

PROVISIONAL AGENDA OF THE THIRD REGULAR SESSION

ITEM PROPOSED BY INDIA

LETTER FROM THE REPRESENTATIVE OF INDIA TO THE SECRETARY-GENERAL

Note by the Secretary-General

The following letter has been received from the representative of India to the United Nations:

New York, 12 July 1948

Subject: Treatment of Indians in the Union of South Africa

It will be recalled that, in June 1946, the Government of India brought to your attention the racial discrimination to which the South African nationals of Indian origin are subjected by the Government of the Union of South Africa, and requested consideration of this question by the General Assembly of the United Nations. After full consideration of the matter and prolonged deliberations, the General Assembly adopted the following resolution on 8 December 1946:

"THE GENERAL ASSEMBLY,

"HAVING TAKEN NOTE of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter:

1. STATES that, because of that treatment, friendly relations between the two Member States have been impaired and, unless a satisfactory settlement is reached, these relations are likely to be further impaired;
2. IS OF THE OPINION that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter;
3. THEREFORE REQUESTS the two Governments to report at the next session of the General Assembly the measures adopted to this effect."

2. Pursuant to paragraph 3 of this resolution, reports were submitted by the Governments of the Union of South Africa and of India for consideration by the second session of the General Assembly. These reports were first referred to the Political and Security Committee of the General Assembly; that Committee, after full discussion of the reports, adopted on 17 November 1947 the following resolution, by twenty-nine votes against fifteen with five abstentions:

- "I. WHEREAS in resolution 44 (I) dated 8 December 1946 the General Assembly, taking note of an application made by the Government of India regarding the treatment of Indians in the Union of South Africa, observed that because of that treatment, friendly relations between the two Member States had been impaired, and unless a satisfactory agreement was reached, their relations were likely to be further impaired;
- "II. WHEREAS after a careful consideration of the matter, the General Assembly was of the opinion that the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter; and
- "III. WHEREAS the General Assembly requested the two Governments to report at the next session of the General Assembly the measures adopted to that effect;
- "IV. THE GENERAL ASSEMBLY,
"HAVING CONSIDERED the reports submitted by the Government of India and the Government of the Union of South Africa pursuant to the aforesaid resolution;
"REAFFIRMS its resolution dated 8 December 1946;
- "V. REQUESTS the two Governments to enter into discussions at a Round Table Conference on the basis of that resolution without any further delay and to invite the Government of Pakistan to take part in such discussions;
- "VI. REQUESTS that the result of such discussions be reported by the Governments of the Union of South Africa and India to the Secretary-General of the United Nations, who shall from time to time make enquiries from them and submit a report on the action taken on this resolution by the two Governments to the Assembly at its next session."

When the Committee's resolution came before the General Assembly in November 1947, it received a substantial measure of support; thirty-one Members voted in favour of the resolution, nineteen voted against, and

six Members abstained. Owing, however, to a ruling that the adoption of this resolution required a two-thirds majority, it failed to be formally adopted by the General Assembly. The net result of the deliberations on this important question during the second session of the General Assembly thus was that the General Assembly failed to make any further recommendations on this subject.

3. The treatment of Indians in the Union of South Africa continues to be a serious violation of the purposes and principles of the Charter on which the United Nations is founded. The Government of the Union of South Africa has made no change whatever either in its discriminatory laws or in the practice of discrimination, on racial grounds alone, against its nationals of Indian origin. For example, the Asiatic Land Tenure and Indian Representation Act, 1946, enacted by the South African Government, which introduced a most severe measure of residential and economic segregation against Asians, still remains on the Statute Book. The continuation by the South African Government of the policy of racial discrimination against Asians and other non-whites is clearly the result of an assumption by that Government that the failure of the General Assembly of the United Nations to adopt an effective resolution on this subject last year constitutes a tacit approval by the United Nations of that policy. The present Government in the Union of South Africa stands committed to the policy of "apartheid", or racial segregation, and the domination of all non-white peoples by the Europeans; this Government has proclaimed its intention of taking away whatever restricted political rights are at present enjoyed by Indians and other Asians, and of extending the policy of residential and commercial segregation to the Cape Province, the only part of the Union of South Africa which has been comparatively free from racial segregation and political discrimination.

4. The Government of India is of the opinion that the situation of Indians in South Africa is such that it calls for fresh and urgent consideration by the United Nations, in order to uphold the basic moral principles of its Charter and to prevent further deterioration in the already strained relations between India and the Union of South Africa. The Government of India does not believe that it could be the intention of the United Nations to continue to acquiesce in the refusal of the Union of South Africa to act on the General Assembly resolution of 8 December 1946. Such acquiescence would be a denial of human rights and fundamental freedoms, on purely racial grounds, to an important section of the population of the Union of South Africa, and would gravely undermine

the prestige of the United Nations, which ultimately depends upon the effectiveness with which its Members carry out the obligations which they have assumed under the Charter. If the belief that there is to be one standard of treatment for the white races and another for the non-white continues to gain strength among the latter, the future for solidarity among the Members of the United Nations, and consequently, for world peace, will indeed be dark. The Government of India therefore earnestly desires that the United Nations will consider the question of the treatment of Indians in the Union of South Africa again, and take appropriate action under Articles 10 and 14 of its Charter; and requests that you will be so good as to place this subject on the provisional agenda of the forthcoming session of the General Assembly.

(Signed) P. P. PILLAI
Representative of India
to the United Nations
