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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 76

The question of race conflict in South Africa resulting from the policies of "apartheid" of the Government of the Republic of South Africa. (A/4804 and Add.1-5; A/SPC/L.71 and Corr.1 and Add.1-5, L.72/Rev.1) (continued)

1. Mr. GABRE SELASSIE (Ethiopia) observed that the question before the Committee was not new, and that different methods had been used in the attempts to find a remedy. Today the only universally approved method was that which the Charter advocated and which the Organization was following. At the present stage of civilization, discussion and exchanges of ideas and experience were most likely to bring about a better world. He recalled that the question under discussion had been considered since 1952, when the General Assembly had placed the question of "apartheid" on its agenda, in spite of the strong protests of the Union of South Africa. That country had invoked the provisions of Article 2, paragraph 7, of the Charter, and had maintained that the question of "apartheid" was essentially within its domestic jurisdiction. On the recommendation of the Special Political Committee, to which the question had been referred, the General Assembly, at its seventh session, had decided by its resolution 616 A (VII) to establish a commission, consisting of three members, to study the racial situation in the Union of South Africa, with due regard to the provisions of the Charter, and to report its conclusions to the General Assembly at its next session. The Assembly had also invited the Government of the Union of South Africa to co-operate with the Commission. The Commission had failed to persuade the South African Government to co-operate, but, in spite of the difficulties it had encountered, it had been able to submit its first report to the eighth session.^{1/} In that report, it had first considered the competence of the Organization to examine allegations that any Member State was violating human rights, and had quoted the opinions of several eminent jurists on the meaning of the phrase "matters which are essentially within the domestic jurisdiction of any State". Sir Hersch Lauterpacht and Mr. René Cassin, for example, had maintained

that, as a result of the adoption of the Charter, fundamental human rights had become part of international law and no longer fell essentially within the domestic jurisdiction of a State. Other jurists, such as Mr. H. Kelsen, had hoped that precise distinctions would be established in the matter, since the Charter was silent on the exact criterion to be applied. All, however, had agreed that the Charter empowered the principal United Nations organs, within the sphere of their respective jurisdictions, to decide whether or not a matter fell within the domestic jurisdiction of a State.

2. It could therefore be concluded that no argument based on Article 2, paragraph 7, could prevent the Assembly from considering the question of "apartheid".

3. In its first report, the Commission had shown that racial prejudices had deep roots in the social structure of South Africa and that policies of "apartheid", which were based on premises that could not be justified by science, entailed the domination of one ethnic group by another and gave rise to serious internal conflicts between the different ethnic groups within the country. It had added that in future the situation would probably become still less open to settlement by peaceful means and more menacing to internal peace and to the foreign relations of South Africa. The report had also shown that the South African Government had adopted a series of legislative and police measures in order to intensify its policy of "apartheid".

4. After considering the first report, the Assembly had asked the Commission to undertake further studies on the question. The reports^{2/} which the Commission had then submitted had had no persuasive effect on South Africa, which had refused to take part in the consideration of the question and in the debates of the tenth session as a whole. The Commission had been dissolved; for session after session, the Assembly had adopted resolutions appealing to the conscience of South Africa, which far from allowing itself to be persuaded had not ceased to render the system even more heinous and intensify repression; the result was the Sharpeville catastrophe, the state of emergency and further deterioration of the situation. The Security Council, on receiving due notice of the matter, requested the Secretary-General to approach the South African Government for the purpose of upholding the Purposes and Principles of the Charter.^{3/} The Secretary-General was unsuccessful. At the fifteenth session, the South African delegation had once more refused to participate in the discussion of the agenda item by the Committee, and had refused

^{1/} Official Records of the General Assembly, Eighth Session, Supplement No. 16.

^{2/} *Ibid.*, Ninth Session, Supplement No. 16; *ibid.*, Tenth Session, Supplement No. 14.

^{3/} Official Records of the Security Council, Fifteenth Year, Supplement for April, May and June 1960, document S/4300.

to listen to the voice of public opinion expressed in resolution 1598 (XV) adopted by the Assembly.

5. The Hansard records of the House of Assembly debates in the Republic of South Africa for 17 to 21 April 1961 showed how the Minister for Foreign Affairs, Mr. Louw had tried to justify to the Opposition the attitude he had taken at the fifteenth session of the General Assembly. He had not hesitated to say that the attacks on South Africa had struck him as a manifestation of international hypocrisy, because many States attacking South Africa were themselves practising racial discrimination. Among those States, he had mentioned India, Norway and Sweden. He had then tried to explain the reasons why, at the fifteenth session, a larger number of delegations had voted against South Africa. He had pointed to two important factors: the increase in the number of African and Asian Member States, and the switch made by the United Kingdom, France, the Netherlands, Italy and Australia. The South African Minister for Foreign Affairs had said that those countries' votes had been decided by their national interests and by "horse-trading". He had made it quite clear that he was not unduly concerned by the opposition of the Eastern and African-Asian nations. What was of concern to him was the attitude of the Western nations, some of which, he had said, would have liked to support South Africa if it had not been for the pressures put upon them. The United Kingdom, for example, had to take into account public opinion, the opposition parties, the Press and religious groups such as the Anglican Church, apart from the communists. It also had to consider the policy of the United States, which was supporting the aspirations of the African peoples. Nor did the United Kingdom wish to offend the new African States, especially if they were members of the Commonwealth. And, lastly, it had to think of keeping its export markets. The Ethiopian representative did not think that those were the only reasons why the United Kingdom Government had voted against South Africa at the last session. The United Kingdom representative had been most explicit on that point, when had said that his country had not fought two wars to support a racist policy (274th meeting). The South African Foreign Minister had said that the Netherlands had not been able to support South Africa because of its obligations towards Surinam and the Antilles, while France wanted to preserve its ties with its former African colonies. Italy was under strong pressure from the communist and socialist parties, and Australia, which had enjoyed very friendly relations with South Africa, had had to consider the Opposition and the Press.

6. Mr. Louw had recalled that at the United Nations the South African delegation had always supported countries which had invoked Article 2, paragraph 7 of the Charter: for example, the United Kingdom in connexion with Cyprus, France in connexion with Algeria and the Netherlands on the Indonesian question. With regard to South Africa's position in relation to the United Nations, the Minister of Foreign Affairs had described it as difficult but in no way alarming. If Mr. Louw was to be believed, there was all the less reason for South Africa to yield to a feeling of despondency since the United Nations was itself in serious difficulties. The parliamentary Opposition, however, seemed to have different views on the matter, as was shown by Mr. Malan's criticisms of Mr. Louw's statement. Mr. Malan had protested against the harm done to South Africa by the diplo-

macy of the Minister of Foreign Affairs, and said that it had been the cause of the two greatest diplomatic defeats in the country's history: the defeat in the United Nations and the defeat in the Conference of Prime Ministers held in London in March 1961 which had led South Africa to withdraw from the Commonwealth. Mr. Malan had taken up the Minister's statement to the effect that in the United Nations he intended to abandon a policy based on consistency and honesty and return to the old diplomatic practice of reciprocity, or even "horse-trading". Mr. Malan had described that as a statement worthy of Machiavelli. That new policy had not provoked any sudden change in South Africa's favour, but rather the reverse.

7. To justify his Government's policy, the representative of the Republic of South Africa had gone so far as to accuse (267th meeting) the countries which condemned that policy of hypocrisy and an uneasy conscience. But he was surely too guilty to accuse anyone. His attitude showed that all the efforts made by the United Nations in recent years to induce South Africa to reverse its "apartheid" policy had been in vain. Furthermore, the statements made by the representative of South Africa at the present session had been no more promising than in the past.

8. At the 1033rd plenary meeting of the General Assembly, the South African representative had put forward various arguments. He had emphasized, quite rightly, that his country was not considered a colonial country, since otherwise the question which the Committee was discussing would have been entrusted to the Fourth Committee. He had gone on to assert that before the arrival of white settlers at the Cape, South Africa had been a no man's land, whose only inhabitants had been nomadic Hottentots and Bushmen. The Bantu, he had said, who today were considered the natives of the country, had come from the north at about the same time as the first Dutch settlers had arrived at the Cape. However, most of the scholars who had studied the question considered that there had been at least three Bantu migrations. The date of the first migration was uncertain, but the second could be placed in the twelfth century. The Bantu who had arrived in South Africa at about the same time as the Europeans had in fact been the advance guard of the last Bantu migration from the north.

9. The South African representative had pointed out that his country was today highly developed and industrialized, an end which had been achieved at the cost of great sacrifices by South Africans of European descent. He had added that by providing the necessary labour the non-whites had contributed to the development of the country. But there was no reason why the reward for past efforts should go only to those who had provided capital and technical knowledge. The representative of South Africa had also argued that when South Africa was called upon to apply the principle of political equality, it was in fact being asked to hand over immediately everything that had been built by the white man to the non-white population, who were in the majority. He had nevertheless stated that there could be full political equality if each of the races in the State were to have its own separate political development in accordance with the policy of the present Government. That was the theory of "apartheid", which some, such as the South African representative, had attributed to General Smuts, who was said to have advocated it as

early as 1917, and others to the present Prime Minister of the Republic of South Africa, Dr. Verwoerd. It was not his intention to decide that question; he would confine himself to a reasoned judgement of the policy of "apartheid". Theoretically, "apartheid" meant the separate development of each race on parallel lines to allow for the natural differences between those races, but in fact it was used to justify inadmissible discriminatory measures. When the South African representative expressed the fear that the African States would turn to communism, he seemed to think that only Western man was capable of a parliamentary system of government. It should be remembered that the Charter of the United Nations was much more tolerant in that respect and that it was for each African country to decide its own destiny.

10. Considering the South African Government's state of mind, it was not surprising that it had taken three hundred years to pass the Bantu Self-Government Act of 1959 and that it did not yet even contemplate giving the Bantu self-government. What mattered to the South African Government was that white supremacy should be maintained and any competition between the upper strata of non-Europeans and the lower strata of European workers should be avoided. For that purpose it had introduced the Mines Act and the Bantu Education Act No. 47 of 1953, which restricted the syllabus in non-European schools and prohibited Europeans and non-Europeans from attending the same universities. According to the report of the Inter-Departmental Commission on Native Education 1935-1936, the education of the white child prepared him for life in a dominant society and the education of the black child for a subordinate society. The Eiselen Commission of 1949 had recommended that Bantu education should be separated from that of the whites; that recommendation had finally led to the Bantu Education Act No. 47 of 1953, which was designed to isolate the African child from world culture and modern science and to provide him only with practical education.

11. The representative of South Africa had twice stated that his country spent more on social welfare than Ethiopia. Speaking in absolute terms, that was quite true, but since South Africa was much richer than Ethiopia the funds devoted to improving the welfare of the population in the two countries could only be compared on the basis of proportional figures. In table XII of chapter I of the Economic Bulletin for Africa for 1961, volume I, No. 2, published by the United Nations, it was stated that in 1958—to take only the most recent figures—Ethiopia had spent 11.8 per cent of its total budget on education whereas only 7 per cent of the South African budget had been allocated for that purpose. Furthermore, when the South African representative had quoted education statistics for his country, he had omitted to mention that there was one teacher for every twenty-four white pupils as compared with one teacher for every forty-six non-white pupils, that the average age of matriculation was seventeen for whites and nineteen for blacks, and that the total amount spent on white education was £21,838,000 against £8,500,000 for Africans, whose numbers, however, were greater. Finally, the South African Government spent an average of £43 on each white pupil as against £7 for each African.

12. The hostility which educated Bantu felt towards Europeans in general and particularly towards the Afrikaans-speaking population was undoubtedly the

result of the South African Government's policy of discrimination. That feeling of hostility was tending to spread to other non-European races and, in the circumstances, rapid action was necessary to avoid bloodshed.

13. It was not enough to say, as the representative of South Africa had said, that the Africans in South Africa were better treated than their fellow Africans in other African countries. An African in South Africa should not be compared with the black Africans in other countries but with his white neighbour, to whose level of living he naturally aspired. It was that natural tendency that the leaders of South Africa feared, and that they were trying to crush, instead of following the example of racial integration set by the countries of Latin America and by others.

14. The policy of "apartheid", far from being based on reality, was a vast nightmare. Not only was it economically unworkable because of the extent of African participation in the economy and industry of South Africa, but the very principles upon which it was based were inadmissible. Its purpose was alleged to be to preserve the heritage of Western Christian democracy. But a democracy which was not based on the conception that men possessed a capacity to reason, and that that should determine their character as citizens, was not a true democracy, and Christianity that did not regard all human beings as creatures of God was not true Christianity. If the Government of South Africa sincerely believed that its policy of "apartheid", which was unanimously condemned by world public opinion, was inspired by sound Christian intentions, it was time that it should examine its conscience.

15. Ethiopia was one of the sponsors of the joint draft resolution (A/SPC/L.71 and Corr.1 and Add.1-5), which recommended that South Africa should be expelled from the United Nations and should be the object of specific sanctions. Those were serious proposals, but the problem involved was also serious. After fifteen years of efforts at persuasion, the time had come to force the Government and, above all, the citizens of South Africa to reflect upon the realities of the situation.

16. Article 6 of the Charter, which was referred to in operative paragraph 5 of the draft resolution in connexion with the proposal that the Security Council should recommend to the General Assembly the expulsion of South Africa, was clearly applicable to that country, which persistently violated the Purposes and Principles of the Charter and those of the Universal Declaration of Human Rights.

17. Certain delegations were opposed to sanctions on the ground that the situation was not serious enough to justify them, that they would punish the innocent more than the guilty and that their effect would be to strengthen national unity in support of the South African Government. In the meantime persecution, oppression and violence continued in South Africa and there was the danger that too much delay might lead to an explosion whose consequences would be incalculable.

18. To appeal to the conscience of the South African Government was a pure waste of time. The Prime Minister of that Government himself had said that nothing would persuade him to abandon the policy of "apartheid". For fifteen years the South African Government had flouted the Charter; could the United

Nations continue to refrain from demanding that the Charter be respected?

19. The problem was not one for South Africa alone. The question was how the economically and politically dominant 800 million people who called themselves "white" would respond to the pressing demands of the 2,000 million who were called "coloured". The only satisfactory solution would be the establishment of harmonious relations in accordance with the principles of social justice embodied in article 2 of the Universal Declaration of Human Rights. A moral problem was involved, and if it were not solved the false ideas which each group had of the other might be perpetuated, together with the misunderstanding and hostility inherited from the paternalist past, when the whites had regarded the blacks as grown-up children who must be ruled with firmness while the Africans had considered the white men to be materialistic, brutal, cunning and fundamentally hypocritical.

20. The very principle of the policy of "apartheid" was pernicious. The discrimination in all fields resulting from that policy represented human degradation in the extreme. The Government of South Africa claimed that in that country there had never been organized attacks on the non-white population, whereas in reality such attacks were made by the Government itself. No doubt there was prejudice everywhere, in families and among individuals and in both large and small countries. But it had never before existed in the virulent form which it took in South Africa, where it was enforced by the law.

21. To say, as the South African representative had done, that a man born of a Bantu mother was unable, because of his upbringing, to understand democracy, was complete nonsense. There was no democracy in South Africa but an oligarchy of race of the crudest kind. The tragedy was emphasized by the fact that South Africa was the country where Mahatma Gandhi had chosen to experiment with his philosophy of the power of truth as a means of political action and where Chief Albert Luthuli, the winner of the Nobel Peace Prize, had followed the same tradition in

attempting to use patience and voluntary suffering as a means of obtaining the fundamental human rights which the non-whites were denied in South Africa. The whites in South Africa had, however, let the opportunity pass, and there could be no guarantee that that peaceful attitude towards politics and social justice would continue indefinitely.

22. It was for those reasons that other countries wished to take more decisive steps, not in a spirit of revenge or in order to obtain a victory of prestige over the whites in South Africa, not from racial solidarity but in a spirit of human solidarity. Following the decision taken by the Second Conference of Independent African States meeting at Addis Ababa in 1960, Ethiopia had applied sanctions against South Africa. Obviously they had not had much effect. If the African, Asian and Latin American countries were to follow Ethiopia's example, the effect would of course be greater. Obviously it would be best if the Western European States, whose reactions the South African Government seemed to fear and whose trade was essential to it, could be persuaded to cooperate. Even if sanctions were not effective, they would mean something to the people whose Government remained obstinately deaf to all appeals, would force it to take cognizance of the human problem and induce it to seek a fresh solution in its own interests.

23. The African States were not endeavouring to abuse their strength in the United Nations—least of all Ethiopia, which in 1935 had appealed to the League of Nations to support justice against force. As Gandhi had said, in the end the truth would prevail. The speaker said that he had endeavoured in the name of his country, Ethiopia, to bring home to other Member States the realities of the situation in South Africa and the psychological reactions which were manifested there in order to prevent the myths and lies which divided the different human groups from being established as dogma and so perpetuating the racial prejudice which today challenged the peace and security of mankind.

The meeting rose at 6 p.m.