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Chairman: Mr. Emilio ARENALES CATALAN
(Guatemala).

AGENDA ITEM 61

Treatment of people of Indian origin in the Union of South Africa: reports of the Governments of India and of Pakistan (A/3643, A/3645)

1. The CHAIRMAN said the item had been placed on the agenda at the request of the Governments of India (A/3643) and of Pakistan (A/3645), which wished to report to the General Assembly under resolution 1015 (XI).

2. Mr. PATHAK (India) said the item was on the General Assembly's agenda for the twelfth time. He referred to discussions at earlier sessions. In 1946 the General Assembly, in resolution 44 (I), had declared that the treatment of persons of Indian origin in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the Government of India and the Government of the Union of South Africa and the relevant provisions of the Charter of the United Nations. In 1949, in resolution 265 (III), it had invited 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 Universal Declaration of Human Rights. The conference had never materialized, although preliminary talks had been held at Capetown, because the Union Government had refused to delay the passage of the Group Areas Act.

3. Under the Group Areas Act, No. 41, 1950, which was at once the culmination and the essence of the policy of apartheid, it was unlawful for a non-white person to own or occupy land or engage in any commercial activities in an area classified as a "white area". As soon as an area was declared to be a "white area", any non-white person residing there had to sell any property he owned in the area to a white person and vacate it within one year, without the right to compensation for the loss of goodwill or for the depreciation involved in such forced sale or vacation. Those non-white individuals had to find other accommodation in areas where they were allowed to live, under the Act, according to the group to which they were supposed to belong.

4. On 2 December 1950, the General Assembly had requested, in resolution 395 (V), that the provisions of the Group Areas Act should not be implemented or en-

forced, and had again recommended that the Governments concerned should arrange a conference or, in the event of failure to hold such conference, should establish a three-member commission to assist the parties in their negotiations. On 12 January 1952 the General Assembly, in resolution 511 (VI), had renewed its appeal to the Union of South Africa and had recommended the establishment of the three-member commission. Since the Government of the Union of South Africa had not complied with that resolution, the General Assembly had on 5 December 1952, by resolution 615 (VII), established a United Nations Good Offices Commission to arrange negotiations between the parties concerned and to work out a solution in accordance with the Purposes and Principles of the Charter of the United Nations and the Universal Declaration of Human Rights. It again called upon the Union Government to suspend the implementation of the Group Areas Act which, in its opinion, conflicted with the earlier resolutions of the General Assembly.

5. That resolution not having been any more successful than its predecessors, the General Assembly had on 11 December 1953 formally expressed its regret in resolution 719 (VIII), in which it had repeated its recommendations and renewed its appeal to the Union Government. Since then, the negative attitude of the Union Government had frustrated all attempts to solve the problem in accordance with resolution 816 (IX), 919 (X) and 1015 (XI).

6. The Government of the Union of South Africa was persistently implementing the Group Areas Act and pursuing its policy of racial discrimination, of which that Act was the expression, even though the General Assembly had declared that policy to be contrary to the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights. The effect of implementing the Act had been to uproot the non-European population. In addition to the injustices and suffering it had caused, it was entailing material loss, notably to persons of Indian origin who were obliged to leave areas where they had long lived and worked in large numbers. At Durban, altogether 146,000 Indians would have to abandon their homes, businesses and religious and cultural institutions. According to the Teachers' Journal, 9,000 schoolchildren would become the "displaced persons" of Durban, and it would cost more than £ 350,000 to resettle them in other areas. In addition, the population shifts would cause unemployment.

7. The authorities responsible for enforcing the Act had not even attempted to justify the mass evictions on the pretext that the purpose of the Act was to divide the land fairly among the various racial groups. In fact, at Durban it was proposed to exchange 3,000 Europeans, or one-fifteenth of the white population, for 80,000 Africans, 63,000 Indians and some 8,000 coloured persons, or one-half of the non-white population. The in-

tention was to deprive the non-Europeans, particularly Indians, of their property; in that way, the Europeans were attempting to ensure more complete segregation in the quarters where they lived and also, perhaps, to eliminate competitors whose services were nevertheless an asset to the entire population. The Group Areas Act would bring absolute ruin to 400,000 Indian inhabitants of South Africa. All those facts were manifest in the statements made by prominent Europeans in the country.

8. He recalled that the existence of an Indian population in South Africa was the result of organized migration mutually agreed upon between the Government of India and the Government of Natal. The migration had begun in 1860 and had continued since then with a single interruption, from 1866 to 1874, caused by complaints of ill-treatment of Indians.

9. In 1875, Lord Salisbury, then Secretary of State for India, had even declared that Indian settlers who had completed their term of service under indenture should be regarded as free men with privileges no whit inferior to those of any other category of British subjects resident in the colonies. Later, matters relating to people of Indian origin had become the subject of agreements between the Government of India and the Government of the Union of South Africa. Indian immigrants, it might therefore be said, had steadily contributed to the development of South Africa for almost a century.

10. There was hardly any country which had no problems, but neither was there any country which did not strive to resolve its problems and to remove injustices more or less speedily according to circumstances. That was the case, for example, in the United States, where several landmarks indicated the progress towards the ideals laid down in the Constitution. Similarly, in India, discrimination of all kinds had been abolished by the Constitution, which also guaranteed freedom of movement, freedom to set up business undertakings, and the protection of property. The Union of South Africa was the only country moving in the opposite direction, because its Government, by its laws and its administration, violated fundamental freedoms and human rights. Its victims had no voice in the making of the laws and could not look for redress to the Government; they could only look to the United Nations.

11. It was a matter of regret and sorrow that in the Union of South Africa grave injustices were perpetrated in the name of the law. The colour of the skin was the measure of man's rights there. Racial discrimination, he added, was contrary not only to the spirit of the United Nations but also to that of the Commonwealth, which

was based not only on a multiplicity of races but also on racial equality.

12. Since the Charter of the United Nations and the Universal Declaration of Human Rights had come into being, the principles of equality had been reflected in the laws of all progressive countries, in the behaviour of their Governments and in the conduct of their citizens. South Africa alone persisted in policies which might some day constitute a threat to the peace of the world. It had not understood the lessons of history. The problem created by its Government was a challenge to the United Nations and to world opinion. Member States should face the problem, since it concerned the Charter and the international obligations of States. India continued to hope that the day was not far off when the Government of the Union of South Africa would co-operate with India and with the United Nations with a view to settling the problem amicably. His delegation reserved the right to speak again on the subject.

13. Mr. ALI KHAN (Pakistan) said that on 11 July 1957 the permanent representative of Pakistan to the United Nations, acting on the instructions of his Government, had intimated to the acting permanent representative of the Union of South Africa that the Government of Pakistan desired to enter into negotiations with the Union Government in accordance with the provisions of General Assembly resolution 1015 (XI). To avoid any misunderstanding, the representative of Pakistan had stated clearly that such negotiations would in no way prejudice the position adopted by any of the parties concerned in respect of the issue of domestic jurisdiction under Article 2, paragraph 7, of the Charter. The permanent representative of Pakistan had suggested that negotiations might conveniently be held in New York between the representatives of the Governments concerned, and had added that he would be willing to consider any practical alternative proposed by the acting representative of the Government of the Union of South Africa.

14. The delegation of Pakistan regretfully had to report to the Special Political Committee that the invitation for the resumption of negotiations had as yet remained unacknowledged, and that consequently no conversations had taken place. Notwithstanding the negative attitude of the Union Government, his delegation was still prepared to explore all possible means for the peaceful settlement of the problem, including direct negotiation with the representative of the Union Government. The Government of Pakistan continued to believe that responsibility for the settlement of the problem rested with the United Nations. He reserved the right to speak again on the subject.

The meeting rose at 3.40 p.m.