

United Nations
**GENERAL
ASSEMBLY**
FIFTEENTH SESSION

Official Records

**SPECIAL POLITICAL COMMITTEE, 231st
MEETING**

Friday, 24 March 1961,
at 10.55 a.m.

New York



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

AGENDA ITEM 70

Treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa (A/4416, A/4417; A/SPC/L.58) (concluded)

1. Mr. SHAHA (Nepal) said that his Government noted with regret that after fourteen years of discussion no progress had been made on the question of the treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa. Unfortunately no Member State, despite repeated appeals, had yet come forward with an offer to use its good offices to bring about negotiations between the Governments of India and Pakistan on the one hand and the Government of the Union of South Africa on the other. The denial to persons of Indian and Indo-Pakistan origin in South Africa of the exercise of their fundamental human rights was the direct result of the Government's policy of *apartheid*. The United Kingdom Government, however, also bore some share of the responsibility since the great influx of Indians into South Africa had taken place during the period when India had been under British rule. His delegation felt that the United Kingdom, as the senior member of the Commonwealth, should bring pressure to bear on the Government of the Union of South Africa to abide by the General Assembly's resolutions on that issue. Racial discrimination had always been a source of embarrassment for those who looked to the West for guidance. Now, when so many new nations were coming into being, Western prestige in Africa was jeopardized more than ever before by discriminatory practices.

2. The problem was not one falling within the scope of Article 2, paragraph 7, of the Charter, for the fundamental human rights to which it related were not derived from that instrument, but were inherent in the nature of man. To adopt the draft resolution in document A/SPC/L.58 was the least that the Assembly could do. While his delegation would have preferred a more forceful text, it would support that draft in the hope that the Union Government could at last be persuaded to change its attitude.

3. Mr. MACHOWSKI (Poland) observed that despite the exhaustive efforts of the United Nations to reach a satisfactory solution of the problem under discussion the situation had, if anything, grown worse as the years had gone by. The system of restrictive laws deriving from the policy of *apartheid* had become more oppressive and the condition of the non-European in-

habitants of the Union had accordingly deteriorated. The time had come to adopt a new approach, for the developments which had taken place in the past year, particularly on the African continent, made it clear that the continued application of the Union Government's racist policies would constitute a threat to the maintenance of international peace and security. Thus it was that the Security Council had for the first time placed the item on its agenda and adopted a resolution¹ calling on the Union of South Africa to abandon its racist policy. That too, however, had failed to have an effect on the Union Government, which regrettably had once again absented itself from the discussion of a question vitally concerning the future of South Africa and its people. He would vote in favour of draft resolution A/SPC/L.58 but in doing so he wished to make it clear that he thought more decisive measures should be taken.

4. Mr. SHUKAIRY (Saudi Arabia) said that in his delegation's view the title of the item under discussion failed to convey the full seriousness of the problem, for what was at issue was not simply the treatment accorded to a certain group of people, but the complete negation of the whole concept of human rights. Now the Union Government, in addition to refusing to heed the appeals of the United Nations to put an end to its racist policy, was further defying the Organization by boycotting the Committee's meetings. The situation had so aroused world public opinion that the very name of South Africa had come to be associated in people's minds with persecution and discrimination. Within the United Nations it had become associated primarily with the violation of all that the Organization stood for. The treatment to which people of Indian and Indo-Pakistan origin in the Union were subjected, not only was humiliating to their dignity, but imposed restrictions on them in every aspect of their lives, including the kinds of employment or business in which they could engage, the places in which they could live and the conduct of their daily activities. Yet they were not aliens or immigrants; as fifth-generation South Africans they had a far more long-standing claim to the full exercise of the rights of citizenship than did many of the European inhabitants of the country. It was significant, too, that their ancestors had first come to South Africa not as imperialists nor with the intention of establishing a national home, but as labourers recruited to work on the sugar plantations. They had settled peaceably in South Africa and had made a valuable contribution to its development. Thus South Africa was their country, and it was only the advocates of *apartheid* who regarded them as anything but South Africans in every sense of the word. The Union Government had not even attempted to conceal the discriminatory intent of the legislation applied to them. By means of the Peggin Act adopted in 1943, the

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

Asiatic Land Tenure and Indian Representation Act adopted in 1946 and finally the Group Areas Act adopted in 1950, a process had been put into effect whereby many thousands of people were being uprooted from their homes and transferred elsewhere for no reason other than their racial origin. Yet the Parliament which had passed that legislation was not a body representing the interests of the population as a whole, but rather a minority group determined to subjugate the majority. As the Indian representative had noted (227th meeting), South Africans of Indian and Indo-Pakistan origin had proved to be a great asset to the economy of the country. It had even been said that it was the Indian labourers who had saved Natal from economic ruin. To the Indian community that was a source of pride and satisfaction, for they regarded South Africa as their homeland. Now the Government was rewarding them by uprooting them from the homes in which the families of some of them had lived for generations and completely disrupting their way of life. Those measures had been taken for the benefit of the white minority. If that minority did not wish to live in association with non-Europeans, it would surely be more logical for it to move elsewhere than to expect the people of Indian and Indo-Pakistan origin to abandon their homes and their activities for its convenience.

5. The item before the Committee concerned not only India and Pakistan, and not only the African and Asian States, but all Members. No Member could absolve itself from its responsibility by saying that its interests were not directly involved or its citizens directly affected. Under the United Nations Charter all were involved and the interests of all were at stake. The world was so interlinked that no Member State could sit with arms folded in resignation. The half million Indians in South Africa looked to the United Nations not for verbal pronouncements and pious appeals, of which they had had many, but for genuine support and effective measures. Their grievances as voiced by their leaders were heartrending. Leading South African Indians had described the country as a "hell under the sunshine" and a place where the non-white population led a life without hope and purpose, a life at the mercy of those who ruled. The United Nations must rise to its responsibilities and respond to the cry of the people.

6. The record of South Africa prior to the United Nations had been one of outright violation of both the Smuts-Ghandi Agreement of 1914 and the Cape Town Agreement of 1927. With the advent of the United Nations it had been thought that human beings would receive better treatment, and ever since its inception the Organization had stressed that South Africa should shape its policy in accordance with the principles of the Charter and had urged the parties to enter into negotiations. But South Africa's position had been one of complete defiance of the United Nations. It had rejected conciliation, resisted negotiation, opposed investigation and, in brief, held obstinately to its outmoded plea of domestic jurisdiction.

7. To meet that state of affairs, the sponsors of the draft resolution, of which his delegation was one, had chosen to submit a text which did not, in fact, rise to the height of the situation. It contained a gentle appeal couched in gentle words urging negotiations, an appeal that had been repeated by the Assembly for fifteen years and repeatedly disregarded by South Africa. His delegation had hoped for a stronger resolution, not in language, but in terms of positive action. As moral

pressure had produced no effect, the United Nations must move to the stage of action based on sanctions and effective deterrent measures. What was at stake in Africa was the destiny of a people, and what was at stake in the United Nations was the authority and integrity of the Organization. His delegation regarded the present resolution as a final warning to South Africa to heed world public opinion. Should it find at the forthcoming session that South Africa still maintained its position of defiance, it would be forced to look for an effective way out of the tragic dilemma.

8. Happily, the way out had been indicated by the recent Commonwealth conference in London, where it had been made plain to South Africa that its readmission into the Commonwealth would not take place under the gloomy shadow of *apartheid*. Indeed, contrary to certain newspaper reports, South Africa had not freely withdrawn from the Commonwealth but had been courteously expelled. And though the membership of the Commonwealth had decreased thereby, its dignity and integrity had increased. The Commonwealth had taken that step despite its lack of a written constitution. But the United Nations had a Charter which provided for sanctions against Members, for suspension of membership and even for expulsion from the Organization. South Africa should be warned forthwith that such steps would be contemplated at the forthcoming session should it continue its policy of racial discrimination. A number of Commonwealth countries had already contemplated punitive measures against South Africa and some Asian and African Governments had made similar representations. Thus the case was ripe for sanctions.

9. He was aware of the harshness of that treatment, but it was less painful than the maltreatment of South Africans, and less degrading than the degradation of the United Nations. With one or two Members dropped from the Organization, if that was the general wish, the United Nations would gain in strength and integrity. A universality which included Members addicted to consistent violations was not a healthy one. In the United Nations a clash of views was understandable, but fifteen years of defiance was unthinkable. Fortunately, there was only one other Member State which had defied the United Nations with the persistence of the Union of South Africa.

10. There was no room in the United Nations for States whose international behaviour was unworthy; that was not simply an interpretation of the Charter but its very letter and spirit. Therefore, either such States should be tamed into decency or the Organization would do better without them. It was with that warning in mind that his delegation had agreed to co-sponsor the draft resolution now before the Committee.

11. Mr. OSMAN (Morocco) said that racial discrimination and the policy of *apartheid* were in clear defiance of the most fundamental human rights. It was, indeed, humiliating and degrading for the United Nations to have to conduct a debate on such matters year after year. The General Assembly had repeatedly recommended, in moderate and conciliatory terms, that the interested parties should come together and negotiate, but in the meantime the situation of the half million people of Indian and Indo-Pakistan origin in South Africa, like that of the non-European population in general, had not changed. While South Africa challenged the General Assembly decisions with the obsolete argument of national sovereignty, it flagrantly violated

its international obligations and trampled on the most sacred rights of man. In persisting in its policies of racial discrimination it dangerously disregarded the feelings and wishes of the African continent as a whole.

12. The Union of South Africa should respond to the moderate appeals of the General Assembly and to the offers of negotiation made many times by the Governments of India and Pakistan. His country, which paid tribute to the moderation and goodwill of the Indian and Pakistan Governments and fully supported them in their just cause, regarded the draft resolution before the Committee as the last chance for a reasonable solution, and would vote for it.

13. Mr. MARIANO (Somalia) expressed his delegation's deep regret at the failure to effect any change in the plight of the Indian and other non-European people of South Africa. The inhuman behaviour of the South African Government and its persistent disregard for sound and friendly counsel were bound to culminate in very grave consequences, which perhaps neither that Government nor the United Nations would be able to control. His delegation was convinced of the desirability of solving the problem by peaceful negotiation, and would vote for the draft resolution.

14. Mr. SULEIMAN (Sudan) said that his Government regarded the discriminatory policies practised in the Union of South Africa as a direct violation and denial of the basic human rights enshrined in the United Nations Charter, with which the Union Government was morally obliged to comply. His delegation fully supported the draft resolution which it considered to be the minimum approach towards a negotiated settlement of the problem.

15. Mr. GALLEGOS (Ecuador) recalled his delegation's consistent stand against racial discrimination. The Union Government had not only turned a deaf ear to all the appeals by the General Assembly, but had even refused to attend the debates. The Union Government should face the fact that only equality among all men could bring about equality and fruitful co-operation on a world scale. His delegation fully supported the draft resolution, and appealed to the Union Government to enter into negotiations with the other Governments concerned, so that at long last the present item—which had no place in the contemporary world—would disappear from the Committee's agenda.

16. Mr. COLLET (Guinea) said that his delegation viewed the present item from the standpoint of its own constitutional provision expressly prohibiting all acts of racial discrimination. The people of his country took an emphatic stand against racial discrimination, which had for a long time been the preferred weapon of colonialism. The simple, fundamental principle of equality for all regardless of race, colour, religion or sex was apparently unknown in the Union of South Africa, which offered to the rest of Africa a repugnant picture of race supremacy. The Union Government seemed to feel that it could remain isolated from the movements taking place in Africa, but events would prove that that was impossible.

17. The nearly half a million people of Indian and Indo-Pakistan origin in South Africa were the descendants of workers who had immigrated to the Union to work on the sugar plantations, and had received guarantees of equality and decent living conditions from the British authorities; but the Union Government had since violated those commitments and turned its back

on any attempt to settle the problem. The issue, which had first been brought before the United Nations in 1946 by the Indian Government, was still before it today, and still the subject of debates which brought no improvement in the situation. The Union Government's attitude was perfectly evident from its refusal to take part in the debates at the very time when all peace-loving States were doing their utmost to eradicate racial discrimination.

18. The General Assembly had adopted countless resolutions urging the Governments concerned to enter into negotiations. The Union Government had refused to heed the very moderate recommendations addressed to it, and no negotiations had taken place. Meanwhile, the policy of *apartheid* was being intensified and the non-white population was being deprived of all its political rights and of the right to occupy and cultivate the land it had possessed hitherto.

19. Ever since 1946 the Union Government had openly defied the United Nations Charter and the Universal Declaration of Human Rights. The United Nations could not continue to accept that situation and content itself with the annual adoption of moderate resolutions which were never carried out. If it did, its prestige in the eyes of the subject peoples would be greatly damaged. Prompt and dynamic action was needed, and to that end his delegation would propose, under the item concerning *apartheid*, concrete measures to be taken against the Union of South Africa. In the present case, despite the inadequacy of the draft resolution, his delegation would support the text and vote in favour of it.

20. Mr. CROWE (United Kingdom) said that his delegation had always regarded the question of the treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa as essentially a matter for negotiation between the parties concerned, and it still believed that negotiation offered the only hope of a constructive solution. That view was reinforced by his delegation's misgivings regarding the competence of the United Nations to intervene in the dispute. Some delegations had categorically rejected any suggestion that the matter was within the domestic jurisdiction of the Union Government, a view which the United Kingdom delegation had never been able fully to accept. It respected such opinions and had examined them as objectively as possible, but felt that it would not be right to modify a genuine juridical opinion for political reasons. Negotiation offered the best prospects of improving the actual position of the peoples concerned. The draft resolution was clear and constructive in its intentions, and his delegation's inability to vote for it was based purely on juridical misgivings.

21. Racial discrimination was a problem in which few Governments could claim a monopoly of righteousness; but most Governments were making honest efforts to give a lead in the matter of respect for human dignity, whereas in South Africa discrimination had been elevated to the level of Government policy. The statement made in the House of Commons by the United Kingdom Prime Minister on 22 March had made quite clear the attitude of the people and the Government of the United Kingdom on all aspects of racial discrimination; hence his delegation's vote was in no sense an expression of indifference to the substance of the question. He hoped that even now the parties concerned would reach an understanding, since that would be the only lasting solution.

22. Mr. AKAKPO (Togo) said that his delegation did not understand how a State Member of the United Nations could so stubbornly violate the principles of the Charter and the Declaration of Human Rights and refuse to co-operate with the United Nations. His delegation strongly condemned policies of racial discrimination, particularly on African soil, and would support the draft resolution, which once again offered a peaceful solution to the Union Government's constant violation of human rights.

23. Mr. MILLET (France) said that throughout history his country had opposed racial discrimination of any kind. France was bound, not only by the principles of the United Nations Charter and the resolutions adopted by the General Assembly, but by the Declaration of the Rights of Man dating from the French Revolution. However, it had always attached the greatest importance to Article 2, paragraph 7, of the Charter, and his delegation would therefore abstain from voting on the draft resolution. He hoped that the Union Government would find a fair and proper solution, thus showing that where fundamental human rights were concerned a Government could do the right thing of its own accord.

24. Mr. THIAM (Mali) expressed the indignation of African Members that the Union Government should have recourse to the argument of domestic jurisdiction, which, as had been proved by jurists in the Committee, was not valid. The new African countries which had recently become Members of the United Nations unanimously condemned the Union's policies of segregation. His delegation would support the draft resolution.

25. Mr. PLAJA (Italy) said that the Italian delegation would, as in the past, vote in favour of the draft resolution before the Committee, thus emphasizing its strongest disapproval of any form of racial discrimination, wherever it might occur. The question under discussion was a matter of insuring equal treatment for a group of citizens in the Union of South Africa by doing away with the special status of inequality in which they presently were. The Governments of India and Pakistan are not claiming for those citizens any rights not enjoyed by all other citizens in the Union of South Africa. Mr. Plaja said that the hope of the Italian delegation was that the negotiations recommended by the General Assembly, which were, as the representative of India had reiterated (227th meeting), "without prejudice of the position adopted by any of the parties concerned in respect of the issue of domestic jurisdiction", might eventually find their way towards a fruitful beginning. He felt that course to be the proper one, as it appeared to take into consideration the difficulties and complications relating to a multiracial society, and therefore the need for restraint and understanding in order to attain progress in the desired direction. He commended both the Governments of India and Pakistan and the sponsors of the joint draft resolution for their restraint and moderation, and expressed confidence that the Union Government would find it possible to adhere to the recommendations addressed to it by the Assembly, taking into account also such treaty obligations as might be applicable.

26. Mr. CHANG (China) said that the discrimination and maltreatment practised against people of Indian origin in the Union of South Africa were inconsistent with the spirit and letter of the Charter, and his delegation deplored the unco-operative attitude of the

Union Government. He believed, however, that the question was an integral part of the larger question of *apartheid*; the problem was not how people of Indian or for that matter Chinese, origin were treated, but how all non-Europeans were treated in South Africa. The proper, and perhaps more effective, course would therefore be to concentrate on the one question of *apartheid*. It had been suggested that there was a distinction to be made in that the question of the treatment of people of Indian origin involved treaty obligations; that was true, but the people concerned were not Indian nationals but citizens of South Africa and did not constitute a separate category from the indigenous population. Since the two questions were one and inseparable, they should be dealt with together, and his delegation would therefore abstain on the draft resolution.

27. Mr. FEIN (Netherlands) said that his Government had come to the conclusion that the objections to any form of racial discrimination must prevail over other considerations which might have justified an abstention on the draft resolution. His delegation would therefore vote in its favour.

28. Mr. ECONOMOU-GOURAS (Greece) said that his delegation would vote in favour of the draft resolution. He emphasized that his country's differences of opinion with a friendly country should not affect the strong links of friendship forged between them during the tragic period of two World Wars. For that reason, he hoped that a solution would be found to the present long-standing question.

29. The CHAIRMAN invited the Committee members to vote on draft resolution A/SPC/L.58.

At the request of the Indian representative, a vote was taken by roll-call.

Austria, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Austria, Brazil, Bulgaria, Burma, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Federation of Malaya, Finland, Ghana, Greece, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Lebanon, Liberia, Libya, Mali, Mexico, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina.

Against: None.

Abstaining: Belgium, China, France, Portugal, United Kingdom of Great Britain and Northern Ireland, Australia.

The draft resolution was adopted by 71 votes to none, with 6 abstentions.

30. Mr. KIDWAI (India) thanked the co-sponsors of the draft resolution, which though it had been termed moderate was completely acceptable to the Government of India. He also thanked those delegations which had taken part in the debate for their almost unanimous support. He assured the Committee that his Government would abide by the resolution and would again seek to

enter into negotiations with the Union Government in accordance with the express wishes of the General Assembly and without prejudice to the positions of the parties on the issue of domestic jurisdiction. He hoped that on this occasion the Union Government would heed the world-wide appeal and would not show the same intransigence as previously.

31. Mr. SHAHI (Pakistan) also expressed his delegation's profound gratitude to the co-sponsors of the draft resolution, and gave an assurance that his Gov-

ernment would strive faithfully to implement it, as far as it lay in its power, in the spirit and the letter. Whether or not the draft resolution brought about the slightest change in the attitude of the Union Government, it would not have been in vain; the United Nations had throughout the years been creating a political, intellectual and moral climate in which discrimination must wither and die.

The meeting rose at 1.5 p.m.