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Chairman: Mr. Yordan TCHOBANOV (Bulgaria).

AGENDA ITEM 75

Treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa (A/4803 and Add.1, A/4817; A/SPC/L.76 and Add.1 and 2) (concluded)

1. Mr. DJIKIC (Yugoslavia) said that the question under discussion was part of the South African Government's "apartheid" policy, which was one of the worst results of colonialism. It could be solved only by abolishing "apartheid". Only supporters of racial discrimination could oppose draft resolution A/SPC/L.76 and Add.1 and 2; it was worded very moderately and he hoped it would be adopted unanimously.

2. Mr. BARADI (Philippines) thought that, for the reasons given by the representative of India in his explanatory memorandum (A/4803/Add.1) and orally by the representative of Pakistan at the 292nd meeting, it was essential to consider once more the question of the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa. The approaches made by the Indian and the Pakistan Governments to the Government of the Republic of South Africa had had no result, and the South African Government did not seem in any way inclined to enter into the negotiations called for in operative paragraph 4 of General Assembly resolution 1597 (XV). A new consideration of the question was not only essential but urgent. Several representatives, including the representative of India, had agreed, however (261st meeting), in a spirit of co-operation that the question should be considered only after the question of the status of the German-speaking element in the Province of Bolzano (Bozen).

3. The treatment of persons of Indian and Indo-Pakistan origin in the Republic of South Africa was brought to the attention of the General Assembly in 1946 by the representative of India.^{1/} The Indian Government, joined later by the Pakistan Government, complained that the treatment of those persons was a grave violation of the human rights recognized in the Charter of the United Nations—as shown by a con-

siderable volume of evidence—and that the Government of the Republic of South Africa had not observed the undertakings which it had assumed towards the Indian Government in the Cape Town Agreement of 1927, particularly in the "Upliftment of the Indian community" clause (III), but was following its hateful policy of "apartheid".

4. The Government of the Republic of South Africa claimed that the placing of the item on the agenda of the General Assembly was contrary to Article 2, paragraph 7 of the Charter; that racial discrimination had long been one of the country's institutions and would not disappear in a moment; and that the policy of the separate development of different races had been and was still in the interests of the people of the country.

5. As it had said on many occasions, the Philippine delegation thought that the question of the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa was a matter of serious international concern, because such treatment was a violation of the fundamental human rights set forth in the Charter and the Universal Declaration of Human Rights. The United Nations was therefore entitled to consider the question. The Government of the Republic of South Africa, as a Member of the United Nations, had obligations to fulfil, and the United Nations should firmly adhere to its principles and discharge its responsibilities. The Government of the Philippines appealed once more to the Government of the Republic of South Africa to heed the repeated recommendations of the General Assembly and to enter into negotiations with the Indian and Pakistan Governments, in a spirit of conciliation and goodwill, in order to seek means of promoting respect for human rights and fundamental freedoms, without distinction of race, sex, language or religion.

6. So far the Government of the Republic of South Africa had paid no attention to the resolutions of the General Assembly, but he thought that country could not resist the pressure of world public opinion for much longer and that the struggle should be continued relentlessly until iniquity and racial discrimination had completely disappeared. That was why the Philippine delegation had co-sponsored draft resolution A/SPC/L.76 and Add.1 and 2, which was moderately worded and similar in scope to draft resolution 1597 (XV) adopted by the General Assembly at the previous session. It was a constructive draft in its appeal to patience, good faith and mutual understanding and its lack of censure or repressive provisions. He hoped the Committee would adopt it unanimously and that, if implemented, it would help to hasten the brotherhood of man, and the fellowship of nations, under the fatherhood of God.

7. Mr. ROSSIDES (Cyprus) thought that the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa was a violation of the

^{1/} Official Records of the General Assembly, First Session (Part II) Joint Committee of the First and Sixth Committees, annex I.

Charter of the United Nations, the Universal Declaration of Human Rights and the most elementary rules of natural law; it was a breach of the legal obligations assumed by the Republic of South Africa. The Government of the Union of South Africa had not observed the assurances given in 1875 by the United Kingdom Secretary of State for Foreign Affairs, Lord Salisbury, nor the Cape Town Agreement which it had concluded in 1927. Of the many measures of discrimination exercised against people of Indian and Indo-Pakistan origin, it was enough to mention taxation without representation, restrictions on freedom of movement and the prohibition to engage in trade or buy cultivable land. Such persons were treated as foreigners or as persons under a legal disability as a result of criminal conviction, although they were South African citizens by birth.

8. He would vote for draft resolution A/SPC/L.76 and Add.1 and 2, which was very moderate and judicious. He appealed to the Government of the Republic of South Africa, in its own interests, to take the necessary steps.

9. The CHAIRMAN declared the general debate closed.

10. Mr. ATTLEE (United Kingdom) thought that the sponsors of the draft resolution (A/SPC/L.76 and Add.1 and 2) before the Committee had taken the most suitable course. The Government of the United Kingdom, which had given its good offices in accordance with operative paragraph 5 of General Assembly resolution 1597 (XV), was willing to continue to do so, under operative paragraph 4 of the present text. He would therefore vote for the draft resolution.

11. Mr. PERERA (Ceylon) said that his comments on the policy of "apartheid" of the Government of the Republic of South Africa (271st meeting) also applied to the present item. The sponsors of the draft resolution (A/SPC/L.76 and Add.1 and 2), which included the delegation of Ceylon, had wished to be as moderate as possible. In the circumstances, he hoped that the Government of the Republic of South Africa would heed the appeal made to it.

12. Mr. DELEAU (France) said that, although his delegation was always anxious to avoid any interference by the United Nations in the domestic affairs of a Member State, it was so strongly attached to the principles of the Universal Declaration of Human Rights and to the ideals of freedom and equality on which French institutions were based that it could only hope that the parties concerned would reach agreement. It would therefore vote for the draft resolution.

13. Mr. TOWNSEND (Peru) thought that the continuation of such a deplorable situation seemed to require stronger measures than those provided for in the joint draft resolution. Nevertheless, no one was in a better position to decide which course of action should be followed than the representative of India, who had co-sponsored the draft. He condemned the discrimination which people of Indian and Indo-Pakistan origin suffered in the Republic of South Africa as firmly as he had condemned (275th meeting) the policy of "apartheid" of that country's Government. Peru had received refugees from all over the world, and could not conceive of such an attitude.

14. He would vote for the draft resolution.

15. Mr. HASAN (Pakistan) thanked representatives who had supported the draft resolution A/SPC/L.76

and Add.1 and 2. He himself would vote for that draft, and he recalled that the Pakistan Government was ready to enter into negotiations with the Government of the Republic of South Africa. Yet he feared that such negotiations would never take place. The representative of the Republic of South Africa, who had taken part in the debate on the policy of "apartheid", had not attended the debate on the present item. It was therefore likely, as the representatives of the United Arab Republic and Tunisia had said at the previous meeting, that the Government of the Republic of South Africa would ignore the resolution adopted at the sixteenth session of the General Assembly as it had ignored every other resolution since 1946. The question of the treatment of people of Indian and Indo-Pakistan origin was, however, only one aspect of the more general question of "apartheid", and if the General Assembly, at its sixteenth session adopted a strong resolution on "apartheid", that would also advance the cause of persons of Indian and Indo-Pakistan origin. He asked those who expected to vote against the draft resolution to try to imagine, in concrete terms, the situation of the non-white population of the Republic of South Africa, which lived in most unfavourable economic conditions and in constant humiliation.

16. Mr. PAPAGOS (Greece) noted that the question of "apartheid" and that of the treatment of people of Indian and Indo-Pakistan origin in the Republic of South Africa were merely two aspects of the same policy of racial discrimination, which was condemned by the United Nations Charter and by the Universal Declaration of Human Rights. He congratulated the sponsors of the draft resolution, which expressed the views of most members of the Committee, and said he would vote for it.

17. Mr. COLLET (Guinea) praised India and Pakistan for their readiness to enter into fresh negotiations with the South African Government and for the good faith which they had shown in stating that such negotiations would not prejudice the legal positions adopted by the respective Governments. If in those circumstances South Africa refused to negotiate, it was clearly because that country was determined to continue its policy of "apartheid" and feared that the slightest conciliatory gesture would jeopardize the whites' privileges and render the Opposition more aggressive. In reality, the matter under discussion was no more than one aspect of the policy of "apartheid". The only genuine solution therefore lay in the implementation of the resolutions adopted by the Committee on the subject of "apartheid". That would enable the United Nations to voice its disapproval of "apartheid" and its support for India and Pakistan, and to hold out some prospect of the question being solved through the abolition of the racial laws, which was the only way to bring about real equality.

18. The draft resolution, even if implemented, would therefore be no more than a palliative, a half-measure. The Guinean delegation would nevertheless vote for it.

19. Mr. NGILERUMA (Nigeria) said he would vote for the joint draft resolution, which he hoped would be adopted unanimously and would be adopted unanimously and would at last make it possible to implement the Cape Town Agreement of 1927.

20. The Nigerian delegation, like other delegations, regarded the item before the Committee as merely one aspect of South Africa's policy of "apartheid" and

racialist practices. It appealed to India and Pakistan to allow the question, if necessary, to be linked in future to that of "apartheid", in order to expedite the Committee's work and to bring a greater weight of attack to bear upon the South African Government's hateful practices.

21. Mr. COOPER (Liberia) said he would vote for the draft resolution, of which his delegation was one of the sponsors. In the face of South Africa's stubborn refusal to co-operate with the United Nations or to make the slightest effort to solve the problem, one might well wonder what could be achieved by an attitude of moderation. If the moderate appeal once more made to the champions of racial supremacy went unanswered, South Africa would sooner or later be faced with a disaster for which it alone would be to blame.

22. Mr. TSEVEGMID (Mongolia) emphasized that his country respected all races and all nationalities. Mongolia was on good terms with India and favoured all efforts which might bring the present situation in South Africa to an end. It was intolerable that that country should continue to flout the resolutions of the United Nations, whether the question at issue was the policy of "apartheid" or the treatment of people of Indian and Indo-Pakistan origin. It was high time for the United Nations to take the necessary steps.

23. The Mongolian delegation would vote for the draft resolution, although that text did not condemn South Africa as severely as his delegation would have wished.

24. Mr. NATWAR SINGH (India) thanked the sponsors of the draft resolution and the speakers who had supported it. It was regrettable that the South African Minister for Foreign Affairs should be absent and thus be unable to witness the general disapproval which his country had incurred. The Indian delegation would vote for the draft resolution, which it hoped would be adopted unanimously.

25. Mr. SINHA (Nepal) regarded discrimination against people of Indian and Indo-Pakistan origin in South Africa as an aspect of the "apartheid" policy. That discrimination violated not only the United Nations Charter and the Universal Declaration of Human Rights but also the contractual obligations of the South African Government. Through legislation promulgated in 1870 and through the Cape Town Agreement of 1927, the immigrants from India whose labour had played such an essential part in the country's development had, together with their children, been expressly guaranteed the right to be treated as full citizens. Nevertheless, during the past twenty years discrimination had grown consistently worse, and laws directed against the coloured population were gradually robbing it of all its rights.

26. The Nepalese delegation fervently hoped that an end would be put to that discrimination. It would vote for draft resolution A/SPC/L.76 and Add.1 and 2 in the absence of anything better. In view of the draft resolution's moderate wording, it hoped that the South African Government would take the opportunity to negotiate with the Governments of India and Pakistan and to revise its policy of discrimination.

27. Mr. KIKHIA (Libya) observed that discrimination against people of Indian and Indo-Pakistan origin shared with the "apartheid" system a common basis—the racial policy of the South African whites. The Libyan delegation regarded the very moderate text of

the draft resolution as an altogether incomplete solution. But it would vote for it, and hoped that it would be adopted unanimously.

28. Mr. OTO (Cameroun) voiced his delegation's condemnation of South Africa's racial ideology and policy, which in his view represented the last convulsions of colonialism. The United Nations could no longer allow its repeated resolutions to be ignored by South Africa, as they had been for the past fourteen years. The Verwoerd Government and those who still tried to support it must understand that the force of law would soon prevail. The Camerounian delegation would vote for the draft resolution, so as to address to South Africa one last appeal for negotiation and to make it understand that the United Nations was bent upon establishing the rule of liberty and equality in Africa.

29. Mr. CONSTANTINESCU (Romania) regretted that the Committee should once more have to take up that question, which was only one aspect of the whole question of racial discrimination and "apartheid". After the fruitless appeals to the South African Government, Romania had hoped that the United Nations would now adopt a firmer attitude. Draft resolution A/SPC/L.76 and Add.1 and 2 did not seem strong enough. But, since it had the approval of India and Pakistan, the Romanian delegation would vote for it, in the hope that it would not remain a dead letter and that South Africa would draw the necessary conclusions from it.

30. Mr. COOPER (Liberia) objected to certain delegations' use of the word "negro" to designate Africans, who considered the term artificial and offensive and wished to be referred to either as black men or as Africans.

31. The CHAIRMAN invited representatives to vote on draft resolution A/SPC/L.76 and Add.1 and 2.

The draft resolution was adopted unanimously.

Organization of work

32. Mr. PACHACHI (Iraq), speaking on behalf of the eleven Arab delegations, proposed that the Committee should change the order of the items on its agenda so as to consider the Question of Oman, at present item 6 of the agenda adopted at the 261st meeting (A/SPC/51), before item 5 (Report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East). He recalled that the Question of Oman had been discussed, and a draft resolution^{2/} submitted, at the resumed fifteenth session, but that owing to a lack of time it had been decided to continue the examination of the question of Oman, if necessary, at the sixteenth session.^{3/} Such a situation should not be allowed to recur. The question of Oman could be discussed all the more easily since a draft resolution, the tenor of which was identical with that of the document submitted at the fifteenth session, had just been circulated under the symbol A/SPC/L.78. Furthermore, a very important document was shortly to be issued on the question of the Palestine refugees, and it would be logical to give the Committee time to study it.

^{2/} Official Records of the General Assembly, Fifteenth Session, Annexes, Vol. II, agenda item 89, document A/4745, para. 5.

^{3/} Ibid., Fifteenth Session (Part II), Special Political Committee, 259th meeting.

33. Mr. ATTLEE (United Kingdom) was surprised that the Iraqi representative had not brought up those considerations when the order of the agenda item was being discussed at the 261st meeting. The new document mentioned by the Iraqi representative would be issued very shortly, and the Committee would have time enough to study it before the first speakers had completed their opening statements. Fifteen meetings were to be devoted to the examination of item 5, which could be quickly finished; the Director of the Agency would then be able to return without delay to his important duties. The United Kingdom delegation, for its part, was ready to take up item 5, and hoped that the Iraqi delegation would not press its proposal.

34. Mr. DAOUDY (Syria) pointed out that the document in question, namely the report of the United Nations Conciliation Commission for Palestine, could not be distributed before 27 November. Moreover, the Omani delegation had arrived at Headquarters, and its time, too, was valuable. The Syrian delegation would support the Iraqi proposal.

35. Mr. PACHACHI (Iraq) remarked that the examination of the Report of the Director of UNRWA

(A/4861) would probably involve more than fifteen meetings, and he urged the United Kingdom delegation to reconsider its position.

36. Mr. ATTLEE (United Kingdom) felt that the return of the Director of UNRWA was more important than that of two dissidents who could avail themselves whenever they liked of the amnesty offered them by the Sultan of Muscat. As for the report of the Conciliation Commission, it had strictly speaking no connexion with the item on the agenda. The United Kingdom delegation asked that the Iraqi proposal should be put to the vote in accordance with rule 124 of the rules of procedure.

37. The CHAIRMAN put to the vote the proposal of Iraq, that the order of consideration of the last two agenda items should be reversed.

The proposal of Iraq was adopted by 33 votes to 11, with 29 abstentions.

The meeting rose at 4.50 p.m.