



Thursday, 3 January 1952, at 10.30 a.m.

Palais de Chaillot, Paris

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Chairman: Mr. Selim SARPER (Turkey).

Treatment of people of Indian origin in the Union of South Africa (A/1787, A/1794, A/1795, A/AC.53/L.20) (continued)

[Item 25]*

1. Mr. ASTROM (Sweden) recalled that the question of the treatment of people of Indian origin in the Union of South Africa had been amply discussed by the General Assembly and that the parties to the case had developed their arguments at length. The Assembly was therefore perfectly familiar with the factual and legal aspects of the matter, and the significance of the issues involved was such that it was the duty of all countries signatories to the Charter to give the problem their most serious attention. Moreover, in the present world situation when traditional forms of relationship between peoples of different races were being called in question, the political implications of the problem were clearly visible to everyone. Nevertheless, whenever the Assembly considered the matter there was a sense of doubt and uneasiness, a feeling which was reflected in the large number of abstentions when votes were taken. That feeling was due to uncertainty both in regard to the role that the United Nations should play in the matter and the legal basis of such action as the Assembly might advocate.

2. The Swedish delegation for its part still thought that in order to dispel those doubts and enable a solution acceptable to all parties to be reached, the International Court of Justice should be asked to give an advisory opinion on the Assembly's competence in the matter, with special regard to the interpretation of Article 2, paragraph 7, of the Charter. Mr. Astrom was sorry that the Assembly had not adopted the suggestions that had been made to that effect. It was in the interests of the two parties to have that preliminary question settled by the supreme judicial organ of the United Nations. In that connexion he recalled the discussions in the Sixth Committee on methods calculated to ensure a thorough examination of legal

problems and problems having legal aspects. The problem before the Committee was a problem of that kind.

3. The Swedish delegation could not share the hope which the draft resolution submitted by Burma, India, Indonesia, Iraq and Iran (A/AC.53/L.20) seemed to echo, namely, the hope that the establishment of a special commission would make it possible to reach a positive solution by inducing the parties to discuss the problem together and settle it directly. The task of establishing contact between the parties should rather be entrusted to a representative of the United Nations enjoying the confidence of all concerned. That representative should submit a report on his work to the Assembly's next session, together with such recommendations as he deemed useful. While it was not possible to express any view on the chances of success of such a representative, his report would certainly enable the Assembly to escape from the present deadlock and enter upon a new stage in its discussions. It should, however, be observed that the value of any work along those lines would depend on the degree to which the suggestion was supported by the Committee and the Assembly, and particularly on the agreement of the two parties concerned. He was gratified to note that the United States delegation had made the same suggestion (28th meeting).

4. U MYNT THEIN (Burma) said that, although the matter had been discussed in detail and although each year the Assembly had studied the problem and adopted resolutions, only to find itself faced with the same question the following year, that did not mean that the situation had not changed. Actually, the living conditions of the non-white population of the Union of South Africa were deteriorating daily, and the Government of that country had deliberately adopted measures which had made the situation increasingly difficult and almost desperate. Each year, the South African representative repeated that the matter was within his Government's domestic competence and that it was not for the United Nations to deal with it.

* Indicates the item number on the General Assembly agenda.

In spite of the great skill Mr. Donges had displayed in that respect at the fifth session, it was nevertheless true that the problem of racial discrimination and of violation of human rights was a problem which must necessarily fall within the competence of the United Nations.

5. The Governments of India and Pakistan, which were anxious over the fate of people of Indian or Pakistani origin in the Union of South Africa, were directly concerned in the matter.

6. The Government of Burma was not directly concerned because there was no Burmese national in the Union of South Africa. A Burmese national, the wife of a South African, had recently resided in that country, but, owing to discriminatory racial restrictions which compelled husband and wife even to use different lifts and different entrances to railway station platforms, she had to leave the country together with her husband after a short stay.

7. In the Burmese delegation's view, it was not a case of a conflict between a government and its nationals, but something much more complex and deep-rooted, an attempt to impose a policy of racial segregation for the purpose of maintaining the supremacy of one particular race. Whatever arguments were adduced by the representative of the Union of South Africa, and in spite of all his efforts to present the situation in the most favourable light, the real feelings of the South African Government had been expressed by a Minister of that Government who, on 8 December 1950, had declared that his country would fight to the last to maintain white supremacy. That declaration was the more regrettable since other nations, greater than the Union of South Africa, were at present trying to remove all barriers based on racial discrimination, whereas the South African Government, far from following their example, had deliberately adopted an opposite course and was going so far as to abolish the rights, restricted as they were, hitherto possessed by those unfortunate peoples.

8. The Committee once more had a draft resolution before it and men of justice must see the necessity and justification for it. At the General Assembly's fifth session, the Burmese delegation, which had felt that the Group Areas Act was a violation of human rights, had joined other delegations in submitting a draft resolution (A/AC.38/L.33) condemning that legislation as contrary to the purposes and principles of the United Nations Charter and of the Universal Declaration of Human Rights. That draft resolution, however, had been withdrawn in favour of the more conciliatory text which the General Assembly had finally adopted. The present draft, which was more or less the same as resolution 395 (V) adopted at the Assembly's preceding session, was drawn up in terms which all delegations could accept. The Burmese delegation would have been prepared to support a text calling for stronger measures, but it considered that one more effort should be made to reach a friendly agreement. Such agreement would be possible if the present draft were adopted and effectively applied. The Union of South Africa could not

indefinitely remain insensible to the Organization's advice. It was to be hoped that the Government of the Union of South Africa would understand that the purpose of the statements in the Committee had been to defend human dignity and it would change its policy and co-operate with the United Nations in resolving the problem as rapidly as possible.

9. The CHAIRMAN proposed that the list of speakers should be closed at noon.

10. Mr. NEHRU (India) thought that the various suggestions made to the Committee, and particularly the Swedish representative's suggestion, should be studied more carefully. Furthermore, as the Pakistani representative had pointed out (28th meeting), it was to be hoped that the representative of the Union of South Africa would be in a position to make a fresh contribution to the discussion. For all those reasons, it would be better not to close the list of speakers for the moment.

11. The CHAIRMAN said that he would defer to the Indian representative's arguments, but pointed out that at least twenty-eight meetings would be needed to enable the Committee to complete the consideration of the various items on its agenda.

12. Mr. TAMBA (Liberia) paid a tribute to the representatives who had already spoken and, in particular, to the Indian representative, who had made a very lucid statement of the facts. It was therefore unnecessary for him to retrace the background of the question. He must, however, emphasize that the South African Government was committed to the doctrine of racial segregation as a national policy. That inhumane policy, which infringed the rights of 300,000 persons of Indian origin, was contrary to the spirit of the United Nations Charter and of the Universal Declaration of Human Rights.

13. The United Kingdom Government had a moral responsibility in the matter. Having induced Indian or Pakistani nationals to go to the Union of South Africa with promises of equality of treatment with other British subjects, the United Kingdom Government should be able to persuade the South African Government, as a member of the British Commonwealth, to respect those guarantees. It would be in the very interests of the British Commonwealth of Nations for South Africa to put an end to a dispute which was detrimental to harmonious relations within that Commonwealth.

14. The attitude of defiance of the Government of the Union of South Africa undermined the prestige of the United Nations. The coloured races were only too apt to cite the inactivity of the League of Nations in the face of Italian aggression against Ethiopia, the violations of international law committed by Japan in Manchuria, and all the illegal acts committed by Nazi Germany before the Second World War. For its part, the South African Government had deliberately violated the spirit, if not the letter, of Article 33 of the Charter. The question constituted a dispute likely to endanger international peace and security and the United Nations

undoubtedly appreciated its gravity. As the Indian representative had rightly pointed out (27th meeting), South Africa was closely linked to the Western democracies and should therefore refrain from practices condemned by the international community. If the United Nations wished to retain its prestige, it must pronounce itself clearly on the question of the treatment of persons of Indian origin in the Union of South Africa as well as on the more general question of the treatment of the indigenous populations of that country.

15. The Union of South Africa, India and Pakistan were all free members of the British Commonwealth of Nations. It was a strange family or commonwealth where one member treated the others as inferior beings. The United Kingdom Government must itself be embarrassed by the attitude of the South African Government. It was well-known, however, that the United Kingdom Government deprecated the fact that the South African Government had embarked upon a policy of racial discrimination and it was to be hoped that it would use its good offices to persuade the latter Government to respond favourably to world public opinion in the matter.

16. In the light of those observations, the Liberian delegation would vote in favour of the joint draft resolution.

17. Mr. PALAMARCHUK (Ukrainian Soviet Socialist Republic) pointed out that the question of the treatment of persons of Indian origin in the Union of South Africa had been included in the General Assembly's agenda and discussed at several previous sessions. The draft resolution before the Committee provided for the item's inclusion in the agenda of the General Assembly's next session. That fact did not surprise him, as it was well-known that the South African Government was in the habit of disregarding the Assembly's decisions and recommendations; it had, for example, taken steps to implement the Group Areas Act and the situation of the peoples concerned was deteriorating daily.

18. The charges brought by the representatives of India and Pakistan had proved beyond question that the South African Government had deliberately adopted a policy of racial discrimination. The United Nations must use all its moral authority to prevent such practices and his delegation would accordingly vote in favour of the joint draft resolution.

19. Mr. CHYLE (Czechoslovakia) also recalled that the question under consideration had appeared for several sessions on the General Assembly's agenda.

20. It was an indisputable fact that the Government of the Union of South Africa was applying a policy of racial discrimination. That policy was incompatible with the provisions of Article 1, paragraph 3, of the Charter, which the South African Government had undertaken to observe when signing the Charter at San Francisco. Not only was that Government refusing to change its attitude, which was detrimental to the interests of persons of Indian origin resident in its territory, but it was also proposing to make their position worse by applying segregation laws and by resorting to out-of-date colonial methods. The action

taken by the South African Government was designed to discriminate in favour of the white population to the detriment of the coloured populations and persons of Indian origin. The cause of the people of Indian origin in the Union of South Africa was therefore a just cause and one worthy of the support of the United Nations. Consequently, although the five-Power draft resolution dealt only partially with the problem of the discriminatory policy of the South African Government, the Czechoslovak delegation would vote for it.

21. Mr. DEVINAT (France) thought that the special nature of the matter under consideration, the fact that the General Assembly's competence to study the matter had been questioned, and the declared desire of the two parties to settle their differences through peaceful means should prompt the Assembly to act with the greatest caution. To include in the draft resolution a condemnation of one of the parties would be tantamount to admitting that the time for an amicable settlement had come to an end and that there was nothing more to do but to proceed to the injunction, the summons and possibly to measures of implementation.

22. The two parties concerned were aware that the problems involved were of great importance not only for the moment but also for the future, and that an amicable settlement should be reached before some unforeseeable development made a solution impossible and confronted the world with new difficulties and dangers.

23. There were no more serious problems than those of minorities, of race and religion, which quickly assumed an emotional character liable to sweep away all reasonable argument like a hurricane. The League of Nations had been so clearly conscious of that fact that it had devoted special attention to the study of the problem of minorities. The events of the last ten years had overthrown the flimsy defences erected by the League of Nations. They had shown that civilization was an unusually precarious phenomenon and that it was dangerous to play with fire. After such cruel lessons, the United Nations was duty bound to protect the world from such passionate outbursts.

24. The principles of the Charter had been solemnly invoked. But the Charter was not a legal code; it was both a frame of mind and an act of faith, from which the Member States should draw inspiration as best they could. Furthermore, the concepts of freedom, peace and democracy were capable of such varied interpretations that all Member States should show understanding and subordinate their own views to the overriding cause of maintaining peace.

25. The General Assembly should therefore encourage the parties to meet again, with no preliminary conditions attached, to seek a way out of the deadlock in which they found themselves. Naturally such a meeting raised difficulties, but they did not seem insurmountable. Moreover, the two parties could count on the good offices of impartial friendly countries, and on the co-operation of the Secretary-General of the United Nations to facilitate their task.

26. The French delegation, conscious of all the difficulties involved, anxious to overcome every obstacle, but concerned about the moral and physical disturbances which might result from a prolongation of the existing situation, made a friendly and urgent appeal to the two parties to try and come finally to a satisfactory agreement.

27. Mr. GASHAOU (Ethiopia) said that, after the Pakistani representative's moderate and touching statement, he had hoped that some goodwill gesture on the part of the Union of South Africa would render the draft resolution before the Committee redundant. It was deeply to be regretted that the gesture had not been forthcoming.

28. His own country and the Union of South Africa had common memories. Ten years before, South African and Ethiopian troops had fought side by side to drive fascism from the African continent. It was not only a community of interests which had linked the two countries, but also the joint conviction that fascism and its basic doctrine, racial discrimination, constituted an attack on the dignity of all men, to whatever race they belonged. Hence Ethiopia could not believe that the Union of South Africa now wished to resurrect the monstrous idol of racial discrimination which it had helped to destroy.

29. The Ethiopian representative did not intend to take up the question of incompetence raised by the South African delegation which had already been dealt with in many statements. But he felt obliged to remark that there was no need to resort to legal arguments when the point at issue was the respect of the most elementary rights of a community.

30. In the last few years the United Nations had had occasion to deal with problems of a much more complex nature than that before the Committee, and yet constructive solutions had been found. Indeed, it was even

surprising that the question of the treatment of Indians residing in the Union of South Africa should have arisen at all. Three hundred thousand persons of Indian origin lived in the Union of South Africa to which—it must be noted—they had been called in recent times by the United Kingdom Government. They had worked, lived and suffered there. They had contributed to the prosperity of the country, which had become their second homeland. Who could now maintain that their rights were not the same as those of South African citizens? No political or economic reason could be adduced to justify the implementation of the Group Areas Act, which was intended to drive people of Indian origin from the lands which they occupied.

31. The policy of racial segregation pursued by the South African Government could only create defiance, hatred and unhappiness. That policy was not, of course, an attribute of the Union of South Africa alone. It was practised in other neighbouring areas and in other continents. But the United Nations was fighting against racial discrimination and the scourge was diminishing. Moreover, the soldiers of the Union of South Africa were at the moment fighting in Korea, in the United Nations army. The South African Government, which sent its sons overseas to defend the principles of the Charter, could not refuse to apply the same principles to people of Indian origin settled in its territory.

32. The draft resolution before the Committee, like the previous resolutions adopted by the General Assembly on the matter, was drafted in moderate terms which could not offend the South African Government. The Ethiopian delegation would vote for it without hesitation as it served the cause of justice and peace.

The meeting rose at 11.50 a.m.