

United Nations
**GENERAL
ASSEMBLY**
TENTH SESSION
Official Records



**AD HOC POLITICAL COMMITTEE, 7th
MEETING**

Tuesday, 1 November 1955,
at 10.40 a.m.

New York

CONTENTS

Page

Agenda item 23:

The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the United Nations Commission on the Racial Situation in the Union of South Africa (*continued*)..... 17

Chairman: Prince WAN WAITHAYAKON (Thailand).

AGENDA ITEM 23

The question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa: report of the United Nations Commission on the Racial Situation in the Union of South Africa (A/2953 and Corr.1) (*continued*)

1. Mr. MAHMOUD (Egypt) thanked Mr. Santa Cruz, Chairman and Rapporteur of the United Nations Commission on the Racial Situation in the Union of South Africa, the members of the Commission and the members of the Secretariat who had assisted them in their task for the way in which they had carried out their duties.

2. The report (A/2953 and Corr.1) was of limited scope, for the Commission did not propose any final solution. It could not do so under its terms of reference and in the absence of the co-operation of the Government of the Union of South Africa.

3. Despite those difficulties, the Commission had stated the problem concisely and had analysed it clearly. Its report showed that legislation enacted in the Union of South Africa was continuing to increase racial segregation and racial discrimination in contravention of the United Nations Charter and the Declaration of Human Rights. It also showed that within the Union of South Africa itself there were voices raised against the policy of *apartheid*. The Commission further expressed its apprehensions regarding the possible effects of that policy and stated that it was an important factor of disturbance among nations and likely to be harmful to the general welfare.

4. He was in full agreement with those views. Human solidarity could not be confined within national boundaries. At a time when the principles of the Charter were penetrating ever more deeply into the minds of men, it was the duty of Governments to act in accordance with the wishes of the people. It was for that same reason that the representatives of the twenty-nine countries assembled in April 1955 at the Bandung Conference had condemned the policy of racial discrimination in Africa and elsewhere, pledged their support to the oppressed peoples and urged all Governments to renounce that policy. A number of other inter-

national, scientific and political conferences had likewise condemned racial discrimination in all its forms.

5. The Charter imposed on Member States the duty and obligation of respecting human rights. The majority of the General Assembly viewed the problem within the framework of the Charter. They were convinced that a frank and detailed discussion of it would lead to a solution. He therefore found it regrettable that the Union of South Africa systematically refused to co-operate in that respect.

6. In its conclusions, the Commission stated that the *apartheid* policy was now being carried out with greater flexibility and at a slower pace. It was to be hoped that it would be made even more flexible and would ultimately result in complete racial equality in the Union of South Africa. Nevertheless, despite those encouraging signs, the problem remained unsolved. It was therefore the duty of the United Nations to continue its efforts towards a solution, in accordance with the Charter and the Universal Declaration of Human Rights.

7. Mr. FERNANDEZ DURAN (Costa Rica) said that his delegation had been somewhat concerned by the fact that despite the conciliatory attitude of the Commission on the Racial Situation, the Government of the Union of South Africa had persisted in refusing to co-operate with it. As a result of the South African Government's attitude, the Commission had had to confine its efforts to assembling and appraising material on the racial segregation policy enforced by the ruling group in South Africa. It was scarcely to be expected that a problem which had been steadily growing worse since 1952 could find speedy and rational solution.

8. The Government of the Union of South Africa asserted that the United Nations had no right to intervene in its domestic affairs. The General Assembly, on the contrary, considered itself fully competent to endeavour to solve the problem created by the policy of *apartheid*. Unless the situation underwent a radical change, the danger which that policy represented for friendly relations among peoples was likely to continue indefinitely. That was why the majority of Member States of the United Nations and numerous religious groups and organizations promoting international and interracial understanding had condemned the policy of *apartheid* as an unjust policy. Until such time as goodwill, mutual understanding and humanitarian principles triumphed, the Costa Rican delegation would urge that the study of the racial situation in South Africa should be kept on the agenda. It would also support any proposal to settle the question permanently and as speedily as possible.

9. Mr. KHALIDY (Iraq) said that there appeared to have been some development in the South African Government's policy of *apartheid* since 1954; nevertheless, that policy was being applied to an ever greater extent and the situation, far from improving, had de-

teriorated. That was sufficient reason for the United Nations to discuss it and to endeavour to rectify it.

10. The Iraqi delegation deplored the absence of the delegation of the Union of South Africa, which deprived the Committee of the assistance and co-operation it had a right to expect from the South African Government. The Iraqi delegation had never condoned the walk-out policy voluntarily adopted by certain delegations as a protest against debate of a question which they considered to be outside the competence of the United Nations. That policy harmed the interests of the Government which embarked upon it and produced an unfavourable impression on the international community. Moreover, it was futile, for it had never prevented the United Nations from discussing an issue which it deemed to be within its competence. The position taken by the South African delegation should not deter the General Assembly from fulfilling its duty under the Charter. Racial discrimination was not a matter essentially within the domestic jurisdiction of States. It concerned all human beings, for it was a threat to international peace and security.

11. The Iraqi delegation paid a tribute to the courage, objectivity and restraint shown by the members of the Commission on the Racial Situation in their report, the third to be submitted to the General Assembly. The report described the significant events in the development of the policy of *apartheid* of the South African Government during the period under review. Outstanding among those events was the enactment of the new Bantu Education Act, which the Commission considered to be a negation of the principles of the Charter and of human rights.

12. Moreover, the Commission had pointed out, in paragraph 309 of its report, that notwithstanding the firm declarations of principle of responsible members of the South African Government, the policy of *apartheid* was being carried out with increasing gradualism and flexibility. It added that the South African Government apparently recognized more or less explicitly and discreetly that complete territorial separation might well be a theoretical objective unobtainable in practice. While those conclusions were certainly encouraging, the Iraqi delegation accepted them with the utmost caution. The extent to which the Government of the Union of South Africa acknowledged that the policy of *apartheid* was impracticable could be judged only by the actions of that Government. Moreover, even if the South African Government was now applying that policy with gradualism and flexibility and was implicitly giving up the idea of the territorial separation of races, the principle of racial discrimination still existed in the Union of South Africa and the psychological separation of the races was still going on.

13. The Commission considered that among the reasons that had contributed to that development in the South African Government's policy of *apartheid* were economic factors such as the demand for native labour, internal pressure from important social groups, the moral force of international public opinion, and the fact that, in the present century of extensive and rapid communication, it was impossible to prevent those against whom discrimination was practised in the Union of South Africa from being influenced by the aspirations of millions of people in other countries for a better life.

14. The Commission stated that the solution of the problems arising out of the relations between the white minority and the Bantu majority should be sought in

interracial contacts, taking place in the presence of official high-ranking representatives of the United Nations. That would be an excellent way to promote understanding between the races and to reduce interracial tensions, but it was doubtful whether the Government of the Union of South Africa would be prepared to agree to it.

15. The Iraqi delegation welcomed the idea put forward by the Commission on the Racial Situation that the United Nations should provide technical assistance to the Government of the Union of South Africa with a view to the promotion of human rights.

16. In the meantime, however, despite the protests of the civilized world, the Government of the Union of South Africa was pursuing a racial policy condemned by the Charter, contrary to the interests of world peace, contrary to the principles of observance of human rights and fraught with dire consequences. The question was what the United Nations should do in the face of such a situation.

17. First, it was its duty to help the groups which opposed and fought that policy and to defend the rights of the peoples who were its victims. It was, however, its further duty to assist the Government of the Union of South Africa in seeking a solution to the problem. The United Nations would not fail in that duty. The *Ad Hoc* Committee itself should adopt a resolution which left the question under review by the General Assembly, showed the Government of the Union of South Africa — without offending its susceptibilities — the road to a settlement of the dispute and invited the co-operation of the South African Government in solving the problem. The Committee should also provide the General Assembly with an instrument for the implementation of that policy. To that end, his delegation would support the retention of the United Nations Commission on the Racial Situation in the Union of South Africa or, if the *Ad Hoc* Political Committee so decided, the setting up of a similar body under some other name. In any event, the General Assembly should not convey the impression that it attached less importance to the problem in the present year than in the past, or that it was faltering in its determination to solve it.

18. Mr. NIETO (Mexico) recalled that his delegation had already stated at earlier sessions its views on the competence of the United Nations in respect of the question of race conflict in South Africa. The factors determining the Assembly's competence were based on the fact that racial discrimination in the Union of South Africa was an international problem, in that it affected the fundamental human rights set forth in the Charter. The attitude adopted by the South African delegation, which had again raised the question of competence, was difficult to understand. The Assembly had repeatedly voted affirmatively on the question of competence, because it had taken into account the international aspects of the problem and the need to uphold the principle of equal rights for all races. There was, moreover, no question of imposing a solution on the Union of South Africa; it was merely invited to co-operate with the Assembly in seeking a solution consistent with international law. The South African Government could not remain indifferent to the fact that for several years in succession the General Assembly had proclaimed by a majority of more than two-thirds that the policy of *apartheid* was contrary to the principles of the Charter. It could not ignore the moral force of world public opinion and the fact that those who were subject to

discrimination in the Union of South Africa aspired to better conditions of life and to the enjoyment of the same political, social, economic and cultural rights as the inhabitants of other countries.

19. The Commission's third report and the statement by Mr. Santa Cruz (4th meeting) gave no reason to suppose that the situation had improved. The authors of the report took the view that a solution to the problem should be sought in interracial contacts at conferences between white and coloured men of goodwill in the presence of high-ranking representatives of the United Nations. While the value of exchanges of views could not be denied, that suggestion did not seem practical. Such conferences could not be held on the territory of the Union and if they were held elsewhere they would merely excite world public opinion and irritate the South African Government. Similarly, it seemed difficult, at least for the present, for the United Nations to offer technical assistance to the Government of the Union of South Africa. Not only was it quite likely that that Government would reject the offer, but under the existing rules, technical assistance could be furnished only at the request of the Government concerned.

20. The Commission's report showed that the problem was a thorny one and that it would be many years before it could be solved. Perseverance and enormous sacrifices on the part of all inhabitants of the Union of South Africa would be needed. It therefore seemed difficult to take an optimistic view; yet the United Nations could not accept the idea that there were insoluble problems, especially when they affected fundamental human rights. The United Nations had been established for the very purpose of rectifying situations of that kind. It was regrettable that the delegation of the Union of South Africa had withdrawn from the Committee and refused to accept the hand proffered to it. That attitude should not prevent the United Nations from continuing to concern itself with so important a question. The matter should be retained on the General Assembly's agenda until all racial discrimination had disappeared, not only in the Union of South Africa, but in every country in the world.

21. It was necessary to be realistic and to bear in mind that it was impossible to find an immediate solution to the problem of race conflict in South Africa. The attitude of the South African Government merely aggravated the situation. The United Nations was in duty bound to continue to concern itself with the matter in the same constructive spirit as it had manifested in the past. It was to be hoped that the South African Government would soon find the proper way to solve that serious problem; it could then be sure of the support of every nation in the world.

22. Mr. BENITES VINUEZA (Ecuador) said that, as his delegation did not wish to repeat arguments already put forward, it had at first decided not to take part in the general discussion. The statement made by the United Kingdom representative at the fifth meeting had, however, prompted it to change its mind and it now wished to clarify certain matters of principle.

23. The question of racial conflict in South Africa raised three problems. There was the problem of competence — whether the Assembly could consider the matter; the moral problem — whether the Assembly should deal with the matter; and the problem of expedience — whether it was wise to discuss the matter.

24. The problem of the General Assembly's competence had already been settled. The General Assembly had decided that it had competence, it had set up a United Nations Commission on the Racial Situation in the Union of South Africa and it had examined that Commission's reports. It was too late, therefore, to reopen the question of competence, especially since the situation remained unchanged except for the fact that the South African delegation had withdrawn from the Committee.

25. The delegation of Ecuador had at all times upheld the principle of non-intervention. Those who quoted Article 2, paragraph 7, of the Charter in support of the Union of South Africa gave the word "intervention" an unduly broad meaning which it did not have in international law. "Intervention" was a technical term which referred to interference in the affairs of a State and the use of force to that end. Obviously such was not the case, so that the question of intervention did not arise. Hence the Assembly was empowered to deal with the matter and to make recommendations.

26. Furthermore, the Charter was at once a multi-lateral treaty and a foundation for the organization of an international community. As a treaty, it was binding on its signatories, and as a foundation for the organization of the international community, it established a minimum of obligations and enforced respect for corresponding rights. One such right was the right of individuals to be free from discrimination of any kind on grounds of race, sex or religion. The General Assembly had adopted various resolutions, including resolution 272 (III) concerning Hungary and Bulgaria, and resolution 294 (IV) concerning Romania. Both those resolutions dealt with questions involving violations of human rights. During the debates on those questions, the representatives of Australia, Belgium and the United States had argued that the Assembly was competent to make recommendations in the field of human rights. In the present instance too, a flagrant violation of those rights was involved.

27. In regard to the second or moral aspect of the problem, clearly the racial discrimination practised in the Union of South Africa was the outcome of the programme established by the State and based on a certain political philosophy and what might even be called racial theology, as was evident from the words of the Rev. Daniel F. Malan, former Prime Minister of the Union of South Africa. No doubt examples of racial discrimination could be found in most countries. Societies where several races lived side by side had serious problems to solve, and had to use a good deal of patience. But all the States where such problems existed were endeavouring to remove the injustices resulting from discrimination. It was only in the Union of South Africa that discrimination was practised as a matter of State policy. The conscience of humanity could not condone such a state of affairs. The Charter, which guaranteed the equality of men of all races, was the sequel to a war waged to combat racial discrimination as practised by Hitler. Hence it was absolutely essential for the United Nations to ask the Union of South Africa to fulfil its obligations under the Charter.

28. With regard to the practical aspects of the problem, it should be remembered that racial discrimination was having repercussions outside the Union of South Africa. The coloured population in the world was more numerous than the white population, and any discrimination exercised by a given State was a matter of

concern to the rest of the world. Hence the question was a universal one. If the United Nations ignored it, it would give rise to uncertainty and despair among millions of human beings who would conclude that democracy and justice were only for members of the white race.

29. It had been suggested that a conflict might break out between the whites and the coloured population in the Union of South Africa. Such a conflict would have serious repercussions throughout the African continent. Consequently, it might be unwise for the United Nations to remain silent in the face of a question which was a serious threat to peace. Also, it was a problem of concern to most of the Member States. Racial discrimination had been the subject of statements at the Bandung Conference, and the constitutions of most of the Latin American countries where several races lived side by side had condemned racial discrimination.

30. It was interesting to note that the States which maintained that the United Nations was not competent to interfere in such matters were States administering Trust Territories or Non-Self-Governing Territories where millions of coloured persons lived. The United Kingdom representative in the Third Committee had

recently pointed out (642nd meeting) the danger of forming within the United Nations two blocs, a colonial and an anticolonial bloc.

31. The Ecuadorian delegation was sorry to see that the delegation of the Union of South Africa was not present. It congratulated the United Nations Commission on its work, but thought it regrettable that the Government of the Union of South Africa had refused to co-operate with the Commission.

32. His delegation was keenly interested in the question of race conflict in South Africa. The population of Ecuador consisted of various ethnic groups closely intermingled, and there was no race discrimination in the country. Moreover, under the Ecuadorian constitution based on democratic principles, all men were equal and discrimination was illegal. The population of Ecuador, being essentially Christian, found the doctrine of *apartheid* repugnant.

33. For all those reasons, the delegation of Ecuador felt that the question of race conflict in South Africa should be kept on the agenda of the General Assembly until some real progress had been achieved.

The meeting rose at 12.10 p.m.