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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, A/SPC/L.19) (continued)

1. Mr. ARKHURST (Ghana) observed that the treatment of people of Indian origin in the Union of South Africa was part of the larger issue of racial discrimination, which was the declared policy of the Union Government; his delegation had already made its attitude on that subject abundantly clear (53rd meeting). It was to be regretted that, in spite of the conciliatory attitude adopted by the Governments of India and of Pakistan, the Government of the Union of South Africa had shown no evidence of any desire to co-operate in working out a solution of the problem; it had even tried to obscure the issue at times by stirring up trouble between the Indians and Africans in the country. In his view, it was essential to retain the item on the agenda until such time as the Union Government changed its attitude. He was distressed that some delegations should feel that the General Assembly was not competent to deal with the question. Ghana was close enough to South Africa to appreciate the very real suffering which legislation such as the Group Areas Act was causing to people of Indian origin in the Union. He consequently felt that it was wrong to treat the subject academically; it was clearly never intended that any Government should cite Article 2, paragraph 7, of the Charter of the United Nations as grounds for acting in a manner which contravened the basic principles of the Charter.

2. His delegation wished that the United Nations were more adequately supplied with information on developments in the racial situation in South Africa, and would welcome any suggestion for the provision of regular information. It would also support any draft resolution designed to solve the problem of the treatment of people of Indian origin in the Union of South Africa and to bring closer a solution of the general problem of race conflict in that country.

3. Mr. Guilkermino OLIVEIRA (Brazil) said that in the debate on the question of race conflict in South Africa

resulting from the policies of apartheid of the Government of the Union of South Africa his delegation had explained (53rd meeting) why it believed that the United Nations was competent to deal with problems arising out of the violation of human rights, and subsequent discussions in the Special Political Committee had merely served to strengthen its conviction. It would support the four-Power draft resolution (A/SPC/L.19), which was clearly motivated by respect for human rights and fundamental freedoms and approached the problem in a fair and constructive manner. It hoped that the Union Government would at last be influenced by world opinion as reflected in the deliberations of the United Nations.

4. Mr. MACHOWSKI (Poland) referred to the great efforts made by the United Nations to settle the question of the treatment of people of Indian origin in the Union of South Africa and the failure of the Union Government to respond to any of its proposals for a solution. The situation had in fact continued to deteriorate. Nonetheless, although the resolutions adopted by the General Assembly had not been implemented there was reason to believe that they had moderated the apartheid policies of the Union Government. It was essential therefore that the United Nations should continue to make every effort to find a solution.

5. Since the end of the war, under the influence of the principles of the Charter, the practice of racial discrimination had met with almost universal condemnation. Many countries, among them Poland, had introduced legislation providing penalties for discriminatory practices, and, even where it had not yet proved possible to remove all vestiges of racial discrimination, such practices were neither openly supported by Governments nor approved by public opinion. The Union of South Africa provided the exception to the general rule. There, discriminatory practices were the underlying principle of government policy. Practices such as the exclusion of the non-white population from all skilled work, the segregation of the population on racial lines and the prohibition of mixed marriages, were enforced by legislation and administrative regulations.

6. As in the past, his delegation would support any draft resolution opposing discriminatory practices directed against people of Indian origin in the Union of South Africa. It would therefore vote in favour of the four-Power draft resolution, although it would like to see the Assembly adopt a stronger policy.

7. Mr. LOPEZ (Philippines) felt that discouragement at the repeated failure of the Assembly to make any progress towards the settlement of the question of the treatment of people of Indian origin in the Union of South Africa had caused some delegations to wonder whether the United Nations had been right to discuss the subject at all and others to feel that it might now be wise to drop the issue temporarily, in order to give the

parties an opportunity to settle it by direct negotiation without any pressure from the Organization.

8. He was convinced that the United Nations was competent to deal with the question; even those delegations which had invoked Article 2, paragraph 7, of the Charter in support of the Union Government's contention that the Assembly was not competent to discuss the matter, admitted that the existence of agreements between the parties to the dispute altered the situation. He fully agreed with the view expressed by the representative of the United States at the previous meeting that, while the question was fraught with difficulties, that did not relieve the Union Government of its obligations or the United Nations of its responsibilities.

9. He did not favour the suspension of the discussion of the question by the Assembly. There was little prospect that such a step would in any way influence the Union Government, while it might give the impression that the United Nations was abandoning a just cause. He hoped that the Union Government would come to consider the issue in the spirit of moderation and conciliation which had characterized the debate and was reflected in the four-Power draft resolution.

10. Mr. STRATOS (Greece) said that his delegation did not believe that the Union of South Africa could solve its racial problems by a policy of discrimination; such a policy would in any case be unacceptable to the Greek people. In the hope that the Union Government would reconsider its position, his delegation had consistently supported the moderate resolutions adopted on the subject by the General Assembly, and would support the four-Power draft resolution which continued the tradition of moderation; it was only by taking a consistent stand in accordance with the principles of the Charter that the United Nations could provide public opinion with a means of exerting pressure and, in the long run, produce salutary results.

11. Mr. MAURTUA (Peru) felt that the problem has two main aspects: first, the efforts to secure justice for a population group subjected to treatment which shook the very foundations of social and legal institutions and, second, the protection of States Members of the United Nations against unwarranted intervention in their domestic affairs by the international community. Neither aspect should be stressed at the expense of the other. There was no doubt that the Assembly was to a certain extent competent to deal with the question, but its competence was not absolute. Moreover, while that was recognized by the majority, it was denied by one of the parties to the dispute. But there were other factors to be taken into consideration.

12. The representative of India had given a full account of the efforts made to settle the dispute (58th meeting). If the issue was to be placed in its juridical context, the origin of the problem must be considered. Under the Capetown Agreement of 1927 certain conditions had been laid down, and reference had been made to those conditions in General Assembly resolution 395 (V), which recommended that the parties should proceed with the holding of a round-table conference on the basis of their agreed agenda. The conference had failed because the Union of South Africa insisted, in the face of the principles to which it had already agreed, on enforcing the provisions of the Group Areas Act.

13. The Peruvian delegation thought that two conclusions might be drawn from the facts as they stood. The

first was that any doubts which might arise as to the rights of the Governments of India and of Pakistan to seek the protection of persons who were no longer nationals of their countries were dispelled by the fact that the Union of South Africa had agreed to negotiate with those Governments on the subject; the second was that the United Nations would not be renouncing any of its powers of admonition if it stood aside and allowed the parties to reach an understanding directly between themselves. The essential aim of the Organization was to ensure the maintenance of peace by any means which goodwill, law or equity might counsel.

14. His delegation would see no objection to complying with the purely formal requirement that there should be no mention of the United Nations in the text of the draft resolution under discussion, if that would meet the Union Government's objections as to the competence of the Organization. No effort should be spared to bring the parties to direct negotiations, but the Assembly might proceed with greater flexibility than hitherto. In the light of the principle that the end justified the means, there was nothing to prevent the Assembly from trying to arrange the settlement of the problem with the assistance of neutral advice. Such advice might be rendered by some States Members of the United Nations, or even by a State which was not a Member of the Organization but whose standing in the international community, juridical tradition and impartiality towards the parties concerned constituted an acceptable guarantee.

15. His delegation would accordingly propose the following. First, that the Secretary-General should, on behalf of the General Assembly, ascertain from the Government of the Union of South Africa whether it would be prepared to engage in direct negotiations with the Governments of India and of Pakistan, with a neutral State as adviser or observer. Second, if that proved acceptable, the Secretary-General should approach the Swiss Government with a view to obtaining its consent to act as co-ordinator or observer for the purposes of the negotiations. Third, if the negotiations did not lead to a settlement, the neutral State might propose to the parties further appropriate measures conforming to the practice of institutions recognized by international law and acceptable to both parties; for example, arbitration or recourse to the Court of International Justice. Fourth, at the request of the parties, the United Nations might "guarantee" fulfilment of any obligations undertaken or, if so requested, might try other courses designed to promote respect for the principles of justice and humanity which, in the opinion of his delegation, should constitute the basis of international relations.

16. Mr. BOUAZZA (Morocco), after recalling his remarks earlier in the debate (59th meeting), said that his delegation welcomed the moderate tone and constructive spirit of the four-Power draft resolution, and would vote for it. In doing so, his delegation had in view not only the security of the non-white population of the Union of South Africa but also that of the white population itself. There could be no doubt that, once fully awakened, the African people would emancipate themselves, and it would be in the interests of the Union Government to channel that development along peaceful lines.

17. He hoped that the Union Government would respond to the appeal made in the four-Power draft reso-

lution. If it did not, the United Nations would have to conclude that it could no longer count on the international co-operation of the Union Government.

18. Mr. GARCIA ROBLES (Mexico) observed that the substance of the item under consideration had been exhaustively discussed at eleven sessions of the General Assembly, which had so far failed to obtain compliance with the wish expressed in its first resolution on the item—resolution 44 (I) of 8 December 1946. All the General Assembly could usefully do at the present stage was again to voice its regret at the position taken by the Government of the Union of South Africa and again to urge that Government to enter into negotiations with the Governments of India and of Pakistan. That was the modest objective of the draft resolution before the Committee, of which Mexico was a sponsor.

19. His delegation ventured to hope that the Union Government would this time not turn a deaf ear to the Assembly's appeal, especially as the negotiations envisaged would, in the words of the letter dated 8 July 1957 from the permanent representative of India to the acting representative of the Union of South Africa, "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 of the United Nations" (A/3643, annex).

20. Mr. SHAHA (Nepal) noted that the item under consideration was related to the question of apartheid in the Union of South Africa. Apart from the failure of the Union Government to respond to the Assembly's suggestion for bilateral negotiations, his delegation was concerned that in the meantime there had been a marked deterioration in the position of people of Indian origin in the Union of South Africa, who were being uprooted from their homes and forced to leave places where they had been living peacefully and earning their livelihood.

21. While shocked by the attitude of the Union Government, his delegation had nothing but commendation for the remarkable patience and goodwill shown by the Governments of India and of Pakistan in continuing to seek a rapprochement which would not prejudice positions taken on either side.

22. The policy of the Union Government was not only inconsistent with the Charter of the United Nations and the Universal Declaration of Human Rights but also detrimental to the best interests of western prestige in Africa. He appealed to the Western Powers to use their influence with the Union of South Africa to bring about a peaceful solution of the problem. The Union Government might well emulate the great experiment in de-segregation being conducted in the United States as well as the peaceful evolution of multiracial States taking place in other parts of the world. His delegation would support the four-Power draft resolution.

23. Ato Haddis ALEMAYEHOU (Ethiopia) said that the item under discussion must be left on the agenda of the General Assembly so long as the Government of the Union of South Africa persisted in its policy of racial discrimination. The position of his delegation on that policy had been made abundantly clear (56th meeting) and remained unaltered.

24. The equality of peoples regardless of race or colour, respect for commitments arising out of international agreements and the observance of human

rights and fundamental freedoms were basic principles of the Charter, and they were being endangered by the policy of the Union Government. Article 2, paragraph 7, of the Charter had its proper sphere of application, and could not be invoked to negate those principles. His delegation, which bore no animosity towards the Union Government, would support any constructive proposal that would safeguard the principles he had mentioned.

25. Miss ROESAD (Indonesia) considered it unnecessary, in view of facts which were now well known, to prove that the enforcement of the Group Areas Act by the Union Government was causing great suffering and injustice and was a denial of the dignity of man. That was the view of the Asian and African nations as a whole, as expressed at the Bandung Conference in 1955. The United Nations could not tolerate such a violation of human rights without by implication accepting an outright negation of the ideals of the Charter. Where a Member State acted in a manner contrary to its obligations under the Charter, the United Nations was in duty bound to bring the matter to the attention of the State concerned. That had consistently been done by the Assembly in the question under discussion, and her delegation was gratified to note the increasing support for that approach, as indicated by the voting on the relevant resolutions at successive sessions.

26. In spite of the Union Government's past refusal to assist in finding a solution, her delegation continued to hope for a change of attitude on the part of that Government and for its co-operation with the Organization in the interests of harmony among nations. She agreed with the view expressed by the United States representative at the previous meeting, to the effect that the Assembly could most usefully direct its efforts towards bringing the parties together, and in that spirit her delegation would vote for the four-Power draft resolution.

27. Mr. VOUTOV (Bulgaria) observed that at the current session the Committee had already adopted a draft resolution (A/SPC/L.18 and Add. 1 and 2) condemning the policy of apartheid and appealing to the Union Government to co-operate with the United Nations in eliminating a situation which was a disgrace to civilized mankind. The item now under consideration, while rightly discussed as a separate item, stemmed from the application to people of Indian origin of that same inhuman policy of apartheid. The position of his delegation on the question was one of principle and was based on the consistent anti-racist attitude of the Bulgarian Government and people.

28. The situation of the 450,000 people of Indian origin in the Union of South Africa was deteriorating dangerously. Evictions, the sale of Indian property at low prices fixed arbitrarily and the exorbitant prices of property in the areas to which people of Indian origin were sent involved them in heavy material losses and doomed them to poverty and semi-starvation, while those who refused to submit to such discriminatory treatment were arrested and tried in a most humiliating and cruel manner.

29. The policy of the Union Government towards people of Indian origin violated not only fundamental human rights but also obligations assumed under agreements concluded with India, and threatened the very lives of hundreds of thousands. His delegation felt that the

crimes committed by the Union Government against the indigenous African population and the people of Indian origin must be condemned, in spite of efforts by some Western delegations. It would vote for the four-Power draft resolution, and indeed was prepared to support any proposal aimed at eliminating racial discrimination in the Union of South Africa or in any other part of the world.

Organization of work

30. The CHAIRMAN hoped that the Special Political Committee would be able to conclude its consideration of the item at the following meeting.

31. Mr. TREJOS (Costa Rica), supported by Mr.

MAURTUA (Peru), proposed that, in view of the large number of meetings scheduled for the afternoon of 12 November, the following meeting should be held in the morning rather than in the afternoon.

32. The CHAIRMAN said that the meetings of the Committee were usually held in the afternoon for the convenience of the members. However, that was a matter for the Committee itself to decide. He therefore put to the vote the proposal of the representative of Costa Rica that the following meeting should be held on the morning of 12 November.

The proposal was rejected by 22 votes to 13, with 25 abstentions.

The meeting rose at 4.35 p.m.