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MEETING**

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Chairman: Mr. Charles T. O. KING (Liberia).

AGENDA ITEM 60

Treatment of people of Indian origin in the Union of South Africa (A/4145, A/4146, A/SPC/L.44)

1. Mr. REDDY (India) said that, before speaking on the substance of the question before the Committee, he wished to associate himself, on behalf of his delegation, with the tributes that had been paid in various Committees to the memory of Dr. Jansen, the late Governor-General of the Union of South Africa.

2. The item before the Committee had been on the agenda of the General Assembly since 1946. It had been debated at every session of the General Assembly but the fourth; an exception had been made on that occasion only because negotiations were in progress at the time between the Governments of India and Pakistan and the Government of the Union of South Africa. In its resolution 1302 (XIII) the General Assembly had invited the parties concerned to report to it as appropriate, jointly or separately, regarding any progress which might be made; he wished, in that connexion, to present to the Committee a report on the situation on behalf of the Government of India.

3. In pursuance of the General Assembly resolution, the Government of India had addressed to the Government of the Union of South Africa the letter reproduced in the annex to its explanatory memorandum (A/4145). The letter followed the practice of previous letters on the subject in stating specifically that any negotiations entered into between the parties concerned would be without prejudice to the position adopted by any of the parties in respect of the issue of "domestic jurisdiction" under Article 2, paragraph 7, of the Charter. Although the thesis of the Union Government in that respect had been repeatedly rejected by the General Assembly, in the past few years the Governments of India and Pakistan had repeatedly expressed their willingness to negotiate without insisting that the Union Government should accept the jurisdiction of the General Assembly. Their chief desire was that negotiations should be opened, as a first step, and they would be happy to consider any suggestion to that effect from the Union Government.

4. There were about 500,000 people of Indian origin in the Union of South Africa. Between 80 and 90 per cent of them had been born in the Union and were South African nationals. They were largely the descendants of immigrants who had gone to work as labourers on the sugar plantations, at the invitation of the Government of South Africa. The United Kingdom Government was at the time internationally re-

sponsible for the Government of India, and in 1875 the British Secretary of State for the Colonies had affirmed, in connexion with the arrangement to send Indian settlers to South Africa, that when their term of service was completed they should be "free men in all respects, with privileges no whit inferior to those of any other class of Her Majesty's subjects resident in the Colonies".

5. As the number of permanent Indian settlers increased, a certain amount of anti-Indian agitation had developed. The Government of Natal had proposed legislation to prohibit the issue of trading licences to Asians after 31 December 1918, but it had been disallowed by the then Secretary of State for the Colonies, Lord Salisbury, on the grounds that the imposition of such disabilities on a class which owed its presence in the Colony to the Colony's own necessities would constitute a grievous hardship. Even earlier, Mahatma Ghandi had carried on a long campaign of non-violence to achieve for the people of Indian origin some of the elementary rights they had been denied. Thus, the emotional connexion of the Government of India with the problem was as important as its universally recognized legal position.

6. At the Imperial Conference held at the end of the First World War, the British Government of India had claimed full political rights for the resident Indian communities in the various self-governing dominions, and in 1921 the Conference had passed a resolution recommending the recognition of the rights of such Indians to citizenship. On the basis of that resolution, the Indian Government now urged the other Governments of the Commonwealth, and the United Kingdom in particular, to consider how they could best help the people of Indian origin in the Union of South Africa to obtain their elementary human rights. In its resolution 1302 (XIII) the General Assembly invited Member States to use their good offices to bring about negotiations, but his Government was not aware that any had been used. It earnestly desired the good offices of those countries which had some moral responsibility in the matter, and would welcome their constructive advice. It urged those Governments which for some reason had abstained year after year on the moderately phrased resolutions adopted by the General Assembly, to say how they, thought the problem should be approached.

7. The matter had first been discussed directly between the Government of India and the Government of South Africa in Cape Town in 1927. The parties had arrived at an official agreement to hold a conference to explore all possible methods of settling the Indian question in the Union, and the Union Government had recognized that Indians domiciled in the Union who were prepared to conform to Western standards of life should be enabled to do so. The treatment meted out to them was hardly in keeping with that principle.

8. At a further meeting, held in 1932, the original Cape Town agreement had been reaffirmed. The

Indian Government contended that the negotiations envisaged in those agreements had not taken place, despite its own repeated requests and those of the General Assembly.

9. At the first session of the General Assembly, before India became independent and therefore at a time when the United Kingdom Government was still formally responsible for the external affairs of India, the Government of India had appealed to the United Nations, and in response the General Assembly had adopted resolution 44 (I) in which it had expressed 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 United Nations Charter. Since then the Assembly had adopted resolution after resolution confirming its original stand. It was important to note that the matter was not merely one of human rights, vital though they were for the purposes of the United Nations; it was also a clear case of the unilateral violation of an international agreement.

10. The Committee was already well informed of the disabilities from which all non-whites suffered in the Union of South Africa. However, its attention should be drawn to the official statement made by the Prime Minister of the Union of South Africa on 29 June 1959 in the course of a debate in the Parliament, to the effect that the problem of the Indians living in the Union—who were South African nationals—was one that did not concern the Union Government. There was surely no other Government in the world where the Prime Minister could openly state in Parliament that he took no responsibility for more than half a million citizens because they happened to be of different race, origin and colour.

11. It was interesting to note that the Union Government had at one time considered it both necessary and desirable to discuss the merits of the question of the treatment of Indians in the United Nations. On 31 October 1946 it had submitted a memorandum^{1/} on the subject, dealing with specific matters relating to the treatment of Indians: it had not taken the stand that the matter should not be discussed at all and that therefore there was no need for it to present its views. The South African delegation had at first opposed the request made by India for the inclusion of the item in the agenda, but after the request had been accepted it had agreed to its being discussed jointly by the First and Sixth Committees of the General Assembly.^{2/} The official records of meetings of the General Assembly in 1946 contained many references to the substance of the matter by the Union Government. The South African delegation had even moved an amendment to the relevant draft resolution subsequently adopted by the General Assembly as resolution 44 (I). Thus in the past it had discussed the matter in the Assembly, and all that the Indian Government requested today was that it should readopt that practice. The sole concern was to find a way to open negotiations.

12. The General Assembly at its thirteenth session had asked for a report on any progress to that end. Unfortunately, no negotiations had taken place and no

^{1/} Official Records of the General Assembly, Second part of first session, Joint Committee of the First and Sixth Committees, annex I b (document A/167).

^{2/} *Ibid.*, Plenary Meetings, 50th meeting.

reply of any kind had been received to the communications addressed to the Union Government. Nevertheless, the Indian Government was anxious that no avenue should be left unexplored, and it therefore appealed to all Members of the United Nations to assist in bringing about such negotiations. The Indian Government had no wish to indulge in recriminations. It would not favour any resolution condemning anyone; such resolutions did not facilitate negotiations or solve any problem. It did feel, however, that the Assembly should continue to express its opinion. The greatest service that could be done to the Governments and people concerned was for the General Assembly to appeal once more to the Union Government to enter into negotiations with India and Pakistan. The General Assembly could have no doubt regarding the intensity of Indian feelings in the matter; the Indian delegation restrained itself very much each year when the matter came under debate and it would continue to do so. In view of that restraint, it felt justified in urging all delegations, which in the past had been unable to join in the appeals of the General Assembly, to do so at the current session. The influence and importance of a unanimous appeal should not be underestimated. The Assembly could not do less than express its opinion once more, moderately but unanimously.

13. Mr. BAIG (Pakistan) said that his delegation was again in the unhappy position of having to report to the Committee the failure of all efforts to reopen negotiations with the Government of the Union of South Africa, and the lack of response to the note addressed to that Government by the Governments of India and Pakistan.

14. The Assembly had adopted many resolutions urging the parties concerned to enter into negotiations, and on each occasion the overtures made by the Governments of India and Pakistan had been rebuffed. The Union Government's persistent flouting of the wishes of the General Assembly could only weaken the Assembly's moral authority and disappoint millions of people who looked to the Organization with confidence and hope. He wished to express the deep regret of his Government and people at the existing situation. The Government of the Union of South Africa apparently could not be persuaded to amend its unwise policy. Each year saw the enactment of further discriminatory legislation, and at a time when many millions of Africans were coming into their own, people in South Africa were still condemned to a life of restrictions and degradation.

15. All that was asked of the Union Government at the current time was that it should honour the obligations it had assumed. The consultations provided for in the Cape Town Agreement of 1927 had never taken place and it was now argued that Article 2, paragraph 7, of the United Nations Charter excluded any discussion of the question, since it was a matter of domestic jurisdiction.

16. His Government was always prepared to negotiate with the Union Government anywhere and at any time, and would whole-heartedly support any measure that might induce it to act more in accord with the spirit of the times.

17. Mr. ADAMIYAT (Iran) recalled that since 1946, when the question had first come before the United Nations, the General Assembly had made frequent attempts to persuade the parties concerned to enter

into direct negotiations, and the Governments of India and Pakistan had endeavoured to communicate with the Government of the Union of South Africa. The Union Government's policy was not only contrary to the United Nations Charter and the Universal Declaration of Human Rights; it was also at variance with specific treaty obligations, notably the Cape Town Agreements of 1927 and 1932. His delegation believed that the General Assembly should continue to press for negotiations and should manifest its continued interest by retaining the question on its agenda until a solution had been found. With that in mind, his delegation had joined with nine other delegations in sponsoring the draft resolution (A/SPC/L.44) under consideration, which was designed to encourage negotiations between the parties concerned and reflected the position taken by the General Assembly at its previous sessions. According to the draft resolution, the General Assembly would invite Member States to use their good offices with the Union Government to bring about such negotiations—a procedure which his delegation regarded as most appropriate. The terms of the draft resolution did not go beyond the essential minimum demanded by the existing situation and he hoped it would receive the full support of the Committee.

18. Mr. JAMIL (Iraq) said that the principles involved in the question of "apartheid" in the Union of South Africa—concerning which his delegation had already made known its views (141st meeting)—applied equally to the item under discussion. His delegation deplored the violation of human rights inherent in the policies pursued by the Union Government with regard to the non-white population. The item under consideration raised additional issues, since relations between three States Members of the United Nations were directly affected. The Union Government had not responded to the offer of the Indian and Pakistan Governments to negotiate, and the latter had had no alternative but to place the item on the agenda of the current session. His delegation would support any draft resolution that would maintain the interest of the United Nations in the problem and urge the parties concerned to negotiate a settlement.

19. Mr. BOZINOVIC (Yugoslavia) noted with regret that the Union Government had once again found itself unable to comply with the very moderate recommendations of the United Nations, of which it was itself a Member. Its principal argument—that the matter under discussion was one of domestic jurisdiction—had never been accepted by the Organization, which was rightly concerned at the situation. In the opinion of most Members of the United Nations, the unjust treatment of 400,000 people of Indian origin in the Union of South Africa was contrary to the fundamental principles of the Charter and the Universal Declaration of Human Rights, and also to current social concepts. The United Nations should persist in its efforts to convince the South African Government of the need to change its attitude.

20. His delegation had always been firmly opposed to the policy of discrimination against people of Indian origin in South Africa, just as it was opposed to any policy of racial segregation. For that reason, as at the previous session, his delegation had joined with

other delegations in sponsoring a draft resolution (A/SPC/L.44) couched in extremely moderate tones and intended to assist the parties concerned to find a solution to the grave problem that existed. It did not seem too much to ask of a Member of the United Nations that it should negotiate with two other Members with a view to settling a dispute which had existed for years and was becoming more serious. His delegation hoped that the South African Government would finally consider the appeals addressed to it by the Organization and enter into negotiations with the Governments of India and Pakistan.

21. Mr. RIEGELMAN (United States of America) said that his Government was firmly committed to the principle of equal opportunity for all men, without discrimination on grounds of race, religion or national origin, and deplored and condemned any deprivation of that equality of opportunity.

22. In connexion with the treatment of people of Indian origin in the Union of South Africa, his delegation believed that the negotiations called for in successive Assembly resolutions could be undertaken without prejudice to the position of the Union Government regarding Article 2, paragraph 7, of the Charter. That Government's failure to respond to the Assembly's resolutions was a measure of the complexity of the social and legal aspects of the problem and showed that no substantial improvement in the situation was likely until the Union re-examined its racial policies. The unhappy status of people of Indian origin was part of the general pattern of racial discrimination in the Union. As he had stated in the debate on the question of race conflict in South Africa (141st meeting), the violation of human rights which was the basis of the interracial tensions there was not a phenomenon peculiar to that country. Maladjusted ethnic relationships undermined the political structure of many other countries. The preservation of the dominant culture or the economic advantages of a privileged group were not, in his delegation's view, valid reasons for pursuing such a policy. There were, after all, multi-racial communities all sections of which fully and freely participated in the economic and political life of their community. Unless the concept of human brotherhood was accepted, the world would be doomed to everlasting disunity, discord and resentment with little or no chance of enduring peace.

23. His delegation believed it would be preferable if the South African Government voluntarily took appropriate action in the matter, but in the absence of such measures, the discussions in the United Nations served to keep the problem before the public and gave expression to the continued concern of members of the international community. He felt that a useful purpose might be served if normal diplomatic relations were resumed between India and Pakistan, on the one hand, and the Union of South Africa on the other. His delegation earnestly hoped that, through patient and understanding counsel and the power of example, the problem would be solved in conformity with the spirit of the Charter.

The meeting rose at 4.35 p.m.