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Chairman: Mr. Mihai MAGHERU (Romania).

AGENDA ITEM 67

Question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa (A/3872) (continued)

1. Mr. KOLLER (Austria) said that Austria had followed the consideration of the item under discussion with careful attention ever since its admission to the United Nations, and had tried by its attitude of conciliation to facilitate a solution. However, it could not accept the view of the Union Government that the policy of apartheid came within the domestic jurisdiction of the Union and that the provisions of Article 2 (7) of the United Nations Charter were, therefore, applicable. Although there seemed to be some conflict between the provisions of Article 2 and those of Articles 55 and 56, as well as the principles set out in the Preamble, fundamental human rights and freedoms must always have priority. Austria, which had suffered the consequences of racial discrimination, could not associate itself with any discriminatory policy.

2. In that connexion, Mr. Figl, the Austrian Foreign Minister, had stated in his speech before the Assembly at its current session (755th meeting) that peaceful co-operation, in order to be fruitful, must be guided by respect for fundamental human rights; Austria had never hesitated to stand for freedom and human dignity.

3. Nevertheless, the Austrian delegation wished to be realistic, and it understood that the problem of apartheid could not be solved satisfactorily without the active co-operation of the Union Government. That was why it had welcomed the Union's decision to resume participation in the work of the United Nations. However, the Austrian delegation deeply regretted that the Union had refused to co-operate in seeking a solution to the problem under discussion and it recalled the warnings addressed to the Union Government at the twelfth session by the representatives of Ireland (54th meeting) and Sweden (55th meeting), who had emphasized the antagonism which would result from the policy of apartheid.

4. In conclusion, he expressed the hope that the Union Government would ultimately respond to the appeal of the United Nations, which represented the world conscience, and would try sooner or later to find a just and equitable solution to the problem, in its own interest as well as that of improved relations among the peoples of the world.

5. Mr. BEN AMMAR (Tunisia) said that his delegation was speaking again on the question of apartheid with a feeling of sorrow mingled with anxiety. The numerous efforts made over the last seven years by States Members of the United Nations to settle the problem had foundered upon the unyielding obstinacy of the Union Government. Yet, the problem affected one of the most sacred of human rights: that of respect for the dignity of the human person.

6. The Union Government based its policy of racial discrimination on so-called scientific theories which were now out of date. The only result of racial segregation would be to engender a sense of inferiority in those against whom it was directed and gradually to destroy their national personality.

7. The persistence with which the Union Government defied the opinion of Members of the United Nations showed its contempt for the Organization's purposes and for the principles set out in the Charter and the Universal Declaration of Human Rights; it was an intolerable insult to the Organization. The Union Government tried to justify its attitude by invoking the provisions of Article 2 (7) of the Charter. The Tunisian delegation would spare the Committee a sterile legal discussion on a question of procedure which had long since been settled. However, it must be recognized that the Government of the Union of South Africa was encouraged in its attitude by the behaviour of certain delegations, which took refuge in abstention when it came to the point of deciding on the action to be taken.

8. Tunisia's attitude of moderation was demonstrated by its persistent efforts on behalf of the peaceful settlement of disputes by means of negotiation. It was still ready, despite the intransigent attitude of the Union of South Africa, to associate itself with any draft resolution which might provide a positive and satisfactory solution to the racial problem in South Africa.

9. Mr. CHTEREV (Bulgaria) said that so far all the efforts of the United Nations to persuade the Union of South Africa to abandon its policy of discrimination towards non-Europeans, i.e., the indigenous population and persons of Indian origin, had been unsuccessful. The Union Government's only reply had been to enact fresh legislation every year intensifying racial discrimination and the antagonism between the African population and the white colonists. By now, segregation had been extended to all sectors of the country's political, economic and cultural life. Non-Europeans had been expelled from the towns in which they had always lived and could no longer have any contact with Europeans. A British correspondent, Mr. Colvin, had written recently that all strikes were now prohibited in the Union and that any statement against the Government was regarded as high treason. In short, the campaign of terror unleashed against the local population had assumed alarming proportions. The most recent example of terrorism was the legal farce staged

at the beginning of 1957 against 156 individuals with progressive views, described in the book by Anthony Sampson entitled The Treason Cage.^{1/} The individuals on trial, who had been subjected to blackmail and physical ill-treatment in the prisons in which they were still confined, stood in danger of capital punishment for the sole crime of having advocated racial equality. The Union Government had used the trial to outlaw the African National Congress and it contemplated taking similar steps against other parties and organizations which were opposed to racial discrimination.

10. Taking advantage of the recent electoral campaign, leading circles in the Union had resorted to intimidation and violence in order to prevent the local population from protesting against the whites' electoral monopoly. At the same time, white voters had been led astray by blackmail; they had been made to believe that the white race was threatened in the Union and that only the Nationalist Party could save it. The two representatives of the Labour Party had been excluded from Parliament so that there could be no criticism there of the policy of apartheid.

11. While he did not propose to enlarge on the deplorable manifestations of that policy, he wished to refer to a letter from Father Hooper, a British priest, which had been published on 22 March 1958 in the British periodical New Statesman. The letter referred to murders organized by the police of the Union of South Africa, the forced deportation of 5,000 inhabitants to Bechuanaland, the confiscation of cattle from indigenous inhabitants who were unable to pay the high taxes to which they were liable, and so forth. Many areas were threatened with famine because the local population had left the land uncultivated out of fear of the police.

12. It was almost unimaginable that, in the twentieth century, a people could tolerate a Government which, instead of using the institutions of the State to improve its standard of living, pursued a policy which resembled that of the Nazis by fomenting hatred against the majority of the population. Nevertheless, the violent racist and anti-social policy of the Union Government could not entirely suppress the local population's struggle for freedom, for the time of colonial domination was past. The new independent African States were showing the world that Africans knew how to organize their national life and contribute actively to the strengthening of world peace. In a speech at the Conference of Independent African States, held at Accra in April 1958, in which he had emphasized the danger of colonialism and racialism to the African continent, Mr. Nkrumah, Prime Minister of Ghana, had given a serious warning to racialists in the Union of South Africa and to their supporters in Southern Rhodesia, Kenya, the United States and elsewhere.

13. In South Africa, thousands of non-white persons were daily intensifying their struggle against shameful and inhuman discrimination, and there was no doubt that racialism would be swept out of Africa as colonialism had been out of Asia and many African countries. That was the inevitable course of history. In order to prevent further suffering and further sacrifices by the people of South Africa, the United Nations

should intervene resolutely in a racial conflict which might degenerate into a war between the various national groups.

14. Some delegations advocated tolerance in discussing the matter, but there could be no question of tolerating the terrorism of thousands of human beings for the sole reason that their skins were dark. In such circumstances, it was surprising that many delegations should remain silent over the Union Government's provocative behaviour. Worse still, the representatives of certain Western countries had been trying for years to persuade the United Nations to abandon its consideration of the matter, on the pretext that it was intervening in the domestic affairs of the Union of South Africa or that its efforts had so far been fruitless. There could be no justification for such arguments and the Bulgarian delegation felt that the United Nations had an obligation to continue to denounce and condemn the policy of racial discrimination in the Union of South Africa as long as the Union refused to abandon that policy. By condemning racialism on moral grounds, the Organization would show that it was determined to fight it. The Bulgarian delegation would support any measure intended to put an end to racial discrimination in the Union of South Africa.

15. Mr. HARRISON (United States of America) observed that by signing the Charter, all Members of the United Nations had pledged themselves to promote respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. While the problem of race relations in the Union of South Africa concerned that country most directly, it was none the less part of the general problem of human rights, which concerned all the Members of the United Nations. Therefore, the United Nations was entitled earnestly to ask any Member whose policy appeared to be inconsistent with its obligations under the Charter to abide by those obligations. Without prejudice to the provisions of Article 2 (7) of the Charter, the United Nations had the right and the obligation to concern itself with national policies when they affected the world community.

16. The United States was especially aware of the problems relating to the integration of different racial groups and was actively engaged in eliminating all racial segregation in its territory. He wished to thank the speakers who had expressed their appreciation of the efforts made by his country in that direction. In a single generation, vast progress had been made in the United States towards the abolition of discrimination in all branches of human activity, including the trade union movement, and that objective would soon be achieved. Moreover, the majority of United States citizens now recognized that the life of the nation was being enriched by the increasing contribution of the non-white population.

17. The United States considered that, in working towards a solution of its own racial problems, it was fulfilling part of its international obligations. It had always recognized the principle that a multiracial and multireligious society could not be based on segregation, because all men were the product of a common creation.

18. The United States did not share the view of those who believed that the United Nations should condemn the Union of South Africa for not following the recommendations addressed to it. Nevertheless, it felt that

^{1/} Anthony Sampson, The Treason Cage: The Opposition on Trial in South Africa (London, Heinemann, 1958).

the General Assembly should express its regret and concern that the Union Government had not responded to the appeals of the General Assembly. The delegation of the United States did not believe that condemnation would facilitate the solution of the problem, which could only be approached constructively in a spirit of co-operation. Moreover, the force of world opinion should not be underestimated. Just as hostile public opinion could serve to isolate those who rejected humanitarian standards, so a sympathetic public opinion could help a Member State to overcome a problem. It was in that spirit that the delegation of the United States would support the draft resolution which a number of delegations were planning to submit.

19. Mr. BOGDAN (Romania) emphasized the potentially dangerous consequences of the racial policy of the Government of the Union of South Africa. The Charter had been born of the Second World War, which had demonstrated the inner link that existed between official racial policy and aggressive designs. The Charter had condemned racial discrimination because it had been realized that racial discrimination was a danger to friendly relations among States.

20. Other items on the agenda of the General Assembly, namely, the treatment of people of Indian origin in the Union of South Africa and the question of South West Africa, dealt with disputes whose underlying cause was the policy of racial oppression of the Union Government. Mr. H. V. Roberts, General Secretary of the South African Institute of International Affairs, had said in an address published in the April 1958 issue of International Affairs that the dispute in the United Nations concerning South West Africa was an expression of opposition to the policy of racial discrimination applied in the Union of South Africa.

21. It might also be useful to examine the real motives which prompted the Union Government to press for the incorporation into the Union of Basutoland, Swaziland and Bechuanaland, although it was known that those territories would definitely oppose such a step. The ultimate aim of the policy of apartheid was total separation between Africans and Europeans. However, the small area of the reserves could not at the moment provide a living for half the Africans of the country. The political and social situation of South Africa precluded the application of the policy of apartheid, even with the incorporation of the territories he had mentioned. Nevertheless, the annexation of those territories remained a major objective of Nationalist policy, thus indicating that racial discrimination sought, time and again, fallacious and internationally dangerous goals.

22. Any appraisal of the present trend of events in the continent of Africa would reveal the danger of the policy of apartheid, the influence of which was already felt in certain colonial circles in other parts of Africa, where attempts were being made to stifle the aspirations of the African peoples.

23. The policy of apartheid was, therefore, an extremely acute form of the violation of human rights. Like all such phenomena, it should be given first priority by the United Nations, especially as it endangered peaceful and good-neighbourly relations between States. His delegation did not believe that there was any contradiction between such an approach and appeals for moderation and patience.

24. All Member States had a great responsibility in the matter. A positive solution of the problem of

apartheid was a matter of concern not only to the States of Africa and Asia, which were directly affected by the policy of the Union Government, but to all Member States, including those which maintained strong ties with the Union and which had been somewhat reluctant to give active support to the decisions of the General Assembly.

25. The Romanian Government was prepared to discharge its obligations under the Charter and would support any decision of the General Assembly designed to eliminate the existing dangerous policy being pursued in the Union of South Africa.

26. Mr. LARKIN (New Zealand) pointed out that the Committee had examined the question of race conflict in the Union of South Africa every year since 1952 and that the General Assembly had adopted various resolutions which had remained ineffective. There appeared to be good reason, therefore, for the Committee to reconsider what it was seeking to achieve and the means by which it was seeking to achieve it.

27. The objective of the Committee was to secure an improvement in the situation in the Union of South Africa, but such an improvement could take place only as the result of a change of opinion in that country. However, the General Assembly could not impose such a change, which depended on factors beyond its control. To the extent to which the United Nations could contribute to a solution of the problem, it should try to ensure a fair balance between the various ideas contained in the Charter. The Charter established a relationship between the rights of States and the rights of human beings. On the one hand, the United Nations could not disregard the provisions of the Charter protecting the right of States to conduct their own affairs without outside interference; on the other hand, it should seek to give practical expression to those provisions of the Charter which were directed towards equality of rights for all.

28. The New Zealand delegation believed that it would be a mistake to brush aside the immense difficulties confronting the Union of South Africa and that the advocacy of extreme measures might only serve to increase the estrangement of that country from the United Nations. Equally, it was impossible to disregard the anxiety which the policy of apartheid aroused throughout the world. Although New Zealand, all of whose citizens equally enjoyed full political, economic, social and civil rights, had no sympathy with that policy, it was aware that certain complex situations could not be settled from one day to the next and that improvement would necessarily take a long time. It was the tendency of governmental conduct which was all important and it was in that respect that the Union's policies aroused concern. His delegation did not think that theories of racial superiority could provide a solution to the problems of a multiracial society. Difficulties were much more likely to recede if a Government's policy was directed towards the elimination of discrimination. That was the real import of the Charter, which imposed on all States the obligation to move towards increased respect for human rights.

29. The New Zealand delegation had always believed that the General Assembly should adopt a resolution which in general terms would remind all States of their obligations under the Charter. It had been said that such a resolution would not serve any useful purpose,

since one country alone was today enacting legislation which diminished the enjoyment of human rights within its territory. However, that objection could not be regarded as valid, for there were other States Members of the United Nations which, in spite of their legislation and the provisions of the Charter, systematically denied to their own or other people the enjoyment of fundamental freedoms. His delegation would accordingly vote for a resolution reminding all States of their Charter obligations.

30. It was also prepared to examine sympathetically a more specific resolution recording the General Assembly's concern in regard to the question before it. Such a resolution should be moderate and constructive, so as to leave the way open for a positive response from the Government of the Union of South Africa. It should be designed to assist an evolution of opinion in the Union of South Africa. It was on the basis of those ideas that his delegation would examine the draft resolutions to be submitted to the Committee.

31. Mr. AL-HASANI (Iraq) said that the policy of apartheid could not be considered an internal matter falling exclusively within the domestic jurisdiction of the Union of South Africa. It affected not only private relations between individuals within a State or relations between individuals and the State to which they belonged, but also relations between different races; it thus constituted a question of international concern. At the twelfth session of the General Assembly, fifty-nine nations had voted in favour of resolution 1178 (XII), in which the General Assembly had appealed to the Government of the Union of South Africa to revise its racial policy in the light of the purposes and principles enshrined in the Charter and of world opinion. The fact that some countries had voted against that resolution or had abstained did not mean that they approved of the Union Government's policy of apartheid. The whole world condemned the policy of racial discrimination not only in South Africa but in all countries where it was practised. It was therefore to be hoped that the Union Government would heed world opinion and change its racial policy, both in its own interest and in that of its inhabitants. It was high time to end discrimination and injustice in the world. The time had come to ensure that all human beings enjoyed their rights and fundamental freedoms. The delegation of Iraq would support any effort to find a speedy solution to the race conflict in South Africa and looked forward to a constructive response from the Union Government.

32. Mr. SANCHEZ BELLA (Spain) considered that patience was needed in dealing with the race conflict in the Union of South Africa. While the necessary measures should, of course, be taken to remove sources of conflict, measures taken in haste might well have the effect of seriously disrupting the existing social order.

33. Throughout its history, Spain had taken a very clear stand on racial questions. Of all the colonial nations, it had perhaps shown itself most liberal to the indigenous inhabitants. In her will, Queen Isabella had stipulated that the peoples of the recently discovered lands should be the equals of the Spaniards before God and the law. The "Laws of the West Indies" certainly constituted the most liberal and humane legislation that had ever been enacted to defend the weak and to safeguard their interests. As a result of that policy, the Spanish-American peoples had never experienced any racial problems.

34. In view of its tradition, therefore, Spain could not approve of racial discrimination of any kind. On the other hand, the United Nations could not interfere with the legislation of a Member State, because that would be an infringement of that State's national sovereignty. That was why the delegation of Spain took the same position as that stated by Belgium (88th meeting).

35. Spain had never practised discrimination, but in the face of the problem existing in the Union of South Africa, it could do no more than express an opinion and a hope. It was for the Government of the Union of South Africa to decide whether to respond. The policy of non-discrimination that Spain had always followed had given the Spanish-American peoples greater social homogeneity, but had also made their growth difficult. However, the Spaniards had not succumbed to the illusion of immediate *de facto* and *de jure* equality, but had sought to make that equality possible after a sufficient period had elapsed to ensure a minimum degree of education and capacity for coexistence.

36. A subtle distinction should be drawn between the principles set out in the Charter and the means, method and expediency of their application. The United Nations should not be indifferent to discrimination, but it was not competent to deal with highly delicate questions of sovereignty or to impose decisions that only the Government of the country concerned could take. Spain hoped that the Government of a country where racial discrimination existed would take the necessary steps to secure its gradual elimination and to raise the living standards of all its inhabitants. In the opinion of the Spanish delegation, the situation under discussion called for friendly co-operation and hopeful advice from the United Nations rather than condemnation.

37. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) said that important events had taken place since the question of race conflict in South Africa resulting from the policies of apartheid of the Union of South Africa had first been included in the General Assembly's agenda. Many countries which had subsequently attained independence were now occupying their rightful place in the United Nations, thus testifying to the disintegration and collapse of the colonialist system. Contrary to the contention of certain delegations, racialism was closely connected with that system and, like it, doomed to disappear. The representatives of Ghana (86th meeting), India and Indonesia (87th meeting) had rightly warned the Government of the Union of South Africa of a possible uprising by the non-white people of South Africa, who had lost their faith in the United Nations and would one day demand the satisfaction of their legitimate aspirations.

38. The Union of South Africa obstinately refused to take part in the discussion of questions concerning the racial situation in South Africa. It continued to disregard all resolutions adopted by the General Assembly on such questions. Worse still, instead of responding to the repeated appeals addressed to it by the Assembly, the Union Government was intensifying its racial policies, promulgating further discriminatory legislation and disseminating, by all the information media at its disposal, racialist theories that were condemned by the Charter. On the basis of those theories, non-white people had been denied the right to take part in the elections that had recently been held in the Union of South Africa, the leaders of the movement against racial discrimination had been imprisoned and African