United Nations
GENERAL ASSEMBLY
EIGHTH SESSION
Official Records

AD HOC POLITICAL COMMITTEE, 36th
MEETING
Monday, 30 November 1953, at 3.20 p.m.
New York

CONTENTS

Chairman: **Mr. Miguel Rafael URQUIA (El Salvador).**

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 Commission appointed to study the racial situation in the Union of South Africa (A/2505, A/2505/Add.1, A/2505/Add.1/Corr.1, A/2505/Add.1/Corr.2, A/AC.72/L.13, A/AC.72/L.14) (*continued*)

[Item 21]*

1. Mr. VILOVIC (Yugoslavia) congratulated the members of the Commission appointed to study the racial situation in the Union of South Africa and its Chairman and Rapporteur, Mr. Santa Cruz, on the excellent work they had done in their study of the race conflict in South Africa. The only possible point of criticism was that the report (A/2505, A/2505/Add.1 and Corr.1 and 2) did not sufficiently bring out all the economic and social repercussions of the policy of racial discrimination practised by the South African Government against the non-European population. By that policy, ten million human beings, or 80 per cent of the country's population, were kept in a state of social inferiority, juridical inequality and servitude. Moreover, it was clear from many statements made by South African political leaders that the basis of the Government's policy was the doctrine of discrimination. The policy of racial discrimination was contrary to the United Nations Charter, particularly Article 55, the Universal Declaration of Human Rights and the principles of justice and human dignity.

2. Accordingly the United Nations could not ignore such a situation. As the Yugoslav delegation had stated on many occasions, the Organization was the more competent to take the necessary measures because the South African Government had begun to carry its racial policy to extremes after signing the Charter, and because that policy aggravated tension between States and would ultimately have grave international repercussions. It was only necessary, in that connexion, to recall the events of the Second World War, when racial discrimination had led to the annihilation of millions of human beings, including hundreds of thousands of his own compatriots.

3. There was no doubt that the South African Government's policy was a threat to peace, and the United Nations must redouble its efforts to settle so difficult and dangerous a problem. His delegation would therefore support the joint draft resolution (A/AC.72/L.14) before the Commission.

4. Mr. PALAMARCHUK (Ukrainian Soviet Socialist Republic) said that the race conflict which the Committee was studying was the direct result of the policy of the South African Government, which continued to violate the Charter and to trample fundamental human rights underfoot. Thirteen countries, led by India and Pakistan, had requested the Organization to examine the abnormal situation which had arisen in South Africa, and to find a solution which would put an end to racial discrimination. Those thirteen countries had been inspired not by ideological considerations, as had been asserted, but by the interests of the United Nations, which was responsible for strengthening peace, promoting friendly relations among nations and strengthening international co-operation.

5. Obviously, the United Nations could not ignore the racial discrimination which was being practised in the Union of South Africa. Taking due account of Article 2, paragraph 7, and Article 1 of the Charter and of the General Assembly resolutions concerning racial discrimination, the United Nations had concluded that the policy of *apartheid* infringed the provisions of Article 1, paragraph 3 and Articles 55 and 56 and that it violated human rights and constituted a threat to international peace and security. Consequently, the General Assembly had decided that it was competent to deal with the matter; indeed, that it was bound under the Charter to do so.

6. Such a study could not constitute interference in the internal affairs of the State concerned; the United Nations had in no way interfered in the internal politics of the Union of South Africa, but had confined itself to examining the conflict resulting from the mistaken policy of the Government of that country, a conflict which was likely to increase international tension and which constituted a threat to peace.

7. Accordingly, he would vote against the South African draft resolution (A/AC.72/L.13).

8. The Commission appointed to study the racial situation in the Union of South Africa had compiled copious data on the race conflict in South Africa, and had stated the inescapable conclusions. The results of its work showed that the policy of the South African Government was founded on the doctrine of racial discrimination; the Commission had enumerated ninety-six discriminatory laws covering all aspects of the life of 80 per cent of the population. It was obvious that any attempt to base national policy on such a doctrine constituted a threat to international peace, and security,

* Indicates the item number on the agenda of the General Assembly.

as the Commission had recognized. The United Nations had been founded after the application of racial doctrines during the Second World War, with the disastrous results which the whole world knew. The South African Government had pledged itself to respect the purposes and principles set out in the Charter; but its present policy was completely incompatible with the obligations it had assumed. Those who had studied the report were now aware of the social and national position of the African population in the Union of South Africa, and knew, moreover, that the South African authorities were trying to intimidate the white population by persuading them that the indigenous population threatened their existence.

9. That being so, his delegation's position was clear. In accordance with its fundamental policy of recognizing the equality of rights of all nations, large and small. The Ukrainian delegation condemned all policies of racial or national discrimination. It considered that the policy of the Union of South Africa was contrary to the purposes and principles of the Charter and that it must therefore be condemned. Consequently, it would support the joint draft resolution.

10. Mr. FORSYTH (Australia) trusted that the Committee would understand that the views which he was about to express in his capacity as Australian representative would not prevent him as the Committee's rapporteur from submitting an objective report on the discussion.

11. His delegation considered that under the terms of Article 2, paragraph 7, of the Charter, the United Nations was not competent to intervene in the question of *apartheid*. At the seventh session of the General Assembly it had expressed the view that the Commission appointed to study the racial situation was unconstitutional: and accordingly it maintained that the report was likewise unconstitutional. The Australian delegation's participation in the discussion did not mean that Australia recognized the competence of the General Assembly or of the United Nations Commission, or the legality of the report produced.

12. With regard to the substance of the question, he would merely observe that the Chairman of the Commission himself had admitted that his report contained errors. The Commission had deemed it necessary to devote over fifty pages to the question of competence, but its arguments had not convinced the Australian delegation, which agreed with the United Kingdom delegation that in the relevant part of the report the Commission had merely assumed its competence and then endeavoured to prove the soundness of its assumption.

13. He agreed with the South African, Belgian, Greek and United Kingdom representatives, who had already expounded legal arguments on the question, that Article 2, paragraph 7, had overriding force over all other Articles of the Charter. The Commission's report was striking confirmation of the fact that the Assembly's decision to establish the Commission had in fact led to intervention in the domestic affairs of a Member State. As the South African representative had pointed out in his draft resolution, the report covered a considerable section of South African legislation, and dealt with questions connected with the internal affairs of that country.

14. He wished to recall in that connexion a statement concerning Article 2, paragraph 7, made at the seventh session in the 545th meeting of the First Committee by Sir Percy Spender, head of the Australian delegation, when another case of proposed intervention by the United Nations had arisen. The Article, he had observed, stated that *nothing* in the Charter authorized the United Nations to intervene in matters which were *essentially* within the domestic jurisdiction of any State. Only one exception to that rule was mentioned, the application of enforcement measures under Chapter VII. Sir Percy Spender had pointed out that since action by the Security Council was not contemplated in the case under consideration, that exception did not apply. It was therefore wrong to invoke the competence of the United Nations, even on the pretext that there might be a threat to international peace: firstly, because no one believed that such a threat existed, and secondly, because even if it did, Article 2, paragraph 7, forbade intervention except by the Security Council. It was wrong, Sir Percy Spender had continued, to interpret the word "essentially" as meaning "solely" or "solely and exclusively". When the Belgian representative had proposed at San Francisco to replace the word "essentially" by the word "solely", the proposal had been rejected by a very large majority. The United Nations Organization had thus itself decided to limit its authority. Accordingly, if a subject was essentially within the domestic jurisdiction of a State, there could be no intervention of any kind whatsoever by the Assembly. Certain representatives had argued that the human rights clauses or the provisions of Article 73 removed certain questions from the domestic jurisdiction of States, but it was clear that that interpretation was completely at variance with Article 2, paragraph 7.

15. The matters dealt with in the Commission's report, were essentially within the domestic jurisdiction of the Government of the Union of South Africa, and were therefore outside the General Assembly's competence. For that reason, he would vote for the South African draft resolution as it stood.

16. The question of competence affected not only the problems before the *Ad Hoc* Political Committee, but also other important questions which had been or might in future be submitted to the United Nations. If the argument of those favouring intervention in a particular case were accepted, it would not be possible to oppose intervention in other matters, concerning other Member States. There was thus a risk of creating a dangerous precedent.

17. He went on to consider the methods adopted by the Commission to obtain its information. As the Commission had admitted, information regarding the policy, legislation and administration of a Member State had been given to it by private persons. The Chairman of the Commission had said that it had resorted to that method only because the Union Government had refused to supply it with the required information. But instead of reporting that refusal to the General Assembly, the Commission had asked private persons to supply it with information. Such a procedure faced Member States with the alternative either of agreeing to appear before a subordinate organ of the United Nations or having testimony on their affairs given by any person wishing to appear before a commission. Obviously such methods were likely to cause serious difficulties.

18. Furthermore, reports such as that now before the *Ad Hoc* Political Committee were likely to prejudice the very cause which most delegations had at heart; the interventionist position of which they gave evidence compelled many delegations to consider very carefully

the legal aspects of questions which they would perhaps have considered in a different spirit if the question of competence had not arisen. That position prevented many delegations from expressing their sympathy and lending their support to peoples suffering racial discrimination or other disabilities, for the simple reason that the implications of intervention were extremely serious.

19. In that connexion, he regretted that the Indian representative had implied that nations which supported the South African delegation on the question of competence, *ipso facto,* supported racial discrimination. When a procedure was unconstitutional, those opposing it did not thereby uphold racial discrimination.

20. All countries wished to see the principles contained in the Universal Declaration of Human Rights implemented. The Universal Declaration was, however, a statement of principles, and imposed no legal obligations on Member States of the United Nations. The only instruments which could impose such obligations were the draft international covenants on human rights; but they were still being drafted by the Commission on Human Rights. The "obligations" of Member States were often confused with the "objectives" to be aimed at; and even more often those who spoke of the obligations of other States forgot their own obligations. But there was one obligation however which should not be overlooked: the obligation arising out of Article 2, paragraph 7, to respect the internal authority of each and every Member State.

21. To justify departure from that rule, some representatives had said that the policy of *apartheid* was a threat to international peace. If that were really the case, the matter could have been referred not to the Assembly but to the Security Council; and the Commission, in its report, had not even attempted to prove that the policy of *apartheid* or its execution had given rise to a situation threatening international peace.

22. The measures proposed by the Commission and the authors of the joint draft resolution were likely to place the United Nations in an embarrassing position. If the Government of the Union of South Africa continued to refuse to accept the recommendations, either they would remain a dead letter, which would not enhance the prestige of the Organization, or the United Nations would have to come into conflict with one of its own Members to enforce compliance with its decisions, which would be equally undesirable.

23. It was clear therefore that the interpretation placed on the Charter by the majority of the members of the Committee was a mistaken one, and could only result in a dead-lock.

24. Finally, he wondered what would be the financial implications of the joint draft resolution. It might be useful to ask the Secretary-General's opinion on that matter; perhaps he could furnish information on the expenses incurred by the United Nations Commission during the past year.

25. Mr. BENITES VINUEZA (Ecuador) wished first to refer to the speech made by Mr. Malan, Prime Minister of the Union of South Africa, on 5 March 1953, reproduced in annex V to the report of the Commission, Mr. Malan had said in that speech that *apartheid* was based on a divine creative need—the natural differences between race and race, colour and colour, comprising, as a rule, differences in nationhoods, languages and culture. It was difficult in the present day and age to accept that racist conception of God; it was well known that the fundamental conception of Christianity was the unity of mankind in the creation. The Ecuadorian delegation felt bound to stress the dangers involved in the ideas expressed by Mr. Malan, which constituted a social doctrine with profound political consequences.

26. In a speech made at Cape Town in 1950, extracts of which had been quoted by the Indian representative, a Mr. Vorster, a clergyman, had said that only a holy fanaticism such as Hitler had been able to arouse in the German people could guide the destinies of the Union of South Africa. But the racial fanaticism expressed in *Mein Kampf* had in fact been one of the causes of the Second World War, from which the United Nations Charter had arisen. The United Nations Charter condemned racial discrimination; it might be useful to recall the noble words spoken at San Francisco by Field-Marshal Smuts, who at that time had presided over the destinies of the Union of South Africa. He had said that the nations had fought for justice, respect for the human person, fundamental freedoms and human rights, which were the basis of progress and peace. Field-Marshal Smuts himself had urged that the fundamental principles guaranteeing respect for human rights should be written into the Charter, in order to ensure the maintenance of international peace.

27. It had been said that the same importance could not be attributed to respect for human rights as to the maintenance of peace, according to either the letter or the spirit of the Charter. But peace was not an end in itself; it was the necessary condition for the development of international relations. The peace the United Nations must maintain was a positive peace, based on the fundamental principles governing human relations and on respect for human rights. Any attack on those rights was therefore a threat to peace. Respect for human rights was an integral element in the idea of peace enshrined in the United Nations Charter, and that being so it was of little importance whether the Universal Declaration of Human Rights was or was not a legal instrument having binding force.

28. It had also been said that even if a matter essentially within the domestic jurisdiction of a Member State was the subject of an international treaty, it did not thereby cease to be a matter of domestic jurisdiction. The Ecuadorian delegation did not dispute that argument from the theoretical point of view; it had always defended and would continue to defend the principle of the national sovereignty of States, recognized by Article 2, paragraph 7 of the Charter. However, the question was how the provisions of that paragraph were to be construed in practice.

29. In that connexion, it should be remembered that under present world conditions there was scarcely any matter of international law which did not at the same time involve the domestic jurisdiction of Member States. The reason for that was that it was in fact in the exercise of its national sovereignty that a State accepted or contracted international obligations. By doing so, it voluntarily limited its sovereignty. If that were not the case, international treaties would have no value, for respect for the obligations arising out of them would depend on the arbitrary will of the signatory States.

30. In the light of those considerations he proceeded to analyse the provisions of Article 2, paragraph 7. That paragraph laid down that nothing in the Charter authorized the United Nations to intervene in matters

essentially within the domestic jurisdiction of any State. The representative of the Union of South Africa interpreted the word "intervene" in its everyday sense, and maintained that the word "essentially" in reality extended rather than restricted the field of domestic jurisdiction. But since the Charter was an international legal instrument, its terms should surely be interpreted in the sense given to them in international law. Thus the word "intervene" could only refer to illegal interference, or, to use the term employed by some representatives, dictatorial interference. In support of that interpretation, the report of the Commission quoted several eminent jurists.

31. The word "essentially" must be interpreted as meaning "in essence", or "by nature"; in other words it implied that the United Nations should not intervene in matters which by their nature were within the domestic jurisdiction of a State or which had not been dealt with in an international treaty limiting the domestic jurisdiction of the State in respect of such matters.

32. Respect for human rights was one of those questions which, while within the domestic jurisdiction of States, were equally a matter of international law. It had been dealt with in a multilateral treaty, the United Nations Charter; and consequently any attack on human rights was within the competence of the United Nations.

33. In that connexion it was pertinent to recall the statement made by the representative of Australia in the *Ad Hoc* Political Committee during the third session of the General Assembly, when the Committee had been discussing observance of human rights and fundamental freedoms in Bulgaria and Hungary. He had said that when a matter was the subject of a provision of the Charter, it thereby ceased to come within the domestic jurisdiction of a State. As racial discrimination was the subject of several provisions of the Charter, it was surely logical to apply the criterion so clearly defined by the Australian delegation.

34. Moreover the Third Committee had just adopted a draft resolution (A/C.3/L.395) on forced labour in which the General Assembly declared that systems of forced labour impaired fundamental human rights and were contrary to the provisions of the United Nations Charter. Would the delegations of Australia, the United States, Greece and the United Kingdom, which were among the sponsors of the draft resolution, deny that racial discrimination also impaired fundamental human rights?

35. Concluding his remarks on the legal aspects of the problem, the Ecuadorian representative analysed the argument put forward by the Belgian delegation in the Fourth Committee, to the effect that where backward peoples were living side by side with more socially advanced groups within the same State, the provisions of Chapter XI of the Charter should apply. If that argument were accepted, the Union of South Africa would be under the obligation to promote the prosperity of the aboriginal peoples of the Union and to transmit information on economic and social conditions in its territory.

36. Some delegations had likewise contended in the *Ad Hoc* Political Committee that the Union's policy of discrimination did not constitute a threat to peace because it affected only the peoples of South Africa. That argument would be valid if the peoples of the Union of South Africa lived in isolation from the rest of the world. In present world circumstances, however, the way of life of the peoples of any area affected all the peoples of the world.

37. If the United Nations did not condemn racial discrimination, if it did not assert that all human beings enjoyed the same rights without distinction as to race, if it did not create a faith of human rights, it would lose the confidence of the coloured races. But it was more important today than ever for the United Nations to live up to the trust men had placed in it.

38. He proceeded to explain his delegation's position on the draft resolutions before the Committee. His delegation considered that the matters to which the agenda item related, should not be enumerated in the South African draft resolution; they were merely examples and their deletion would facilitate the voting. If the Committee did not accept that suggestion, the delegation of Ecuador would vote against the South African draft resolution. However, its vote should not be construed as an expression of the view that the matters enumerated were not within the domestic jurisdiction of the Union of South Africa. Moreover, the Ecuadorian delegation considered a vote on the South African draft resolution unnecessary. Under the terms of the draft resolution the *Ad Hoc* Committee would decide that it was not competent to intervene in the matters enumerated. But item 21 of the agenda related to the report drawn up by a Commission established by resolution of the General Assembly at its seventh session, which specified that the Commission was to report to the eighth session of the Assembly. Accordingly, the *Ad Hoc* Political Committee could not now declare itself not competent to consider that report.

39. The Ecuadorian delegation would, however, vote for the joint draft resolution.

40. The delegation of Ecuador was not unaware of the difficulties confronting the Union of South Africa owing to the peculiar social conditions in its territory. It realized that the Union Government could not be asked to abandon its policy overnight, but had hoped that it would at least indicate some intention of modifying that policy, even if in the distant future. It was in that hope, which it had not abandoned, that the Ecuadorian delegation would vote for the joint draft resolution.

41. Democratic systems were based on fundamental human rights; that was yet another reason why the United Nations should defend those rights jealously. By reaffirming the principles of the Charter and ensuring observance of them, the United Nations would strengthen the faith of the peoples of the world in a lasting peace.

42. Mr. LANNUNG (Denmark) observed that his delegation had said at the preceding session that the United Nations should have the right to discuss the problem of *apartheid*, but that it should exercise that right with self-restraint and moderation and tolerance. But beyond the right to discuss that matter a legitimate doubt existed regarding the competence of the United Nations to deal with the question. Like the Belgian and some other delegations, the Danish delegation believed that Articles 10 and 14 of the Charter authorized the General Assembly to exercise in the form of general recommendations, wide powers in respect of questions within the domestic jurisdiction of Member States. But it was quite a different matter when it was a question of determining the competence of the United Nations to pass judgment on specific legislation.

43. In the light of those considerations, the Danish delegation had the previous year supported a draft resolution which had not been addressed to any specific country and had called upon all Member States to bring their policies in conformity with their obligations under the Charter. The Danish delegation would always be willing to support such a draft resolution. In the light of the same considerations he had serious doubts about the conclusions reached by the Commission on the Organization's competence.

44. His delegation had hoped that the members of the Commission would agree to ask the International Court of Justice for an advisory opinion on the matter. The main point to be clarified was whether Member States, by signing the Charter, had assumed a legally binding obligation to respect human rights, and whether, as a consequence, their policies in that field were no longer essentially a matter of domestic jurisdiction.

45. There were no doubt some who considered that it would not be worthwhile to ask the Court for an advisory opinion a comparatively short time before a possible revision of the Charter. He was however, among those who were of the reverse opinion and thought that notwithstanding that possibility the Organization should not hesitate to ask the Court as soon as possible in order to know where they stood prior to that possible revision.

46. In that connexion he recalled Field-Marshal Smuts' statement in 1946, when the question of the treatment of persons of Indian origin in the Union of South Africa had come before the Assembly, that the Union Government would abide by a decision based on an advisory opinion of the Court.

47. As in the previous year, the Danish delegation would be glad to support any resolution requesting the International Court of Justice to give an opinion. On the other hand, it could not vote for either the joint draft resolution, in its present form, or the South African draft resolution.

48. Mr. HUDICOURT (Haiti) said that his delegation felt it a duty to take part in the discussion of any question of racial discrimination, not only in order to defend the principles of the Charter but also because the Republic of Haiti regarded itself as the elder sister of most of the coloured peoples which had attained sovereignty or who were still struggling for their independence.

49. When the Committee had debated the question of the treatment of persons of Indian origin in the Union of South Africa, the Haitian delegation had not concealed its fear that the United Nations might cease to concern itself with the fate of the Negro people in South Africa. That fear had been dispelled by the report of the Commission appointed to study the racial situation in the Union of South Africa, because the report showed that race conflict in South Africa was a single indivisible problem, and that a solution had to be found for the problem as a whole. Moreover, the Prime Minister of India had said that his country would never accept the racial discrimination practised in the Union of South Africa, whichever races were subjected to it, and that he would use every possible means, short of force, to combat it.

50. The discussions which had taken place over the last few years went beyond the question of race conflict in South Africa. The remote origin of the problem lay in the economic and military superiority that had enabled the whites to overrun the continents inhabited by the coloured races, which had been exterminated or enslaved. That was how the myth of white superiority had been created. The race conflict in South Africa was merely an episode in that age-old struggle, which would not end until the principle of the equality of all men became a reality.

51. The Committee had before it a report which merited the highest praise. The Republic of Haiti was justifiably proud that Mr. Bellegarde, a Haitian, had been one of its authors. Despite lack of co-operation by the Union of South Africa, the report presented a striking and reasonably comprehensive account of the conditions prevailing in that country. It would undoubtedly serve as a model for all those undertaking the study of questions of racial discrimination in the world.

52. As the Indian representative had said, the report had been a revelation and doubtless a distasteful one—to all delegations. They had had an approximate idea of the situation in the Union of South Africa, but had been reluctant to believe that it was so serious. The reality was worse than anything they could have imagined; it was inconceivable that such a state of affairs could exist in a State which was one of the founders of the United Nations.

53. The representative of the Union of South Africa had asserted that the authors of the report had heard only one side of the question; it must be remembered, however, that they had many times requested the Union Government to express its views, but that the latter had refused to give the Commission any co-operation whatsoever. Nevertheless, the authors of the report had taken care to cite official statements by members of the Union Government, and those statements were among the most shocking revelations in the report. As they had not been contested he would refer only to them in his statement.

54. The first question which arose was that of the competence of the United Nations. It had been discussed at length whenever the problem had come before the General Assembly. No new argument had been adduced recently; the Belgian and Australian representatives, in particular, deserved congratulation on their brilliant statements but they had not succeeded in convincing him, and they probably had not convinced the majority of the members of the Committee. They took into consideration only Article 2, paragraph 7, of the Charter, asserting that the provisions of that paragraph overrode those of Articles 55 and 56 and of Article 2, paragraph 2. According to their argument, the General Assembly was not entitled to ascertain whether Member States were complying in good faith with the obligations they had assumed under the Charter. If they were convinced of the soundness of their argument, why had they taken a different position when the General Assembly had dealt with other questions relating to respect for human rights, such as the question of forced labour?

55. He drew the Committee's attention to Article 6 of the Charter. How could the United Nations ascertain whether one of its Members had persistently violated the principles contained in the Charter without appointing a commission of inquiry for that purpose? If the Belgian representative's argument that the consent of the Member State concerned was a necessary condition were accepted, it would obviously be impossible to apply the provisions of Article 6. It was true that the Article did not define the procedure to be followed in such a case, but it could be logically argued that it

implicitly recognized the right of inquiry. In the present case thirteen Member States had denounced violations of the fundamental principles of the Charter committed by the Government of the Union of South Africa. If the application of Article 6 was contemplated, an inquiry had to be carried out. The report under consideration was the result of such an inquiry. The United Nations had the right, indeed the duty, to study the racial situation in South Africa; no one doubted that in his own conscience. Lacking any other defence, the Union of South Africa was taking refuge in the provisions of Article 2, paragraph 7, supported by the colonial Powers, for reasons of which probably everyone was aware.

56. As for the question of competence, the Union of South Africa had submitted a draft resolution designed to raise doubts in the minds of the members of the Committee. That manoeuvre was doomed to failure because everyone knew that the Committee was considering the question of race conflict in South Africa, and not the questions mentioned in the draft resolution. Those questions had been examined in the report, incidentally, to ascertain to what extent racial discrimination was practised in the Union. Thus even if the Committee adopted that draft resolution, which was very unlikely, it could in any case vote on the joint draft resolution.

57. Turning to the report, he read out several extracts from official statements by the Union Government reproduced in annex V. All the passages quoted showed beyond doubt that equality of treatment between the various sections of the population did not exist in any field and was in no way contemplated. It was precisely, for that reason, that the matter had been referred to the General Assembly. The speech made on 20 April 1950 by the Minister of Native Affairs showed that the Union Government deplored any progress on the part of the young indigenous inhabitants; for example, the effects of such progress on the recruitment of agricultural labour. Generally speaking, the official statements were most candid; the Union Government was genuinely surprised, it seemed, that world public opinion did not understand its policy of *apartheid*. It considered the very natural interest which the United Nations took in the question as interference in its domestic affairs.

58. When the Union Government had subscribed to the principles of the Charter it had apparently done so only on behalf of its white population, in accordance with the theory that racial differences had been established by God and it was not the business of man to remove them. That theory had been conceived, several centuries previously, with a view to enslaving the coloured races and keeping them in perpetual servitude. Today, physical slavery had practically disappeared, but economic slavery still existed: the purpose of the policy of *apartheid* was to perpetuate it in the Union of South Africa.

59. In the present case, the task to be accomplished was to persuade the Government of the Union of South Africa of the error of its doctrine of *apartheid*. That would be a difficult and lengthy task; racial discrimination rested on a prejudice linked with an economic factor, and the eradication of both must be the work of several generations. At the seventh session he had related how the Negro slaves of San Domingo had created the Haitian nation after thirteen years of struggle and the complete elimination of their white masters. The Haitian proclamation of independence on 1 January 1804 had been an event unacceptable to the white nations, which derived part of their wealth from the exploitation of slave labour, a practice they justified by racial theories. It had been followed by risings in most of Spain's American colonies, which had culminated in the formation of new independent States. Haiti's sovereignty had not been recognized until very much later, with the disappearance of the economic factor, the physical slavery of the Negro people. Haiti had been a sovereign State for nearly a century before it was first admitted to an international conference, since its presence would have been highly embarrassing to the colonial Powers which continued to exploit the coloured races. Haiti had immediately raised the question of the quality of races, and had expressed its conviction that the supremacy of the white race was a myth. Other coloured peoples, such as those of Japan and China, had adopted the same attitude. The European racialists had then invented the theory of the "yellow peril". Ultimately, however, racial theories had lost their force, and contemporary colonialism, which was founded on the economic slavery of the coloured peoples, had for purposes of self-justification devised the new theory of the "civilizing mission".

60. In the case of the Union of South Africa, Mr. Malan himself had explained the nature of the economic factor linked with racial prejudice and the policy of *apartheid*. According to his own words, it was impracticable to carry out total territorial segregation in the Union of South Africa, as the whole economy of the country was to a large extent based on native labour. On 1 May 1951, the Minister of Native Affairs had made a practically identical statement. The Commission's report and the statistical data submitted by the Indian delegation showed how native labour was exploited in South Africa. According to the statement made on 15 April 1953 by Mr. Malan, a régime of equality would be nothing less than national suicide for white South Africa. It was very clear that the exploitation of native labour was the basis of South Africa's present economy. What could the United Nations do against racial discrimination in South Africa so long as the fact of economic bondage so candidly admitted by Mr. Malan and the members of his Government existed?

61. The delegation of Haiti did not wish to heap charges upon the Union of South Africa, which was far from being the only country in which racial discrimination was practised. However, the fact must be noted that in most countries discriminatory practices were declining, thanks to the pressure exercised by national and world public opinion. In the Union of South Africa, however, the policy of *apartheid* was being daily intensified by new measures. The representative of India had shown that *apartheid* was based on fear; the whites were actually afraid to allow coloured people to become their equals. They feared that they might become half-castes, persons they looked upon as degenerates. How could the United Nations contrive to free the whites of South Africa from that psychosis?

62. The report recommended economic assistance, since economic development would facilitate the elimination of racial discrimination. Undoubtedly the industrialization of South Africa and the mechanization of its agriculture would in the long run lead to an improvement in the standard of living of the coloured races, but the Government of the Union of South Africa did not intend to encourage such an improvement and as long as the policy of *apartheid* was maintained economic development would have the effect of widening the gulf between

the white minority and the coloured races. Economic development must be accompanied or even preceded by the abandonment of the policy of *apartheid*.

63. To carry into effect the recommendations contained in the report, moreover, co-operation by the Government of the Union of South Africa would be necessary; and that was still lacking. That being so, what was the solution? He did not think the International Court of Justice should be asked for an opinion, as the representative of Denmark had just suggested. The expulsion of the Union of South Africa from the United Nations, which might be taken as a sanction under Article 6 of the Charter, would merely aggravate the problem; millions of Negroes, people of mixed race and Indians in South Africa would remain at the mercy of a State which would no longer be a Member of the United Nations, and would lose any moral support they at present received from the Organization.

64. It therefore had to be recognized that the United Nations, as at present constituted, was not equipped to solve the problem. The General Assembly could and should continue to make recommendations even if the Union of South Africa persisted in ignoring them. The obstinacy of a government should not get the better of the United Nations.

65. The delegation of Haiti was convinced that the coloured peoples of South Africa would soon cease to be the servants of the whites. For centuries the Negroes of Haiti had been servants of the whites, in conditions even worse than those existing in South Africa. They had ceased to be their servants; for when the hour struck peoples did not tarry. If there was delay, the crisis was ended not by emancipation but by revolt.

The meeting rose at 6.20 p.m.

Printed in U.S.A. S—42440—January 1954—1,900