, A/SPC/L.4) (*continued*)

1. Mr. BONSAL (United States of America) said that he had listened carefully to the statements made by various delegations on the subject of the race conflict resulting from the policies of *apartheid* of the Government of the Union of South Africa. In the absence of any report from the Union Government, it appeared from those statements that there had been no improvement in the situation since the tenth session of the General Assembly and that racial legislation was even tending to become increasingly rigorous. In such a situation, he wondered whether there was anything that the United Nations could do to advance the cause of human rights.

2. In that connexion, he had two comments to make. The first was, that the overwhelming majority of United States citizens disapproved of all forms of racial discrimination. They considered that all the human beings who made up a society should have an equal opportunity to contribute to the common enterprise and that a country which placed artificial barriers in the way of the full development of a section of its population thus limited its own possibilities for spiritual and material progress. His second comment was, that since the beginning of its history, the United States had had to face problems of race relations. It had not yet fully achieved its goal but, thanks to the sacrifices which had been made, it was moving rapidly towards a satisfactory solution. Because of its own experience, the United States was well aware of the problem involved and appreciated its delicacy. Just as the ideals of political liberty which were realized during the eighteenth and nineteenth centuries in the United Kingdom, France and the United States had had an effect on many countries, the progress achieved in that field in the United States made itself felt throughout the world.

3. Member States had pledged themselves to respect human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. That pledge was consistent with the traditions of the United States which had frequently taken the initiative, parti-

cularly in the Commission on Human Rights, with a view to hastening the day when all human beings would be able to live together freely and without distinction as to race.

4. The best way to deal with the problem would be to examine the various aspects of human rights in their broad application, as the United Nations had done in connexion with the question of forced labour, and not to focus discussion on the situation which might exist in any given country. Experience had shown that attacks against the Government of the Union of South Africa, far from proving constructive, had only succeeded in causing irritation. The item should not therefore be automatically re-included in the agenda of the twelfth session of the General Assembly. It was regrettable that the Union Government, which had played an important role in the United Nations, should have felt it necessary to withdraw its delegation from the Assembly. It was apparent from the reports (A/2505 and Add. 1, A/2719, A/2953) of the United Nations Commission on the Racial Situation in the Union of South Africa that no improvement in that situation was possible unless it were initiated by the Union Government itself.

5. His delegation reaffirmed its disagreement with the South African Government's policy of *apartheid*. It was aware, however, that the matter was now being discussed in the Union of South Africa itself and in that lay hope for the future. The United States therefore hoped that the Union Government would realize that it had much to gain from renewing its participation in the work of the General Assembly.

6. Mr. ALLOUNI (Syria) said that the Government of the Union of South Africa had no more heeded General Assembly resolution 917 (X) than it had the earlier resolutions on the policy of *apartheid* and had continued to enact laws which discriminated against the majority of the population. His delegation regretted that the South African delegation was not taking part in the Special Political Committee's work. The position of his own delegation was well known: it considered that the policy of *apartheid* was based on a myth—the myth of the supremacy of European civilization—and that it was directed towards frustrating the legitimate rights of the coloured population. Such a policy could only lead to discord among nations which was contrary to the purposes of the Charter.

7. It was the duty of the United Nations to remind the Union Government of the tragic consequences of such an attitude. The whole continent of Africa could erupt in a civil war which would have repercussions throughout the world. The whites, who were only a small minority in Africa, would one day find themselves surrounded by a hostile population and be placed in an unenviable situation. The United Nations should, therefore, endeavour to find a solution to the problems raised by *apartheid*, otherwise other Governments

would be tempted to adopt a similar policy. In that connexion, he referred to the policies followed by the Government of Israel, under which there was political, economic, social and cultural discrimination against the Arabs under Israel control, in law as well as in practice, in violation of human rights and United Nations resolutions. It was sufficient to quote the nationality law of 1952 which made the Arabs in Israel second class citizens. Such practices were reminiscent of the legislation in force in the Union of South Africa and his delegation felt it its duty to draw a parallel between the policy of the Government of Israel and that of the Government of the Union of South Africa. Those who believed they could escape the judgement of mankind forgot that injustice could not prevail forever and that the day would come when they would have to renounce their policy of discrimination. The United Nations would have to decide whether that policy would end as the result of a cataclysm or through the implementation of the principles of the Charter.

8. Mr. PERERA (Ceylon) said he disagreed with the representative of Belgium who had said (12th meeting) that the Committee's discussion would contribute nothing to the solution of the problem of race conflict in the Union of South Africa. Such an argument questioned the very foundations of the United Nations. The item was on the agenda of the General Assembly, because it demanded a solution in the interest of peace.

9. In order to appreciate the magnitude of the problem, it was necessary to recall the idea upon which the policy of *apartheid* was based. That idea had been clearly expressed by Mr. Malan, Prime Minister of the Union, and had appeared in the third report of the United Nations Commission on the Racial Situation in the Union of South Africa. According to Mr. Malan, "The deep-rooted colour consciousness of the White South Africans . . . arises from the fundamental difference between the two groups, White and Black. The difference in colour is merely the physical manifestation of the contrast between two irreconcilable ways of life, between barbarism and civilization, between heathenism and Christianity, and finally between overwhelming numerical odds on the one hand and insignificant numbers on the other" (A/2953, annex II, A). It was self-evident that such a policy contained the seeds of a gigantic racial war.

10. According to the Government of the Union of South Africa, the matter lay exclusively within its domestic jurisdiction. That statement was without foundation, since the problem related to a conflict which, in view of the importance of the principles involved, principles which were proclaimed in the Charter, must necessarily come within the jurisdiction of the United Nations. For that reason, no one could abstain from taking a stand on the matter by signing the Charter, the Government of the Union of South Africa had undertaken *inter alia* to comply with United Nations resolutions. By invoking Article 2, paragraph 7, it hoped to prove that the provisions of Article 39 were not applicable, as there was no threat to peace, breach of the peace or act of aggression. However, that argument disregarded the fact that the United Nations was fully empowered to consider the matter under Articles 55 and 56. Moreover, the operative part of resolution 917 (X) contained a reference to Article 56.

11. Since that resolution had been adopted, the Government of the Union of South Africa had con-

tinued to enact laws which reserved certain activities to whites only, restricted the electoral and legal rights of the coloured population and gave local authorities the power to banish Africans from urban areas. Such a policy was a return to the dark ages. Any attempt to justify it in the name of Christian civilization by claiming that the millions of coloured people, the so-called barbarians, looked to it for guidance and justice was a specious argument and distorted the meaning of Christian teaching. At the Bandung Conference, the peoples of Asia and Africa had clearly expressed their reaction to these ideas and proclaimed their support of human rights. They had deplored discriminatory practices, particularly those in force in the Union of South Africa, and had pledged themselves to eradicate every trace of racialism.

12. Experience had shown that it was possible to establish multi-racial societies which worked satisfactorily, provided that they were based on the principles of equality and mutual respect. The violations of the Charter committed by the Union Government might lead to a disaster for the entire white race in Africa. Nearly twenty years before, Marxist theorists had written that the real proletarian revolution would have to come from the masses of Asia and Africa, but the sociological concept of revolution had since been considerably modified by the existence of the United Nations and the development of international law. The Charter had embodied the concept of the peaceful development of the peoples and it categorically rejected any inequality due to differences of race. In the circumstances, the attitude of the Union Government was unreasonable, since it tended to hold back the progress of civilization.

13. The United Nations must therefore reiterate its stand in the hope that the Union of South Africa would ultimately see the truth. It was in that spirit that the delegation of Ceylon, together with the delegations of Greece, Haiti, Iran and Iraq, had submitted a joint draft resolution (A/SPC/L.4) to the Committee.

14. Mr. MAURTUA (Peru) said that the item under discussion involved the humanitarian sentiments, moral principles and human rights embodied in national constitutions and elevated to the status of international legal precepts by the Charter. Before all else, the Universal Declaration of Human Rights adopted in 1948 had been the expression of the legal conscience of the age. All that notwithstanding, the Government of the Union of South Africa continued to maintain that the policy of *apartheid* was a matter exclusively within its domestic jurisdiction. Furthermore, it considered that the United Nations Commission on the Racial Situation in the Union of South Africa had not been impartial. Lastly, it had withdrawn its delegation from the General Assembly, thereby removing any possibility of agreement.

15. Since the Charter committed Member States to promoting and encouraging respect for human rights, the Committee was confronted with conflicting jurisdictions. It should be pointed out in that connexion that the United Nations had not yet made any binding pronouncement with regard to the interpretation of Article 2, paragraph 7, of the Charter. The Committee should, therefore, deal with that problem and hand down once and for all an interpretation of that provision so as to delimit the competence of the United Nations. In any event, the United Nations could not refuse to consider the question, because the fate of

all the victims of racial discrimination was at stake. Since the United Nations could not impose its decisions on Member States, it must exert its moral authority to ensure that justice prevailed, when Member States refused to comply with resolutions addressed to them.

16. His delegation felt that a new approach to the problem was needed. The General Assembly could not limit itself to adopting statements of principle and ineffectual recommendations at each session, as that would ultimately damage its prestige. It must obtain the co-operation of the Government of the Union of South Africa. Articles 10 and 13 of the Charter empowered the Assembly to discuss the question. Nevertheless, in view of the intransigent attitude so far adopted by the Union Government with regard to the competence of the United Nations, the Assembly should consider adopting a different standpoint.

17. In that connexion, the third report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2953) included in its "concluding observations", section 3, an interpretation of the year's events which opened up interesting perspectives for the future. The essential point was to persuade and convince the Union Government of the need for modifying its attitude. That task could be entrusted to a high official of the United Nations such as the Secretary-General or to a person designated by him. That procedure would avoid wounding the susceptibilities of the Government of the Union of South Africa, which refused to enter into direct relations with any United Nations body as such. Subsequently, when the initial difficulties had been overcome, it might be possible to convene an international or regional conference to recommend what steps should be taken to ensure respect for human rights, with due regard for the sovereignty of States and the conditions peculiar to each country.

18. Those were the suggestions which his delegation wished to put before the General Assembly and which it felt might contribute to a settlement of the question in conformity with international law and the principles of the Charter. His delegation would vote in favour of any draft resolution directed to that end.

19. Mr. BELLO (Argentina) said that any issue affecting mankind was of concern to the community of nations. That was why the United Nations had for many years been considering the policy of racial discrimination practised by the Government of the Union of South Africa and why it had formally condemned that policy on several occasions. If, however, the problem was to be solved, it was not enough for the General Assembly to adopt academic resolutions year after year. The crux of the matter was respect for human rights, in other words a social problem. The United Nations had the necessary technical resources to bring about a progressive solution of that problem. In the resolution adopted at its current session (648th plenary meeting) on the treatment of people of Indian origin in the Union of South Africa, the General Assembly had already recalled its resolution 926 (X) on advisory services in the field of human rights. Those services could be placed at the disposal of the Union Government to assist it in solving the racial problem in the Union of South Africa.

20. Furthermore, the problem was not peculiar to the Union of South Africa and the United Nations should also give consideration to analogous situations prevailing in other countries and undertake a general study of the racial problem from the technical and

scientific points of view. The political aspect of the problem should also be studied, but there the United Nations must tread carefully. There were various conflicting political and philosophical outlooks in the modern world and the resulting tension might be reflected in the domestic situation obtaining in African countries.

21. The United Nations should not, and could not, wash its hands of the question. It must, however, take care that in continually maintaining the item on the General Assembly's agenda, it did not unwittingly allow the Assembly to become an instrument of propaganda. Nor must it forget what the Europeans in South Africa had done to develop the country since they had brought western civilization to it. The question should therefore be treated circumspectly and his delegation was in favour of the suggestion put forward by the Japanese representative at the 13th meeting that a small committee should be set up to seek ways and means of reaching a solution. It was also in favour of the suggestion which the Peruvian representative had just made with the same end in view. The Chairman of the Special Political Committee might also consider the possibility of establishing direct, personal and unofficial contact with the Union Government with a view to seeking means of mitigating a conflict which might grow worse and which was damaging relations among Member States.

22. Mr. SHELDON (Byelorussian Soviet Socialist Republic) said that public opinion throughout the world was greatly perturbed by the South African Government's policy of *apartheid*. At its ninth session, the General Assembly had emphasized (820 resolution (IX)) that the policy constituted a grave threat to the peaceful relations between ethnic groups in the world. But the South African Government had not modified its policy in any way; it was indeed applying it even more rigorously despite its commitments under Article 55 and 56 of the Charter. It also persisted, quite unjustifiably, in challenging the competence of the United Nations to consider the situation created by that policy and it had consistently refused to co-operate with the organs of the United Nations, in particular, with the United Nations Commission on the Racial Situation in the Union of South Africa, in seeking a solution. That Commission had presented well-documented reports on the situation to the eighth, ninth and tenth sessions of the Assembly, but the South African Government had questioned the facts presented and had chosen to ignore the Commission's wise recommendations.

23. The racial policy of the Government of the Union of South Africa was based on the theory of the superiority of the white race. According to the *United States News & World Report*, for September 1956, the Government of the Union of South Africa intended to accelerate and expand the application of *apartheid*. That had been stated by Mr. Strijdom, the Prime Minister of the Union of South Africa. The racial situation in the Union of South Africa had since then deteriorated, as the permanent representative of India had pointed out in the explanatory memorandum (A/3190) which he had submitted in support of his request for the inclusion of the item in the agenda of the eleventh session of the Assembly. At Johannesburg, Africans had been driven from their homes, deprived of their property and deported to reserved areas to make room for whites. Such deportations were only the first stage in the cruel policy of *apartheid*. They had been followed by

other measures such as the exclusion of coloured voters from the common electoral roll in conformity with the Separate Representation of Voters Act, No. 46, 1951, promulgated in March 1956. In a statement on 15 February 1956, from which the speaker quoted certain passages, the Prime Minister of the Union of South Africa had vainly tried to justify that measure which had provoked violent reactions in the Union itself.

24. The South African Government had attempted to crush the democratic movement and in December 1956, 140 Africans and Asians had been arrested under the Suppression of Communism Act, No. 44, 1950. Many speakers had already given the Committee a striking picture of the racial situation in the Union of South Africa and had stressed the disquiet felt throughout the world at the policy of *apartheid*. In addition several international conferences, and particularly the Bandung Conference, had condemned that policy of racial discrimination as highly dangerous to world peace. Such a policy could only be considered a violation of the Charter and an insult to all coloured people. The United Nations could and should ensure respect for the principles of the Charter and, hence, take steps to put an end to the policy of *apartheid*. His delegation would, as always, support any proposal directed at halting the racial discrimination practised in the Union of South Africa.

25. Mr. SHAHA (Nepal) regretted that the Union of South Africa had persistently disregarded the resolutions of the General Assembly, the provisions of the Charter and world public opinion; he also regretted that, in spite of the Union Government's attitude, the Assembly had decided not to extend the mandate of the United Nations Commission on the Racial Situation in the Union of South Africa, which had supplied some very interesting reports.

26. The important thing was to find a solution and to determine what the Assembly should do towards that end. It was obvious that the Assembly could not abandon the non-white inhabitants of the Union of South Africa to their fate. It should endeavour to induce the Union Government to realize its mistakes and the danger of continuing the policy of *apartheid*, which was not only to be condemned from a humanitarian point of view but was also contrary to the interests of all the inhabitants of the Union, including the white population. The United Nations should try to put an end to an indefensible policy which respected neither human rights nor human dignity. The Assembly should therefore reconstitute the Commission which had been studying the question, and the Governments of countries which were friendly to the Union of South Africa should bring their influence to bear upon it. The matter should be settled by persuasion.

27. In the opinion of the delegation of Nepal, the five-Power draft resolution (A/SPC/L.4) represented the minimum that the Assembly could do to try to find a solution for that racial conflict. The delegation of Nepal would therefore vote in favour of it.

28. Mr. LIU Chieh (China) recalled the long discussions which had taken place in the Committee on the question of the racial conflict in the Union of South Africa and the voluminous reports which had been written on the subject. At the last few meetings of the Committee, many speakers had referred to the principles and provisions of the Charter which proclaimed the equality of all men and respect for human dignity. The Chinese delegation had always upheld the principles

of the Charter and had already affirmed on several occasions that respect for human rights was as important as the maintenance of peace and security, since there would be neither peace nor security as long as human rights were not universally respected.

29. Deep-rooted social conditions could not, of course, be eradicated in a single day and the Chinese delegation could not believe that the leaders of the Union were unaware of the importance of the principles and provisions of the Charter. The delegation of the Union of South Africa had, indeed, made very significant contribution to the framing of the Charter provisions relating to Human Rights. More recently, the Union had been among those nations which had fought on the side of the free world. The Chinese delegation was, however, deeply concerned about the racial situation in the Union, particularly since discrimination did not appear in the form of isolated incidents but was sanctioned by the laws and regulations and by the policy of the Government. Such discrimination worked to the detriment both of those who practised it and of those who were its victims. The Chinese delegation was anxious not only about the fate of the non-white people living in the Union but also about the situation as a whole, for its consequences could not but be disastrous. A solution of the problem would be in the interest of all sectors of the population of South Africa and of the world as a whole. If the Union could be persuaded of the sincerity of the appeals addressed to it, it might yet find it possible to reconsider its policy in the light of the provisions of the Charter.

30. Mr. Love LEGER (Haiti) noted with regret that the question of the racial conflict in South Africa was once more on the Assembly's agenda. The Government of the Union of South Africa not only refused to take any notice of the Assembly's resolutions and to cooperate in seeking means of putting an end to the policy of *apartheid*, but had even adopted new legislation strengthening that policy.

31. The position of the Haitian delegation was well known. There seemed to be no point in referring again to the competence of the United Nations to examine the question, for it was obvious that, because of the principles at stake and the repercussions it might have on the international community, the question went beyond the bounds of national sovereignty.

32. In the present century, when science was making such rapid progress and democratic principles were becoming more and more widespread among the peoples, it seemed incredible that there should still be minds so backward as to believe that differences of race could justify discrimination. It was indisputable that all races had the same aptitudes and were entitled to the same opportunities in all fields of human endeavour. That was one of the fundamental principles of the Charter. The way to progress and civilization must be open to all men. The policy of *apartheid* was a violation of the fundamental principles of the Charter. It was a dangerous and shocking anachronism, for the systematic servitude imposed on a whole population recalled the ancient practices of slavery. The policy had been condemned by the world conscience, as expressed in the resolutions of the Assembly. The Haitian delegation would always speak out against such practices, for the Haitian Constitution proclaimed the equality of all races. Faithful to that principle, and in the hope that the Union Government would reconsider its position, the Haitian delegation would support any

proposal designed to find a solution which would guarantee respect for human rights.

33. Mr. MILLER (New Zealand) restated his delegation's position in regard to the question of racial conflict in South Africa. The question of the competence of the Assembly had been exhaustively debated without, however, reconciling divergent points of view or removing New Zealand's misgivings about the validity of many of the Assembly's proposals. In the absence of an advisory opinion from the International Court of Justice, New Zealand had been unable to support initiatives, including the setting up of a commission of inquiry, which appeared to constitute intervention in the internal affairs of a member State. From the outset, the New Zealand delegation had also had decided reservations about the practical value of the action taken by the General Assembly, believing that it would yield no constructive results and would impede rather than assist the efforts of the Union to find a solution.

34. Developments since that time had not modified New Zealand's views. New Zealand was unalterably committed to the principle of racial equality. Europeans, Polynesians and peoples of various races were united in New Zealand's national community, all equal under the law. But New Zealand's experience had been relatively uncomplicated and provided only a partial basis for any understanding of the immeasurable complexity of the problems confronting the Union of South Africa. It was, however, convinced that the solution of inter-racial issues did not lie in discriminatory policies. It was the duty of all Members of the United Nations to move towards rather than away from respect for human rights; and New Zealand did not regard South Africa as being free from that obligation.

35. The delegation of New Zealand would be prepared to accept a draft resolution which in general terms reminded all Member States of their obligations under the Charter, but it maintained its reservations regarding resolutions of the kind adopted at previous sessions.

36. Mr. MALOLES (Philippines) read out a draft resolution¹ which he was submitting, the text of which

¹ The text was later distributed as document A/SPC/L.5.

would be circulated to the members of the Committee.

37. Mr. FORD (Canada) said that his delegation had already stated at previous sessions that it had no sympathy with policies of racial discrimination. It knew that the Government and people of the Union of South Africa were faced with a difficult problem, for which no speedy solution was possible, but it believed that policies and practices of racial discrimination were more likely to aggravate this problem than to settle it. Moreover, any policy of discrimination was incompatible with fundamental human rights.

38. The Canadian delegation had always expressed doubts regarding the competence of the Assembly and the usefulness of its decisions on the question of racial conflict in South Africa. There was no doubt that the Assembly was continuing to examine the question without making any progress towards a settlement and the Canadian delegation was more and more convinced that intervention in the internal affairs of a State might well have serious constitutional implications and were of very little practical value. The decisions adopted by the Assembly had done nothing to improve the situation and had caused the Union delegation to withdraw. As the Japanese representative had said at the 13th meeting, the situation that had been created was not only harmful to the prestige of the United Nations but was also paralysing friendly discussions and jeopardizing the settlement of a very delicate problem. It was possible that world public opinion might exercise some influence but an Organization which did not respect the sovereignty of its Members was liable to lose prestige.

39. The Canadian delegation had examined the five-Power draft resolution (A/SPC/L.4). It understood the concern which discriminatory practices aroused in the sponsors; nevertheless it still felt that the decision envisaged in the draft resolution might have constitutional repercussions and would probably yield no practical result. The Canadian delegation would study the Philippine draft resolution carefully and reserved the right to comment on it later.

The meeting rose at 12.50 p.m.