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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. KITTANI (Iraq) recalled that during the debate (229th meeting) on the treatment of people of Indian and Indo-Pakistan origin in the Union of South Africa, he had stated that it was the duty of all to exert moral pressure on the Government of the Union. But in the present case it was clear that moral pressure was not enough. The Union Government was obviously immune to such pressure, for there could be no other explanation of its steady, defiant march into political isolation and its unshaken adherence to its *apartheid* policy.
2. The Committee and the Assembly had vigorously condemned that policy and had repeatedly appealed to the Union of South Africa. On 1 April 1960 after the Sharpeville massacre, the Security Council had adopted a resolution¹ in which it had recognized that the situation in the Union of South Africa had led to international friction and might if continued endanger international peace and security. But the situation had steadily deteriorated since that time. That was shown by the large-scale deportations and arrests, the efforts of the Union Government to reorganize and equip the police force and the army, and the deployment of its troops in various strategic centres of the country, the Defence Act having been amended for the purpose. It was obvious that the Union Government was more determined than ever to turn South Africa into an armed camp where a small minority was bent on repressing and exploiting the non-white majority.
3. The United Nations, which had come into being in the wake of a smashing victory over the so-called giants of the "master race", could not remain inactive. Some delegations would have the Assembly content itself with another condemnation and a new appeal. For its part, his delegation strongly supported the course outlined by the representative of Ghana (233rd meeting). It was necessary to resort to the provisions of the Charter calling for the imposition of political and economic sanctions, for no other course would have the slightest effect.
4. Mr. MALILE (Albania) noted that the question of race conflict in South Africa had now come before the General Assembly for the ninth time in succession. The question was particularly important at present because of the grave events which had taken place in the Union of South Africa and which could have been avoided if the resolutions of the United Nations had been implemented. It was now clear to all that the reactionary theory of racial discrimination constituted a real danger to the maintenance of peace. The concept of racial supremacy had been erected into a State policy and sanctioned by a series of laws. That policy had led to arbitrary actions, the resort to force, the arrest of thousands of innocent persons, and racial hatred, in a word, to a situation fraught with danger.
5. After the ferocious massacres of the previous spring, the Union Government had persisted in its *apartheid* policy. On the political level, coloured people were denied the most elementary rights and freedoms and could not vote or be elected, participate in the administration of the country or take part in any political activity whatsoever. Subjected to the most typical forms of colonial exploitation, the indigenous population was also deprived of the right to education, the privilege of the white child, who was thus prepared for his role as an agent of the dominant class.
6. Africa and the whole world had risen against that policy of racial discrimination. The independent States of Africa and Asia had condemned *apartheid* at the Bandung, Accra, Monrovia, Conakry, Addis Ababa and Casablanca conferences. It was time for the Union Government to come to terms with reality: to persist in the path it had chosen would be to provoke new difficulties and to open the way for events that would be even more serious than those of the spring of 1960.
7. The struggle against the policy of *apartheid* had already spread beyond the borders of the Union and was now of concern to all the peoples of Africa and of the whole world. The situation was becoming worse and various African delegations had declared that if the white minority maintained its policy of oppression the independent peoples of Africa would come to the aid of their African brothers. Many delegations had pointed out that events in South Africa were not isolated happenings but could lead to large-scale racial conflicts in other countries. The fact that some countries had taken specific measures against the Union of South Africa proved, if proof was needed, that the conflict was now international in character and that there were serious disagreements between the Union Government and the other African States.
8. His delegation considered that the resolutions adopted at previous sessions had not sufficiently stressed the heavy responsibility of the Union Government. It was necessary to take more energetic action to compel the Union Government to move towards a solution. The proposals submitted by the representative of Ghana

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

deserved attention, as did the resolutions adopted at Addis Ababa and at Casablanca. The United Nations should condemn *apartheid*, warn the Union of South Africa of the dangerous consequences of its policy and appeal to it to adopt a policy in conformity with the Charter.

9. Mr. SHAHI (Pakistan) said that during the past fifteen years the Purposes and Principles of the United Nations had probably taken on a deeper significance than the authors of the Charter had intended. They had been conceived primarily to vindicate the rights and freedoms of the peoples of European origin, and especially of those races which had been the victims of nazi genocide and tyranny. However, like the United States Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen, the words used in the Charter had given it a universal validity from which the peoples of Africa and Asia who had since reached independence or were preparing to acquire it had drawn inspiration. The equality of all peoples without distinction as to race or colour had become a motive force of present and future history. The Government of the Union of South Africa, alone in the world, had proclaimed the inferiority of the black and brown races living on its territory as a State doctrine.

10. By its policies of *apartheid* it sought to confine a majority of the population in perpetuity to the poor regions, where they would be given the right to manage their own affairs, while the white man would maintain his domination for ever in the economically productive part of the country. Not a single voice had been raised in the councils of nations to defend the wisdom or justice of that policy. To deny equal rights to the indigenous Africans and to the people of Indo-Pakistan origin was no doubt a deeply rooted white tradition in South Africa, which had been maintained for generations despite the protests of its victims and of world opinion. But in the course of the last decade two developments had radically altered the outlook. The first was that Western colonial rule had come to an end in other parts of Africa and the second was that the Western Powers could no longer tolerate the South African system if they wish to compete with communism on the basis that they had a better life to offer to the peoples of emergent Africa.

11. The choice before the Union Government was therefore between revising its policies of racial discrimination or going it alone in the world. That second line of conduct would in the long run be fatal to the Union Government and to the South Africans who supported it, as had been pointed out in *The Transvaal*, which had long been the bulwark of South African isolationism. The Union Government had quit the Commonwealth and might even quit the United Nations, but it could not quit Africa. The Europeans of South Africa had no other choice but to live together with the Bantus and "coloureds" by taking the road of integration and building an organic community in which both black and white would enjoy equal and inalienable rights.

12. Alone in the world, the Union of South Africa had chosen *apartheid*, which was said to be based on the idea of separate development of the European and the Bantu. Representatives would recall the ruling of 17 May 1954 by the Supreme Court of the United States in which it was held that segregation in public schools in the United States, even though based on the doctrine of "separate but equal facilities", was repug-

nant to the principle of equality under the law, because separate educational facilities were inherently unequal. The premise of *apartheid* was not even "separate but equal" development of the Bantu and the European. The Union Government, while accepting the principle of separate development embodied in the Tomlinson Commission Report on the development of Native Areas published in 1954, had rejected its financial implications. It had not yet spent one tenth of what it would cost to develop separate African areas as complete economic, political and social units, which was the declared objective of *apartheid*. Those who accepted the euphemistic slogans of the defenders of *apartheid* at face value and saw in it a paternalist approach to the race problem in South Africa would do well to reflect on the Congo disaster, in which the colonial Power, blindly clinging to an outdated paternalism, had refused to prepare the Congolese for the responsibilities of independence.

13. The policy of *apartheid* was not even consistent. If the development of the two races had indeed to be separate, the partition of South Africa into two sovereign states was the only logical solution. The whites would have to be confined to one fourth of the area of the Union, leaving three fourths to the non-whites, in proportion to their numerical ratio. But the apologists of *apartheid* demanded just the reverse and would have three million whites appropriate three-fourths of the territory.

14. Racial tension in the Union of South Africa was rooted in the dogma of white superiority, which maintained that civilization and Christianity were on one side and barbarism and heathenism on the other. In that connexion, it was relevant to all that many white peoples had been barbarians and heathens until Christianity and other humanistic religions had dispelled the dark ages of their existence. Governments and peoples should constantly remind themselves of the fact that doctrines of racial superiority were scientifically false as has been demonstrated in July 1950 by a group of anthropologists and geneticists meeting under the auspices of UNESCO, whose findings were later published in a series of UNESCO booklets. Such doctrines were moreover extremely dangerous to the internal peace and international relations, as had been proved by the tragic experience of the world in the last twenty-five years.

15. The Government of the Union of South Africa refused to recognize the provisions in the Charter as principles of law recognized by all civilized nations and persisted in flouting the resolutions of the General Assembly and challenging the right of the United Nations to discuss the universally condemned policy of *apartheid*. However, year after year, the General Assembly had decided that the race conflict in South Africa resulting from the policy of *apartheid* of the Union Government was not a matter essentially within the domestic jurisdiction of the Union of South Africa. Until 1960, the United Nations had been concerned with the question as a violation of human rights and fundamental freedoms. With the adoption of the resolution on the Sharpeville massacre by the Security Council, in April 1960 the United Nations had taken cognizance also of the situation as a danger to international peace and security; as the Security Council had been formally seized of the question of *apartheid* under Chapter VI of the Charter, his delegation did not believe that Article 2, paragraph 7, of the Charter could any longer be cited to question the competence of the United Nations.

16. The record of the Union Government was hardly such as to warrant the hope that it might yet see the light of reason. In 1953 Mr. D. F. Malan, then Prime Minister of the Union of South Africa, was reported to have said that his country would not tolerate the creation of independent native States on its borders; it might be asked whether the aspirations to independence of Africans living outside the borders of South Africa were also matters within the Union's domestic jurisdiction. His delegation was perturbed by such colonialist doctrines, not because it thought that they could reverse the trend of history, but because such uncompromising opposition to the aspirations of black peoples might irrevocably compromise relations between races in the continent of Africa. As the maintenance of peace throughout the African continent was at stake, the problem must be the concern of all peace loving nations and, more especially, of the United Nations.

17. The question was what was to be done. For several years past, the United Nations had been appealing to the Union Government to revise its policies of racial segregation and discrimination in accordance with the Charter. The Union Government's response had been an intensification of such measures and their enforcement even by resort to violence and bloodshed. Tension in the Union of South Africa was greater than ever before, tension not only between black and white, but between white and white. The time did not seem too distant when a peaceful solution might well be precluded and the only way out would be through violence with all its inevitable consequences. It had been argued that debates on *apartheid* would irritate the Union Government and harden its stand, without improving the living conditions of the non-white population. His delegation did not agree. In the first place, the Member States were under a clear obligation to stand up and be counted when human rights and fundamental freedoms were at stake, whatever the race or colour of the victims. Secondly, in such a connexion a policy of *laissez-faire* would weaken the confidence in the Organization of the two-thirds of mankind which consisted of non-whites. Finally, the racial tension which had built up in the Union of South Africa would probably erupt in violence inside and outside the Union of South Africa, unless the United Nations took steps to achieve a reconciliation.

18. Those who demanded an end to *apartheid* were not unmindful of the dilemma, the insecurity and the fear in which the white community of South Africa found itself placed by history. They did not ask it to sacrifice its cultural identity and adopt a policy of racial assimilation of the different ethnic groups in South Africa, but they did ask for its help in repealing the existing discriminatory legislation. In that connexion, his delegation paid a tribute to the members of the white community of the Union who had dared to protest against the unjust policies of their Government. Gratitude was due to the Christian Council of South Africa, the Roman Catholic Archbishops and Bishops, the Liberal Party of South Africa and to other men and women who had spoken out in favour of the respect for human rights. His delegation wished also to express its admiration for the leaders and groups in non-white communities in the Union who were struggling indomitably to uphold human dignity in the face of oppression and violence. It was to those fighters for freedom, white and non-white, that the African population of the Union and persons of Indo-Pakistan origin must turn for inspiration. The United Nations, for its

part, should as in the past adopt a stand against *apartheid* which would demonstrate the sympathy and solidarity of the Member States.

19. How could the General Assembly best further that struggle? Some representatives had urged the adoption of a resolution recommending diplomatic and economic sanctions against the Union Government; others had called for the expulsion of South Africa from the Organization. In his delegation's opinion, the Assembly should at its present session consider measures short of the extreme limits to which the Charter permitted Member States to go. The Union Government should be given time to pause and reflect and perhaps even to question its own infallibility. It had just taken a fateful decision in withdrawing from the Commonwealth. It would need time to weigh the full consequences of that step. Should the Union Government appear determined to pursue its policy of *apartheid* to the bitter end, the extreme measures provided for in the Charter should be considered. Meanwhile, the General Assembly should reaffirm its previous resolutions and express its strong moral disapproval of the fact that the Union of South Africa was continuing to violate its obligations under the Charter. As some African and Asian States had separately taken stronger measures against the Union to bring about an abandonment of its racist policies, the resolution might also affirm that it was the responsibility of the Members of the Organization to take such separate and collective action as was open to them to achieve that end. Finally, his delegation would support the suggestion to re-establish the Committee on the Racial Situation in the Union of South Africa, so that it could closely observe developments in connexion with *apartheid* and report to the Assembly.

20. Mr. OSMAN (Morocco) recalled that ever since 1952 the General Assembly had patiently sought to steer the Union of South Africa into a course of reason and wisdom. It had made a further attempt to do so in its resolution 1375 (XIV), but, that text, like all its predecessors, had remained a dead letter. The Union of South Africa refused even to take part in the discussions on *apartheid*. It served no purpose to show how fallacious and out-dated was the argument relating to domestic jurisdiction, behind which the Union Government took refuge. The United Nations could not, without betraying its mission, fail to be concerned with a policy which jeopardized human rights and even made a doctrine of their violation.

21. Moreover, the provisions of Article 2, paragraph 7, of the Charter could not be invoked since *apartheid* constituted a direct and increasingly dangerous threat to world peace and stability, especially at a time when the peoples of Africa were shedding the yoke of colonialism.

22. He described the main features of South African legislation on the subject, the excess of which had aggravated the situation. The country was seething with revolt; incidents and strikes were becoming more frequent, giving rise to demonstrations with their inevitable sequel of violent repression.

23. The Sharpeville incidents, during which armoured cars had fired on a peaceful crowd, had pin-pointed the terrible consequences inherent in *apartheid* and the dangers to which it exposed world peace. The Security Council had had to deal with that grave situation, and, in its resolution of 1 April 1960, had emphasized the dangers it held for international peace and security.

The task it had given the Secretary-General had, unfortunately, proved impossible of achievement, owing to the obstinacy and the recalcitrance of South Africa. *Apartheid* thus constituted a continual violation of fundamental human rights, and was also a source of tension and a threat to world peace. That policy was, however, doomed to failure, and if it could not be eradicated by peaceful means, the use of violence must be expected.

24. The United Nations must assume its responsibilities and take effective action. In order to do so, it must renounce pious wishes and cease to lag behind world opinion which, through persons and organizations of the highest standing, had condemned the policy of *apartheid*.

25. The peoples of Africa and Asia who had won their independence, often after arduous struggles, could not abandon their brethren in the Union of South Africa. Their solidarity had been actively demonstrated at the conferences of Bandung, Monrovia, Conakry, Addis Ababa and Casablanca. The two last-mentioned conferences were particularly deserving of attention in view of the scope of the decisions that had been taken at them. They had recommended the breaking off of diplomatic relations, the boycotting of South African goods and the closing of ports and airports to all South African ships and aircraft. The racist policy had likewise been condemned by the International Confederation of Free Trade Unions, by the African Peoples' Congress and by the countries of the Commonwealth. The Union of South Africa should take that trend of opinion into account before it was too late. Its exclusion from the Commonwealth, above all, should be taken as a warning. By persisting in such an unrealistic attitude, the Union Government was condemning itself to isolation, and even to strangulation, and it was the duty of the United Nations to deliver a solemn warning.

26. Mr. EDWARDS (Ceylon) noted with regret that the representative of the Union of South Africa was once again absent from the discussions on the important subject of *apartheid*. His absence could no longer be justified by the provisions of Article 2, paragraph 7, of the Charter, since the competence of the United Nations to discuss the subject had been clearly established, both by the General Assembly, over the past nine years, and by the Security Council in April 1960. When the very principles of the Charter were at stake, nothing could prevent the United Nations from intervening. The racial policy of the Union Government had always been considered a violation of human rights and fundamental freedoms. Since March 1960 it had become clear that that policy also constituted a threat to international peace and security, the maintenance of which was one of the principal purposes of the United Nations. As the Prime Minister of the United Kingdom has acknowledged, on 22 March 1961, the racial problem in South Africa had become more than a matter of domestic interest to the Union Government, since it had aroused wide-spread concern and had affected relations between South Africa and other countries. It was therefore hard to understand the doubts expressed by some delegations as to the General Assembly's right to discuss the matter.

27. Referring to other statements by Mr. Macmillan and also recalling the failure of the steps taken by the Secretary-General in application of the Security Council's resolution, he pointed out that there was no indication that the Union Government was prepared to abrogate its pernicious racial laws or to renounce its

dogma of *apartheid*. Proof of that was provided by its decision to withdraw from the Commonwealth, which had criticized the Union Government for having violated the most elementary humanitarian principles. It was the duty of the ninety-nine Member States which had adhered to the principles set forth in the Charter to condemn that Government for having violated those principles, which it had accepted freely and with full knowledge of their implications. In the discussions with regard to the admission of the People's Republic of China comments had been made by some delegations that as long as China was not prepared to live according to the principles of the Charter it would not be welcome in the United Nations. It appeared strange that the Union Government, in spite of its deliberate and continued disregard for the principles of the Charter, which it had voluntarily accepted, was still allowed to continue enjoying the benefits and privileges of membership in that world society.

28. The Ceylonese delegation hoped to avoid the need to take harsh measures against recalcitrant Members, but it felt that the time had come to take more serious notice of the attitude of the Union Government, which had been given sufficient time to respond to friendly appeals. In the interests both of the Union of South Africa and of the United Nations, it was necessary to take a more positive stand and a more direct approach to a problem which might become a serious threat to world peace.

29. In South Africa, the wind of nationalism and independence had begun to blow and the Government of that country was powerless to prevent it from breaking the fetters that had been imposed by an alien minority. It was the duty of the United Nations to bring about a change in the situation so that that wind should not grow into a hurricane that would destroy all that the white people of South Africa were trying to preserve.

30. The racial policy of the Union Government had been condemned by the whole world and more particularly, at the conferences of Bandung, Accra, Monrovia, Addis Ababa, and Casablanca. He drew attention also to the conclusions set forth in the report of the International Commission of Jurists on the policy of *apartheid*.² He also recalled that the International Confederation of Free Trade Unions had decided in 1960 to boycott South African goods. At its meeting in Johannesburg in May 1960, the Association of South African Chambers of Commerce had also opposed the policy of *apartheid* and demanded, in particular, a progressive relaxation of business and labour restrictions. The condemnation expressed by the great majority of the Members of the General Assembly at the fourteenth session by resolution 1375 (XIV), had been followed by individual measures, such as the boycotting of South African goods by the Federation of Malaya in August 1960, and later by Ghana, which had also forbidden the use of ports and airfields by South African ships and aircraft. The Prime Minister of the United Kingdom had also roundly condemned the policy of the Verwoerd Government, which had, moreover, been sharply criticized in the Union of South Africa itself by a minority of liberal whites and by the representatives of various religious denominations.

31. It had been said that the South African policy attempted to perpetuate the white Christian civiliza-

² International Commission of Jurists, *South Africa and the Rule of Law* (Geneva, 1960), pp. 91 and 92.

tion and that but for those laws the minority of three million whites in South Africa would be swamped by non-whites. One wondered in the context of what had happened, and what was happening, in South Africa whether the white Christian civilization as exemplified in South Africa was worth preserving. It could only be hoped that when the non-whites of South Africa came to have a greater say in the management of their country's affairs, they would not follow the "Christian" example of the present Government. The latter's position was particularly surprising as, during the Second World War, thousands of South Africans had died, along with men of all colours, to defend justice and fundamental human rights and freedoms, which were basic to the progress and peace of mankind. Field Marshal Smuts himself had urged that those noble principles should be proclaimed in the Preamble to the Charter and it would be a tragic irony indeed if another war had to be fought so that they could become a reality for the non-white population of South Africa.

32. It was because the delegation of Ceylon thought it was the United Nations duty to induce the Union Government to improve its racial policy that it had, together with the delegations of the Federation of Malaya, India and the United Arab Republic, sponsored a draft resolution on the subject.³ The new text, though more strongly worded than previous resolutions approved by the Committee, might not perhaps seem harsh enough to some members. The sponsors had hesitated to ask for sanctions because they thought there was still some slight hope that the Union of South Africa might change its policy. However, although it was not now their intention to urge the General Assembly to make specific recommendations on the subject, they had wished to make it clear that all Member States should take action, separately and collectively, to bring the Union of South Africa to abandon its policy. Since the draft resolution was as mild as it could be under the circumstances, its sponsors appealed to delegations which had abstained from voting on resolutions on *apartheid* in the past to support it, in order to give a positive indication of their opposition to the racial policies of the Union Government and to show that that Government could not expect support from anyone in the matter. A unanimous vote would also certainly strengthen the influence of the liberal forces in South Africa and encourage them to seek a democratic solution to the problem.

33. Mr. ESHEL (Israel) recalled that his delegation had repeatedly stressed the dangers of a political system based on racial superiority, discrimination between men and the subjection of certain racial, religious or ethnic groups. The people of Israel remembered its own sufferings too well to be indifferent to any racial conflict, such as that in South Africa. It had a sense of solidarity with all victims of racial discrimination, and its only hope was for the rapid and complete abolition of such discrimination. From time immemorial, its national consciousness and religious convictions had made the application of separate standards to different groups intolerable to it. The equality of men, indeed, was one of the fundamental dogmas of Judaism. For centuries, and throughout the world, the Jewish people had known segregation, discrimination, persecution and hatred, simply because of its race and faith. The Nazi holocaust had been the culminating episode in the history of its tribulations.

34. As the Israel delegation had indicated at the seventh session of the General Assembly, at the 19th meeting of the *Ad Hoc* Political Committee it considered that the question of *apartheid* came within the jurisdiction of the United Nations. It, too, regretted that past efforts had not yet borne fruit, but it did not despair of their ultimate success: it was encouraging, for instance, that minorities in the Union of South Africa itself had risen against the Government's policy.

35. The examples of Brazil and of many other Latin American countries showed that a multi-racial society could make progress in peace and harmony, but it could only do so if all its members really had the same rights and advantages. If the Union of South Africa adapted itself to new trends, instead of opposing them, it would serve its own interests far better, and might even play a decisive part in the development of the entire continent of Africa, being one of its main sources of scientific and technical knowledge. The Israel delegation sincerely hoped that the Union of South Africa would in the future be a flourishing country, developed by all its inhabitants in freedom and equality.

36. Racial discrimination, which was contrary to human dignity, prejudicial to peaceful relations between States and a cause of suffering and hatred, was also a blind alley leading only to tragedy and despair. It must be hoped that the Union Government would realize that and change its policy before it was too late.

37. Mr. MAHMUD-GHAZI (Afghanistan) said that the item had long been on the General Assembly's agenda, engendering bitterness, indignation and anger among delegations and among men of goodwill throughout the world. The policy of *apartheid*, with all the suffering and misery it involved, was merely an aspect of racial pride which, like religious fanaticism, was unfortunately not unknown elsewhere in the world and at other times. However, it was particularly shameful, because it was applied as an official policy by a Government claiming to be democratic and civilized. That Government, ignoring all appeals and resolutions of the United Nations, had persisted for years in its attitude of contempt, obstinately perpetuating racial conflict in the middle of the twentieth century. For too long the problem had been spoken of in tones of sorrow and humility. Now the Committee must act.

38. Mr. ULLOA (Peru), referring to the South African argument that the question at issue was a domestic one, said there had always been and always would be a difference between domestic affairs subject exclusively to national jurisdiction and international questions subject to international jurisdiction. But that legal fact was not subordinate to the concept of exclusive domestic jurisdiction, when, as in the present case, it had been established by the freely expressed will of the international community that the question was an international one.

39. The primacy of human rights had existed before the Charter, for international law before the coming of the Charter had recognized the essential principle of the concept of human rights. Those rights, which derived from domestic public law and from private law, had become an international concern. That development had followed the trend of contemporary juridical philosophy, which held that political rights could be regarded as a reserved domain, in the context of each country's institutions and idea of the social weal, but considered that international law was competent to deal with the observance of human rights properly so-called.

³ Subsequently circulated as document A/SPC/L.59

40. That development was already a century old. The first laws of war had been based on a rudimentary recognition of human rights, which prevailed in some degree over those of the State: the defence of certain persecuted communities; the protection of minorities, which the Peace Treaty of Versailles had laid down as an international juridical standard; and the establishment of great international institutions, such as the Red Cross and the International Labour Organisation. It must therefore be concluded that human rights, as an international juridical institution, had existed before the Charter and took precedence over it. The Charter had expressed them in a new and categorical form, but had not created them, and there was no need to invoke the Charter in affirming the international validity of human rights. Until the present era, the main and almost the only subject of international law had been the State. Man was concerned only in so far as he was subject to the State. Today international law existed directly for man, who had become its principal subject, since the State was now subordinate to the welfare of man. Those were the premises on which the Charter had been drafted.

41. Against that background, how could it be claimed that the defence of human rights constituted interference in the realm of domestic or exclusive jurisdiction, and how could the Union of South Africa, which had signed the Charter, adduce that argument?

42. The Universal Declaration of Human Rights, which was more recent than the Charter, did not differ from it in essence, because it derived from the Charter and was a legitimate and direct consequence of it.

43. In Peru there was no place for discrimination: when Peru had first become independent, it had proclaimed liberty and equality, and the present differences among its people had sociological, historical and, especially, economic and cultural causes, which the nation was trying to eliminate. In the context of that process of assimilation, it must be obvious that, sociologically,

the indigenous element in Peru would absorb, and was already absorbing, the other elements.

44. The Peruvian delegation would support any motion consistent with its views and within the juridical limits imposed by the international principles on which the United Nations was based.

45. Mr. HORVATH (Hungary) said that the indigenous people, like the people of Indian and Indo-Pakistan origin in the Union of South Africa, would never resign themselves to suffering under a cruel, humiliating and unjust policy. Their struggle to free themselves was a just one, in which they had a number of allies. By means of executions and massacres, the Union Government had so far been able to maintain the political and economic privileges of the white minority, which controlled most of the country's wealth. Apparently ignoring entirely the resolutions of the General Assembly, it had succeeded in evading the just demands of the people. But the solution of the problem was less remote today. The struggle against *apartheid* was not only a struggle by the blacks against the whites, but a struggle between injustice and the forces of justice, which now included the independent States of Africa and Asia and all who condemned colonialism. Colonialist policies had had their day, and the racialism which supported them could no longer be justified. The Union Government knew that, yet it was oppressing the indigenous people still more harshly. Such an attitude was intolerable, and created a serious threat of international conflict. The United Nations must avert such a conflict, and must help the indigenous people of South Africa to win their right to equality.

46. The Hungarian delegation would support any draft resolution which would condemn the discriminatory policy of *apartheid* and restore the legitimate rights of the indigenous people of the Union of South Africa.

The meeting rose at 5.30 p.m.