



Thursday, 30 March 1961,
at 3.25 p.m.

New York

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| Question of race conflict in South Africa resulting from the policies of <i>apartheid</i> of the Government of the Union of South Africa (continued) | 47 |

Chairman: Mr. Carlet R. AUGUSTE (Haiti).

AGENDA ITEM 72

Question of race conflict in South Africa resulting from the policies of *apartheid* of the Government of the Union of South Africa (A/4419 and Corr.1 and Add.1 and 2) (continued)

1. Mr. SHIELDS (Ireland) said that discussion of the question of race conflict in South Africa at nine consecutive sessions of the General Assembly had made it manifest that the racial policies of the Union Government were abhorrent to the overwhelming majority of nations. Time and again the grave consequences which must inevitably flow from the continued application of those unnatural and anachronistic policies had been predicted in the Committee. Appeal after appeal had been made by the United Nations to the Union Government to revise its policies while there was yet time to avert disaster. To all those appeals, however, the Union Government had turned a deaf ear. The views of his delegation on the problem were well known. The Irish people had always viewed discriminatory racist doctrines as fundamentally and intrinsically evil, because they attacked the very nature of man himself and struck at the dignity and worth of the human person. They held that it was from man's nature itself and from his inherent dignity as a human being that his fundamental rights derived; accordingly, those rights were anterior and superior to all positive law and in no wise contingent on either the Charter or the Universal Declaration of Human Rights.

2. The Irish delegation had invariably denounced all violations of human rights, wherever they occurred, for it considered that the fundamental rights and freedoms were, like peace, indivisible and that an assault upon them in any part of the world was an assault upon them everywhere. It had consistently maintained that whenever and wherever massive violations of human rights occurred the Assembly was in duty bound to give expression to the moral conscience of mankind by denouncing them, and that the Assembly could not be prevented from discussing such matters by considerations deriving from a narrow and restrictive construction of terms of Article 2, paragraph 7, of the Charter. The Irish delegation felt that the policy of *apartheid* flagrantly violated both the letter and the spirit of the Charter and the Universal Declaration of Human Rights, and feared that if the United Nations failed to uphold the purposes and principles of the Charter by not focussing the searchlight of a vigilant

and aroused world public opinion upon that area of injustice its standing, prestige and authority would be seriously impaired.

3. Since the matter had last been discussed in the Committee, the world had been profoundly shocked by the incidents of March 1960. The shadow of those incidents fell over the Committee's deliberations as it met one year later. The Committee was quite properly taking into account the heightened sense of moral indignation and urgency now existing as a result of those grave events. The outlook was indeed discouraging; yet the Committee could not afford to ignore certain favourable factors, which his delegation thought were of no small significance. Firstly, the Security Council had now formally recognized¹ the situation as one that had led to international friction and might endanger international peace and security, and it had called upon the Union Government to abandon its policies of *apartheid* and racial discrimination. That decision by the Security Council was binding on the Union Government under the terms of Article 25 of the Charter. Secondly, the Secretary-General had been entrusted under the terms of the same resolution with the task of making arrangements which would ensure that the Purposes and Principles of the Charter were upheld in South Africa.

4. As the Committee was aware, discussions had taken place earlier in 1961 between the Secretary-General and the South African Prime Minister with a view to exploring the possibility of such arrangements. It was disappointing that no mutually acceptable arrangement had emerged in the course of those consultations; at the same time, it was significant that the Secretary-General did not consider that lack of agreement conclusive, and that the Prime Minister had indicated that the Union Government had found the talks with the Secretary-General useful and constructive, and had decided to invite him at an appropriate time or times to visit the Union again in order that contacts might be continued. In the view of the Irish delegation, those discussions at the highest level must eventually have a weighty and cumulative impact. What had happened was that for the first time the Union Government had entered on negotiations concerning its *apartheid* policy. Those negotiations had only just taken place, however, and it would be unrealistic to expect that the hitherto intractable problem of race relationships in South Africa could be solved overnight. If a peaceful solution was to be found, it would be only as a result of a relatively prolonged evolutionary process.

5. Thirdly, his delegation thought that certain developments within the Union itself constituted grounds for optimism. Within recent months, statements critical of racist policies had been made in South Africa, encouraging the belief that the religious leaders, members of

¹ Official Records of the Security Council, Fifteenth Year, Supplement for April, May and June 1960, document S/4300.

Parliament and others who opposed *apartheid* were winning influential supporters. In intellectual circles increasing concern was being expressed with regard to the possible consequences of the Government's present policy and it was clear that the events of the past twelve months, both within and outside the Union, were causing many South Africans to reconsider their views. His delegation felt that in those circumstances, the Assembly should take care that no action on its part provoked a reaction in South Africa which would lead to a further deterioration of race relations.

6. Some might say that the position could not possibly be worse than it was at present. The news of the outcome of the treason trials in South Africa, however, showed that the judicial process was still in operation in that country. There were doubtless fanatics in the Union who would like to see the abolition of that process and of any other safeguards for non-Europeans that still existed; precipitate action on the part of the Assembly might play into their hands. The Committee should make sure that whatever it did would strengthen the hand of the Secretary-General in the further consultations envisaged in his report² and would promote the evolution of public opinion in the Union in order to ensure increasing demand that the Government's racist policies should be moderated and ultimately abandoned. Some delegations thought that the time had come to call for the use of punitive measures to compel respect for human rights in South Africa. It should be borne in mind, however, that no such action had previously been invoked under the Charter, although there had been a number of cases, in different parts of the world, in which fundamental human rights had been flagrantly and systematically violated. He hoped that the action taken at the current session would run broadly parallel to, and constitute an endorsement of, the resolution adopted a year earlier by the Security Council. His delegation did not feel that at the present juncture the United Nations objective, which was to ensure respect for the human rights and fundamental freedoms of the non-European people of South Africa, could be advanced by more drastic action.

7. Mr. DOE (Liberia) said that as earlier speakers had already dwelt on the folly of *apartheid* and the atrocities committed in its name, he would confine himself to a review of some of its more important manifestations. No one could deny that the events which had begun with the shooting at Sharpeville and Langa on 21 March 1960 had had their origin in the intransigence of the ruling Nationalist Party. In announcing a campaign against the pass laws, on 19 March, the President of the Pan-Africanist Congress had said that no resistance was to be offered to police making arrests and that there would be no bail, no defence and no fines. He had stressed that the Africans were not opposing any person or race as such, but were directing their energies against a concept—that of white supremacy. His instructions had been that the participants in the Freedom March were to observe the principle of absolute non-violence. Responding to his appeal, Africans had marched in large numbers to police stations to surrender their passes. Among them had been the President of the Pan-Africanist Congress himself, his secretary, and a third prominent African, Mr. Siwiza, who had subsequently died in prison from the effects

of torture inflicted by the police. By the second day of the campaign, the number of African participants in Cape Town alone had doubled, reaching a total of 30,000. One of the most remarkable features of the orderly, peaceful demonstration in Cape Town had been the extreme youth of its leader, the twenty-one year old Philip Kgosana, the Party's Regional Secretary in the Cape. He had subsequently been exiled, with fifteen other African leaders, to a former leper colony. Speaking before the House of Assembly, the South African Prime Minister had sought to dismiss the incidents as instigated from outside the Union rather than resulting from the application of the policy of *apartheid*. However, the Cabinet had apparently been alarmed by the unfavourable world-wide reaction, and had decided to prevent a repetition of such incidents by outlawing the Pan-Africanist Congress, the African National Congress and other progressive organizations.

8. In opening the debate on the second reading of the Unlawful Organisations Act, the Minister of Justice had said that the Africans wanted to bring to its knees any white Government in South Africa which stood for white supremacy. Such a frank acknowledgement that his Government was a Government of, by, and for, the European minority could not have reassured either the Africans in the Union of South Africa or critics abroad that the State was able to maintain a balance between competing groups. The Prime Minister had told the Union Parliament that in his Government's opinion interference by the Security Council in South Africa's domestic affairs would encourage and incite agitators in the Union, perhaps leading to further bloodshed. What the Prime Minister failed to comprehend was that the Security Council's intervention had been aimed at preventing any further shedding of the blood of innocent people in South Africa. The independent African States had requested the Security Council's intervention in order to help the people of South Africa in their peaceful efforts to form a democratic Government functioning under a constitution whose provisions would be interpreted by an independent judiciary, could be revised as necessary, but would not be subject to manipulation by any single party. The African and Asian States had sponsored a resolution, which the Security Council had adopted, deploring the Union Government's *apartheid* policies and requesting the Secretary-General to consult with the Union Government with a view to ensuring that the purposes and principles of the Charter were upheld. His delegation wished to express its appreciation of the Secretary-General's efforts to persuade the Union Government to comply with that resolution; it regretted, however, that those efforts had so far produced no results.

9. He also wished to draw attention to the resolution on South Africa which had been passed by the independent African States at their 1960 Second Conference at Addis Ababa, a resolution which had raised the question of economic sanctions. Some well-meaning liberals had asked whether the Africans in the Union would not be the first to suffer if economic sanctions were intensified; but those Africans themselves had called for an economic boycott, hoping that it would contribute to a non-violent solution of the problem. Moreover, international economic sanctions would be only an extension of the Africans' own boycotts and work stoppages. The Africans knew that they were the backbone of the South African economy and that a boycott would affect not only them but also their em-

² Official Records of the Security Council, Sixteenth Year, Supplement for January, February and March 1961, document S/4635.

ployers and, in the long run, the entire economic foundation of the Government.

10. His delegation had been deeply disturbed by an article which had been published in a liberal Cape Town paper, *Contact*, on 16 July 1960. The article told of a huge concentration camp in the Transvaal where some 8,000 men were being held in complete isolation from the outside world. It was surrounded with barbed wire, and the prisoners held there were treated like cattle. The issue of *Contact* which had first reported the existence of the camp had been seized by the authorities, but since that time other papers, including *The Observer* of London, had begun to ask questions. *Contact* had proceeded to investigate the matter further, and had learned, among other things, of a prison train which had left Cape Town on 16 June 1960 for a destination in the Transvaal believed to be Standerton. The train had carried some 200 detainees chained hand and foot to each other in coaches, with no room to lie down. They had been guarded by warders with rifles and by two coaches of police. The prisoners had been heard shouting slogans and singing songs of the African National Congress and the Pan-Africanist Congress.

11. There were many National Party members who thought in terms of holding on by force; but the idea of "shooting it out" has already been tried in many parts of Africa, and had so far proved a complete failure. The time had come for the United Nations to lend its assistance to the people of South Africa, both black and white, who desired to establish a non-racial democratic Government in the country. To do that, it should invoke Articles 41 and 42 of the Charter, which provided for political and economic sanctions. His Government would support any reasonable action consistent with the measures already planned by the United Nations, and it would not fail, now or in the future, to support the just cause of its brothers in South Africa.

12. Mr. MEASKETH (Cambodia) expressed his delegation's deep regret that the question of race conflict in South Africa was still on the agenda of the General Assembly. Indeed, the problem seemed to be growing worse. Cambodia fervently hoped that the Union Government would abandon its intransigent stand and agree at long last to alter its policy. History showed that the legitimate aspirations of the people eventually acquired irresistible force, and that if disaster was to be avoided they must be granted the rights and freedoms set forth in the Universal Declaration of Human Rights.

13. Deeply attached to its Buddhist religion, Cambodia practised universal tolerance and fraternity, and found it difficult to conceive that a majority of the South African population should be denied the most elementary rights and freedoms by a ruling minority because of the colour of their skins. The problem could undoubtedly be resolved, given concessions on either side; but the absence of the representative of the Union of South Africa from the present debate showed that his Government was still unwilling to enter into negotiations. It had even preferred to leave the Commonwealth rather than heed the appeals of Commonwealth members and alter its position.

14. Cambodia found racial intolerance the more reprehensible in that the minority of persons of Cambodian origin living in South Viet-Nam were suffering under the policy of forced assimilation and racial discrimination pursued systematically by the Government of that country. In the civil war at present raging in South Viet-Nam, the members of that minority were being victimized by both sides, and more than 1,000 of them had been compelled to seek asylum in Cambodia.

15. It was time that all policies of discrimination and of the forced assimilation of peoples and countries were sternly denounced by the United Nations. His delegation would accordingly support any resolution designed to put an end to the policy of *apartheid*, which world opinion had on many occasions condemned through the General Assembly.

16. Mr. SUGAIR (Saudi Arabia) recalled the draft resolution which the Committee had adopted several days before (A/SPC/L.58), in which the Union Government had been condemned for its treatment of people of Indian and Indo-Pakistan origin in South Africa. But the Union Government's pernicious policy was directed against Africans as well; the world Press had widely publicized the harsh treatment meted out to all opponents of the Government's policies, the sufferings of the African and Asian population and the brutal methods employed by the Union police and army.

17. The recent admission of sixteen African States to membership in the United Nations—a vindication of the right of self-determination—must have been deeply disturbing to those who still maintained a policy of racial discrimination. It was not surprising, therefore, that during the general debate at the fifteenth session of the General Assembly, the Minister of External Affairs of the Union of South Africa (905th plenary meeting) had expressed no word of welcome to the sixteen new African Members. The occasion would, indeed, have been an excellent one for him to have declared a new policy that would bring peace and harmony to South Africa's people. Unfortunately, he had not done so. Instead, he had contended that his Government's policy had been developed to safeguard the African people from communist infiltration; but if there were no communism in the world, the Union Government would have found some other excuse for its inhuman policy. It was high time that South African leaders stopped pretending that they were buttressing their country against an external danger. The danger was an imagined one, conjured up by their fear that the African majority would ultimately have the last word in shaping the destiny of the country. If only the Union Government would face the facts and adopt policies of wisdom, the United Nations would not be dealing with the problem today.

18. The constant refusal of the Union Government to heed the voice of reason left his delegation with no other choice but to support any resolution that would jolt that Government into understanding that it must mend its ways for the good of all.

The meeting rose at 4.50 p.m.