

Third session

TREATMENT OF INDIANS IN THE UNION
OF SOUTH AFRICA

Report of the First Committee

Rapporteur: Mr. Selim SARPER (Turkey)

1. At its 146th plenary meeting held on 28 September 1948, the General Assembly decided to refer to the First Committee, for consideration and report, the item on its agenda entitled "Treatment of Indians in the Union of South Africa".
2. The First Committee considered this item at its 263rd and 265th to 268th meetings, held between 9 and 11 May 1949.
3. At the 263rd meeting on 9 May, the representative of the Union of South Africa moved that the First Committee should discuss the question of its competence before the substance of the matter. This motion was rejected by 33 votes to 7, with 10 abstentions.
4. The representative of the Union of South Africa also submitted a draft resolution (A/C.1/460) to the effect that this item, dealing with the treatment of Indians, Asians and other non-white citizens of the Union of South Africa (A/577) was a matter which was essentially within the domestic jurisdiction of the Union of South Africa, and that it did not fall within the competence of the Assembly.
5. At the 265th meeting on 10 May the representative of the Union of South Africa said that he was not prepared to participate in a discussion of the substance of the Indian complaint, because such participation would be an admission that the United Nations had the right to interfere in the domestic affairs of a Member State. He would be present at meetings without taking his seat at the committee table. Before the vote on the question of competence, he would resume his seat to reply to arguments on that issue and to cast his vote.
6. The representative of India submitted a draft resolution (A/C.1/461/Corr.1), which, after certain revisions (A/C.1/461/Rev.1), was adopted by the First Committee and is set out as resolution "A" at the end of the present report.

/7. The representatives

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7. The representatives of France and Mexico jointly submitted a draft resolution which, after certain revisions (A/C.1/462/Rev.1), provided, inter alia, that the General Assembly should invite the Governments of India and the Union of South Africa to enter into discussion at a round-table conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights and to call upon the Government of Pakistan to take part in such talks.

8. The representatives of Australia, Denmark and Sweden jointly submitted a draft resolution which, after certain revisions (A/C.1/463/Rev.1) provided, inter alia, that the General Assembly should call upon the Governments of India and the Union of South Africa to renew their efforts to reach an agreement settling their dispute through a round-table conference or by other means, such as mediation and conciliation; invite the two Governments to associate the Government of Pakistan in their efforts; and request the President of the General Assembly and the Secretary-General to render all assistance in bringing the parties together and, if the parties agreed, to designate a Mediator. After discussion the representatives of Australia, Denmark and Sweden withdrew this draft resolution, reserving the right to present further proposals in the General Assembly.

9. The above draft resolutions were put to the vote at the 268th meeting on 11 May 1949. The draft resolution submitted by the representative of the Union of South Africa was rejected by 33 votes to 5, with 12 abstentions, as follows:

In favour: Argentina, Brazil, Greece, Netherlands, Union of South Africa.

Against: Venezuela, Yemen, Yugoslavia, Afghanistan, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Panama, Philippines, Poland, Saudi Arabia, Siam, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay.

Abstentions: Australia, Belgium, Burma, Canada, Dominican Republic, France, New Zealand, Nicaragua, Peru, Sweden, Turkey, United Kingdom.

/10. The draft

10. The draft resolution submitted by the representative of India was adopted by 21 votes to 17, with 12 abstentions, as follows:

In favour: Egypt, Haiti, India, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Byelorussian Soviet Socialist Republic, Chile, China.

Against: Denmark, Ecuador, France, Greece, Norway, Panama, Peru, Siam, Sweden, Turkey, Union of South Africa, United Kingdom, United States of America, Argentina, Australia, Belgium, Brazil.

Abstentions: Costa Rica, Cuba, Dominican Republic, Honduras, Netherlands, New Zealand, Nicaragua, Uruguay, Venezuela, Burma, Canada, Colombia.

11. The representatives of France and Mexico accepted an Iranian amendment (incorporated in resolution "B" below) to their joint draft resolution, by which the Governments of India, Pakistan and the Union of South Africa were equally invited to enter into discussion.

12. The representatives of France and Mexico also accepted an amendment by the representative of the Byelorussian Soviet Socialist Republic deleting the words "and the Declaration of Human Rights".

13. The representative of Haiti submitted an amendment proposing the restoration of the words "and the Declaration of Human Rights" in the joint draft resolution of France and Mexico. The Haitian amendment was adopted by 20 votes to 18, with 12 abstentions.

14. As amended, the joint draft resolution of France and Mexico was adopted by 39 votes to 2, with 9 abstentions, as follows:

In favour: Denmark, Dominican Republic, Ecuador, Egypt, France, Greece, Haiti, Honduras, Iran, Iraq, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Siam, Sweden, Syria, Turkey, United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Belgium, Brazil, Burma, Canada, Chile, Colombia, Costa Rica, Cuba.

Against: Union of South Africa, Australia.

Abstentions: India, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, Yugoslavia, Argentina, Byelorussian Soviet Socialist Republic, China.

15. The First Committee therefore transmits the following resolutions to the General Assembly:

TREATMENT OF INDIANS IN THE UNION OF SOUTH AFRICA

A

The General Assembly,

Having considered the communication made by the Government of India to the Secretary-General of the United Nations dated 12 July 1948,

Mindful of the preamble of the Charter and of the provisions relating to the promotion of human rights and fundamental freedoms contained in Article 1 (paragraph 3), Article 13 (paragraph 1), Article 55 (sub-paragraph (c)), Article 56, Article 62 of the Charter,

Having regard to its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination and resolution 217 (III) of 10 December 1948 proclaiming a Universal Declaration of Human Rights which entitles everyone to all the rights and freedoms set forth in that Declaration without distinction of any kind such as race, colour, et cetera,

Recalling paragraphs 1 and 2 of its resolution 44 (I) of 8 December 1946,

1. Is of the opinion that the treatment of persons of Indian and Pakistan origin in the Union of South Africa is not in conformity with the relevant provisions of the Charter, the resolutions of the Assembly and the international obligations under the agreements concluded between the two Governments;
2. Recommends that a Commission, composed of representatives of three Members of the United Nations, one nominated by India, one by the Union of South Africa and one to be elected by the two representatives so nominated, be appointed:
 - (a) To study the situation arising out of the treatment of persons of Indian and Pakistan origin in South Africa;
 - (b) To report to the fourth regular session of the General Assembly the result of its study and submit recommendations for the solution of the problem.

B

The General Assembly,

Taking note of the application made by the Government of India regarding the treatment of people of Indian origin in the Union of South Africa as well as of considerations put forward by the Government of the Union, and having examined the matter,

Invites the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a round-table conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights.
